

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 25, House Building, Utah State Capitol Complex
February 9, 2011**

Members Present: Sen. Daniel W. Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Christopher N. Herrod, Vice Chair
Sen. Ben McAdams
Sen. Howard A. Stephenson
Sen. John L. Valentine
Pres. Michael G. Waddoups
Rep. Joel K. Briscoe
Rep. Richard A. Greenwood
Rep. Curtis Oda
Rep. Paul Ray
Rep. Jennifer M. Seelig
Rep. Brad R. Wilson

Members Excused: Sen. Peter C. Knudson

Staff Present: Steve Allred, Deputy Director
Gary Syphus, Fiscal Analyst
Jennifer Eyring, Committee Secretary

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

Rep. Hutchings called the meeting to order at 8:17 a.m. and outlined the work the committee will be doing in the remaining meetings.

State Auditor

Steve Allred, Fiscal Analyst, gave a brief overview of the Budget Brief.

Auston Johnson, State Auditor, and Jon Johnson, Audit Director, stated they would continue to work with local governments and spread the budget reduction across the board. He said they do not have the resources to do departmental audits. He discussed performance audits done when they had the resources, but performance audits are not being done now. Currently, they are working on an audit of the I-15 Core project. He said reports are coming out at a slower rate because using their limited resources to complete the State Audit at a high level is the priority.

Mr. Allred explained the closing nonlapsing funds on the budget table.

Mr. Johnson explained the process of recruiting college graduates and how they use nonlapsing balances to insure they have the funds needed for those future salaries. He also said the FTE numbers are misleading because they used interns for short periods of time.

Guardian ad Litem

Gary Syphus, Fiscal Analyst, gave a brief overview of the Budget Brief.

Rick Smith, Director, stated they are requesting an increased dedicated credit appropriation. They are also requesting a \$150,000 supplemental from the Guardian ad Litem Services General Fund Restricted Account. The dedicated credit revenue has increased due to a greater emphasis on collecting reimbursements. They have also requested \$27,000 to cover an increase in lease costs. In response to committee questions, Mr. Smith said that they average about 200 child clients per attorney, compared to the recommended 100 child clients per attorney. The Utah Court Appointed Special Advocate (CASA) program does a great work in easing the caseload burden through the work of volunteers. Lower than average salaries cause a high turnover rate and challenges in recruiting attorneys experienced in this specialized area of the law.

Mr. Smith explained that children in the Juvenile Court child welfare system are automatically assigned a GAL attorney because of the Child Abuse Prevention and Treatment Act (CAPTA). This accounts for about 77% of their cases. The remainder are appointed from district court and are discretionary appointments. He stated the David C. case did not establish caseload standards and caseload levels have not changed much since that settlement. Mr. Syphus clarified items on the Budget Detail Table.

Rep. Herrod expressed concern that people have not had a good experience with the Guardian ad Litem program. Mr. Smith responded that there are means to address complaints, but often the problem arises from people not understanding the process. He said that they currently have about one staff person for two attorneys. He feels it would be more cost effective to have one staff person per attorney. He would also like to increase the volunteer base.

Board of Pardons

Mr. Syphus gave a brief overview of the Budget Brief noting that the work the Board of Pardons performs has a direct and significant impact on the Department of Corrections budget.

Clark Harms, Chair, accompanied by Angela Miklos, Vice-Chair, discussed the implementation of video conference hearings. Technical problems are being worked through with existing funds. They are also working on a program to help mentally ill parolees. Mr. Harms said they can implement the base budget reductions without a change in service.

Mr. Harms explained how they would implement the early release of prisoners if the Department of Corrections did not receive the required funding. A chart was used that showed the average incarceration rates nationally and in the western states as compared to Utah. In 2009, 3,495 offenders were released from prison. A second chart showed numbers of offenders by crime category and criminal history. He stated that if they have to do emergency early releases, it will release offenders with more serious crimes.

Ms. Miklos gave a further explanation of the second chart, stating that the criminal history of an offender is a consideration, along with the degree of crime for which they are currently incarcerated. An emergency early release would mean more serious offenders would be released. The impact on warrants and parole violators was also discussed. Mr. Harms emphasized that with this scenario, they would always be at maximum capacity and would continue to have the same problem.

Sen. Stephenson spoke about the benefits of a parole violator center.

Mr. Harms responded that only about 15% to 20% of parole violators have committed new crimes. The rest are technical violations. He reiterated that they can work with the base budget, but more cuts would result in less hearings. That, in turn, would leave people in prison longer and cost an additional amount to the Department of Corrections.

Department of Corrections

Mr. Syphus discussed the Department of Corrections Budget Brief, the Jail Contracting Funding Formula Issue Brief and the Budget Summary by Line Item Issue Brief. He noted that the most critical issue is the prison population growth. The Parole Violator Center and Jail Contracting both address the issue. The Jail Contracting rate must be set in statute every year through intent language. The current rate is \$45/day. Department budget requests are in the Budget Brief.

Tom Patterson, Executive Director, and Mike Haddon, Deputy Director, provided a handout to the committee and expressed appreciation for the partnership they have with the Board of Pardons and the county sheriffs with jail contracting. He reiterated that the loss of \$16 million to their budget would result in over 850 inmates released, over 175 correctional officers who would lose their jobs, a 5% workload increase for the AP&P agents, and would not solve the problem of prison capacity. He said that the prison being at capacity is a security problem that they have prepared for, but would like to avoid.

The Department is requesting the following:

- \$4,970,400 FY 2012 Ongoing funding for Jail Contracting Growth

- \$1,207,900 Supplemental Appropriation from nonlapsing funds for Jail Contracting
- \$500,000 Supplemental Appropriation from nonlapsing funds for Inmate Medical
- Intent language authorizing \$1,500,000 from the beginning nonlapsing balance to be reserved to provide two months of operational funding for the parole violator center and those funds be made nonlapsing.

Mr. Patterson stated the Parole Violator Center will be needed for use by April of 2012. In regards to the option to privatize, he said they have tried that, but the biggest concern now is that the time frame is short to have the center ready. Options for expediting the process were discussed.

Sen. McAdams suggested they add flexibility to the intent language that includes new construction, retrofitting a building, and going to a Request for Proposal (RFP) for the Parole Violator Center.

Mr. Patterson emphasized that restoring the \$16 million cut from their base budget would only eliminate the need for an emergency release. They would still need both the increase in jail contracting and the Parole Violator Center to handle the prison population increase. He also said that there is possible legislation in progress that would provide incentives for county jails that provide programming.

MOTION: Sen. Thatcher moved to adjourn the meeting. The motion passed unanimously with Pres. Waddoups, Sen. Valentine, Rep. Greenwood, Rep. Seelig, and Rep. Herrod absent for the vote.

Rep. Hutchings adjourned the meeting at 9:59 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair