

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, September 19, 2012 – 9:00 a.m. – Room 450 Capitol Building

Members Present:

Senate Chair Todd Weiler
House Chair Curtis Oda
Sen. Luz Robles
Pres. Michael G. Waddoups
Rep. Patrice M. Arent
Rep. James A. Dunnigan
Rep. Richard A. Greenwood
Rep. Gregory H. Hughes
Rep. Don L. Ipson
Rep. David Litvack

Rep. Daniel McCay
Rep. Lee B. Perry
Rep. Jennifer M. Seelig
Rep. Keven J. Stratton

Staff Present:

Mr. Nathan Brady, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Lori Rammell, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Weiler called the meeting to order at 9:17 a.m.

MOTION: Sen. Robles moved to approve the minutes of the August 15, 2012, meeting. Voting in favor was unanimous with Pres. Waddoups, Rep. Hughes, Rep. Ipson, and Rep. Seelig absent for the vote.

2. Seatbelt presentation

Sen. Robles introduced the issue of seatbelt compliance on high speed roadways, then turned the time over to Colonel Daniel Fuhr, Superintendent, Utah Highway Patrol.

Colonel Fuhr distributed "Unrestrained Fatalities," which included a graph showing "Percent of Crash Occupants Injured by Restraint Use and Speed Limits, Utah, 2008-2010." He reported on highway accident fatalities and their various causes, including inattentive driving, texting, speeding, and driving under the influence. He stated that the 10% of drivers who do not use seatbelts also tend to be more aggressive drivers. He stated that a significant amount of investigation resources are spent on traffic fatalities resulting from unrestrained motor vehicle occupants. Colonel Fuhr answered questions from the committee.

Major Mike Rapich, Utah Highway Patrol, reported that 34% of the deaths on the freeway involve unrestrained motor vehicle occupants. He said approximately 52% of the accidents the Utah Highway Patrol responds to involve unrestrained occupants, while Utah's compliance rate is at least 90% statewide. He referred to Colonel Fuhr's handout, which showed that the importance of seatbelt usage increases as speeds increase. Major Rapich answered questions from the committee.

Ms. Andrea Thomas, Utah Crash Outcome Data Evaluation System Project, University of Utah, Department of Pediatrics, distributed "Medical Outcomes of Safety Restraint Compliance on High-Speed Roadways" and reported that those involved in high speed crashes are five times more likely to die, and those who are not restrained are 13 times more likely to sustain injury. She stated that the unrestrained occupants sustained more injury than those who were restrained, even at low speeds. Ms. Thomas answered questions from the committee.

Sen. Robles closed by distributing "Congestion good? Lack of traffic jams may boost Salt Lake City fatalities" from the July 26, 2012, edition of *The Salt Lake Tribune*, and reiterated the importance of creating solutions with the limited resources available to the Utah Highway Patrol.

3. Enticing a Minor - Master Study Item

Rep. R. Curt Webb gave a status update on efforts to draft legislation and said that he intends to return to the committee in October with new language for its review.

4. Housing State Inmates in County Jails

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, distributed "2012 Jail Report," the Utah Department of Corrections' annual report required by Utah Code Section 64-13e-106. He reviewed the report's findings regarding the cost of housing inmates, the increasing inmate population, and the treatment programs being developed to address recidivism. Mr. Haddon responded to questions from the committee.

Mr. Brent Gardner, Utah Association of Counties, spoke about how county jails' housing of prison inmates helps address the overcrowding issue in the state prison. Mr. Gardner added that more county jail facilities are also providing programs for their inmates.

5. Amount and Use of Concealed Weapons Fees Collected

Ms. Alice Moffat, Chief, Bureau of Criminal Identification, distributed "Concealed Firearm Permits (CFP) Fact Sheet–September 19, 2012," the bureau's annual report required by Utah Code Subsection 24-1-191. She stated that the bureau anticipates 40,000 applications for concealed carry permits this year. Ms. Moffat stated that out-of-state applications have outpaced in-state applications by 55%. She said the average number of applications is 5,861 per month, despite fee increases for out-of-state applications. She also reviewed renewal fees collected and expenditures. Ms. Moffat responded to questions from the committee. Rep. Perry and Rep. Seelig inquired regarding the out-of-state application process and the fees involved, and Rep. Oda asked Ms. Moffat to track usage of the new online renewal system.

