

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE  
Room 25 House Building  
February 8, 2012**

**Members Present:** Sen. Daniel Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Sen. Peter C. Knudson  
Sen. Ben McAdams  
Sen. John L. Valentine  
Rep. Joel K. Briscoe  
Rep. Richard Greenwood  
Rep. Curtis Oda  
Rep. Paul Ray  
Rep. Jennifer M. Seelig  
Rep. Brad R. Wilson

**Members Excused:** Sen. Howard A. Stephenson  
President Michael G. Waddoups  
Rep. Christopher N. Herrod, House Vice Chair

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Ms. Jennifer Eyring, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Thatcher called the meeting to order at 8:07 a.m.

Gary Syphus, Fiscal Analyst, explained that the authority to spend money from the DNA Specimen Account was shifted from the Department of Corrections to the Department of Public Safety. He gave an overview of the Department of Corrections budget and issue briefs. The Department has 4 line items, Programs and Operations, Medical Services, Jail Contracting, and Correctional Industries. The Analyst recommends funding the Parole Violator Center with \$2 million ongoing and \$9 million one-time funding. He stated that Medical Services has experienced a funding shortfall in the last years. He recommends a \$500,000 one-time transfer of non-lapsing funds for FY 2013. Mr. Syphus discussed jail contracting rates as described in the "Jail Contracting Funding Formula" issue brief. The current rate is \$45 per day. The Correctional Industries program is self supporting and does not receive general funds.

### **Department of Corrections**

Tom Patterson, Executive Director, introduced Mike Haddon, Executive Coordinator, Steve Gehrke, Public Information Officer, Gary Sessions, Finance Director, and Robyn Williams, Deputy Director. He also recognized the county sheriffs in attendance and expressed appreciation for their partnership in jail contracting. He discussed the "Utah Corrections Department Overview" handout prepared for the committee. He pointed out their vision and mission statements. He discussed offender population characteristics, such as gang affiliation, medical needs, and pending court issues. He noted that just over 20 percent of male and 7.9 percent of female inmates have known gang affiliation. He stated that 48.5 percent of inmates have medical and mental health problems that need services. Mr. Patterson said they like to stay at operational capacity, which is about a 3 percent vacancy rate below maximum capacity.

This creates a buffer that gives them the flexibility to move people as needed. They have been slightly below operational capacity due to increased funding for jail contracting. The average rate of growth is 144 inmates per year and the ability to use jail contracting has helped them through funding cuts in the past years. He estimates the available jail contracting beds will be filled by 2015. He noted that they need to be planning ahead for reaching capacity in 2015. He discussed the Department Resource page, highlighting that prison capacity is 7,201 beds, and they currently serve 16,570 parole and probation offenders.

Mr. Haddon clarified that 7,201 bed capacity includes jail contracting beds. He also pointed out that specific information can be found on their website at [corrections.utah.gov](http://corrections.utah.gov).

Mr. Patterson said that prison capacity is one of the pressing issues. They are requesting \$1 million ongoing funding for jail contracting expansion. He said he could not overstate the importance of providing programming for the inmates and expressed appreciation for the county jails that are showing great initiative in implementing programming.

Mr. Haddon, in response to committee questions, stated that they have not specifically looked at prison growth compared to population growth in the state, but that in general, prison growth rate is not tied to population growth or even the crime rate, which has been going down.

Mr. Patterson said that the Parole Violator Center is purchased and will be operational in early summer. The center will house those who are exhibiting risky behavior concerning their parole, who would ordinarily be put back in prison. The center will provide aggressive treatment to help them succeed and the parolee will be able to maintain employment and ties to the community. He said they are anticipating that this will make a difference in the rate of prison population growth. They are requesting \$2 million ongoing funding and \$9 million one-time funding from non-lapsing funds. He said they hope the 300 bed level will be the standard and the size was not set up as a model or pilot program. Another pressing issue discussed was the rise in inmate medical costs. He said that the continual rise in medical costs, along with a population with more health risks due to abuse and neglect, results in funding shortfalls. Health care insurance is not available for inmates and medical services are provided on a contract basis. He stated that they have been running a deficit and have had to request supplemental funding in the past. They are requesting \$500,000 supplemental funding for FY 2012.

In response to committee questions, Mr. Patterson said they have a good working relationship with the University of Utah and that they have seen the contract process become more competitive. He also said that there are some instances where Medicaid can be applied. He discussed treatment and education programs. He stated that 167 sex offenders and 443 substance abuse offenders completed treatment programs. Also, 330 inmates received their GED and 853 inmates received their high school diploma. Post high school education focuses on vocational certification and 261 inmates received vocational certificates of competence. He said that research shows an average of 38.1 percent improvement in recidivism for treated substance abuse offenders. He said the research is indicative that treatment is working, although risk cannot be totally eliminated. He explained that their focus is to help them succeed.