Mr. Jason Chapman, Supervisor, Bureau of Criminal Identification, also responded to questions from the committee. Sen. Robles questioned the reason for the number of denials and was told by Mr. Chapman that the reason for denial of an application is usually criminal history, specifically alcohol-related offenses.

6. Crisis Intervention Team Training

Sen. Karen Morgan introduced the issue of Crisis Intervention Team (CIT) training, which began in 2001 with a partnership between the Department of Human Services, Division of Substance Abuse and Mental Health, the National Alliance for the Mentally Ill (NAMI) Utah, and the Salt Lake City Police Department to train uniformed patrol officers who volunteer to participate.

Mr. Doug Thomas, Assistant Director, Department of Health and Human Services, Division of Substance Abuse and Mental Health, distributed "Crisis Intervention Team Utah" and reported that the funding was originally provided through a Utah State University grant, then a federal block grant, then \$150,000 one-time money appropriated to expand the program. He stated that during the 2012 Annual General Session

the Legislature approved ongoing funds. Mr. Thomas then introduced Ms. Rebecca Glather, Executive Director, NAMI Utah, and Detective Ron Bruno, Salt Lake City Police Department, head of CIT Utah.

Ms. Glather stated that the CIT program assures the families of mentally ill persons that responders are available who have been trained to deal with crisis situations. She stated that those whose family members have mental health issues are instructed by NAMI to ask for CIT officers when calling 911. She encouraged the continued support of the CIT program. Ms. Glather answered questions from the committee.

Detective Bruno gave an overview of the connection between law enforcement and the mentally ill. He explained that when a person goes into full mental crisis the person has less ability to understand what is happening. Detective Bruno said that with the CIT program officers come to understand what the mentally ill person is going through, how to respond and de-escalate the situation, and how to improve the outcome of the situation.

Committee discussion followed. Sen. Robles asked how the funding for this program works, and was told by Detective Bruno that his base salary is paid for by his department, and other CIT officers are paid by their agencies; the training expenses are paid by program funding. In response to a question from Rep. Greenwood, Detective Bruno explained a program now available in schools throughout the state. He said that law enforcement has traditionally been called to a school in the middle of a crisis situation, but agencies would prefer to be involved earlier through training and information. As a result, he said, CIT now provides one-day training with mental health services, schools, and officers, to train and educate them.

7. Sexual Assault in Utah

Mr. Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, distributed "2012 Rape and Sexual Assault Report, September 19, 2012" and reported that Utah's rate of rape is higher than the national average: one in three women in Utah is sexually assaulted in her lifetime. He stated that only about 10% to 12% of these assaults are reported to law enforcement due to shame, societal stigmas, and fear of the criminal justice process. He further stated that sexual assault crimes are crimes of violence and can result in physical, social, and mental illnesses in the victims. Mr. Gordon stated that there is a large number of victims who would like to receive treatment and are not able to afford it. Mr. Gordon responded to questions from the committee.

Mr. Ned Searle, Director, Office on Domestic and Sexual Violence, Commission on Criminal and Juvenile Justice, distributed "Sex Crimes: Law Enforcement Quick Checklist" and reported that the Sexual Violence Council was created to help guide first responders in providing a victim-centered response and acquire information for later prosecution. He reviewed communities where training and coordination are providing specially trained nurses and police officers who are available to respond to victims of sexual assault. He suggested the committee consider a victim treatment fund from fines assessed to perpetrators. He also suggested a dating protection bill, as currently no protection or restraining order is available after one incident of abuse.

Chair Weiler turned the meeting over to Rep. Oda.

Rep. Seelig mentioned that she is currently drafting legislation to change the one-date, one-incident law. She further stated that the waiting list is three months for victim treatment after an incident. Mr. Gordon said that this is a result of the lack of resources available.

Ms. Holly Mullen, Executive Director, Rape Recovery Center, addressed the long waiting list for treatment for victims of sexual assault. She stated that the Rape Recovery Center offers no-cost and low-cost counseling services, and deals solely with sexual violence.

8. Other Business / Adjourn

MOTION: Sen. Robles moved to adjourn the meeting. Voting in favor was unanimous with Pres. Waddoups, Sen. Weiler, Rep. Dunnigan, Rep. Hughes, Rep. Ipson, and Rep. Litvack absent for the vote.

Chair Oda adjourned the meeting at 11:39 a.m.