Mr. Syphus clarified amounts requested by the agency, the governor's recommendations, and the Analyst's recommendations.

Mr. Patterson discussed the challenges they have in providing psychological treatment.

Sen. Thatcher requested specific information on percentages of inmates needing medical and/or psychological treatment and the capacity of the Olympus facility. Mr. Haddon responded he would provide those numbers.

Rep. Hutchings acknowledged the department's careful spending and asked about the non-lapsing funding amounts in FY 2012.

Mr. Patterson credited his staff with finding efficiencies and being cautious with the budget. He reiterated his request for funding.

Committee members expressed concern that they do not have enough time in the meetings to fully discuss department business and suggested formalizing the request for more time in a letter.

### **Guardian ad Litem (GAL)**

Merrill Nelson, acting Chairman, Guardian ad Litem Oversight Committee, said they are charged with insuring that GAL is developing and implementing policy according to statute. He assured the committee that the office is functioning in fulfilling its statutory mission.

Rick Smith, Director, Guardian ad Litem, explained that about \$155,000 was collected from parents who could afford to pay for services from the GAL office. They were appropriated about \$75,000 of those funds. Mr. Smith discussed the handouts that were provided to the committee in the January 25, 2012 meeting. He highlighted the CASA volunteer program, which has 376 trained volunteers, with an additional 122 volunteers in training. They are requesting a building block appropriation of \$157,623 ongoing and \$2,300 one-time for an additional GAL attorney and 1 support staff. This is to lower the case load in the Uintah Basin. If this is appropriated, they are also requesting intent language authorizing the purchase of a state car, either with a one-time appropriation of \$42,000, or non-lapsing carry-forward funds. They are also requesting \$1,255,800 ongoing for GAL attorney salary parity. He reiterated that they are not trying to grow the program but to keep up with the caseloads. Since the program started, the number of attorneys has increased 54 percent while the number of clients has increased 258 percent.

In response to committee questions, Mr. Smith said that some of the growth comes because of population growth, and a large amount of growth came after the David C. case. The growth in recent years has been at a more steady rate.

Rep. Hutchings expressed concern that the program not be over utilized, and questioned if the rate of growth indicates an area that needs further attention.

Mr. Smith said the oversight committee has launched a study on GAL appointments in district courts. He reiterated the need for an additional attorney in the Uintah Basin.

Sen. Davis said that he was the ranking member of the GAL Oversight Committee. He gave background on the beginning of the program and their purposes. He felt that the GAL Office has not had the strength and funding needed. He asked the committee to be supportive of the program.

Mr. Smith stated that 94 percent of cases filed by the Attorney General's Office against parents for abuse or neglect are adjudicated based on parents' admission. He reiterated the request for funding for attorney salary parity.

### **Requests for Appropriation**

Stewart Ralphs, Executive Director, Legal Aid Society of Salt Lake, introduced Anne Milne, Director, Utah Legal Services, and discussed the handout provided to the committee. There is an appropriation for victims of domestic violence that goes through the Courts' budget. They are requesting an increase of \$200,000 ongoing funds to that appropriation. Mr. Ralphs stated that they provide legal help for victims for an average cost of \$132.04 per family law case. He said that for each dollar they spend, they generate \$17 of child support for families.

Mr. Syphus clarified that this funding is included in the Courts' Administration line item.

### **Utah Sheriffs' Association**

Dave Edmunds, Summit County Sheriff, President of Utah Sheriff's Association, acknowledged the sheriffs in attendance who had come from around the state to be at the meeting. He expressed appreciation for the partnership between the Department of Corrections and the counties, saying that it was mutually beneficial to both. He said they understand their mission and duty to return people to society as better people. He said they have invested in programming, infrastructure, and personnel. He requested the committee support the agency request for \$1 million for an increase in jail contracting.

Reed Richards, Deputy County Attorney, Weber County, provided the "Inmate Placement Program Bed Availability" page to the committee. He discussed jail contracting and stated that it costs an average of \$80 per day to house inmates in county jails, well above the \$45 per day paid by the state. That rate is substantially lower than the cost to house them in state prison. He said the counties provide wonderful programming. He felt the most beneficial programming increase would be to address the drug problem. He said jail contracting is also an economic benefit, especially in rural areas. He addressed the jail contracting rate, requesting that the committee consider raising the rate at least some each year to work towards the rate as formulated in statute.

Sen. Thatcher and other committee members offered to speak with the sheriffs later in the day.

MOTION: Sen. McAdams moved to adjourn the meeting.

Sen. Thatcher adjourned the meeting at 9:55 a.m.