

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE  
Matheson Courthouse, Room W19A  
August 28, 2012**

**Members Present:** Sen. Daniel Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Rep. Christopher N. Herrod, House Vice Chair  
Sen. Howard A. Stephenson  
President Michael G. Waddoups  
Rep. Richard Greenwood  
Rep. Curtis Oda  
Rep. Paul Ray  
Rep. Brad R. Wilson

**Members Absent:** Sen. Peter C. Knudson  
Sen. Ben McAdams  
Sen. John L. Valentine  
Rep. Joel K. Briscoe  
Rep. Jennifer M. Seelig

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Mr. Zackery King, Fiscal Analyst  
Ms. Linda Error, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.  
An audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Call to Order**

Co-Chair Hutchings called the meeting to order at 9:20 a.m.

**2. Unanswered Subcommittee Questions from the 2012 General Session**

**Attorney General**

Mr. Werner Haidenthaller and Mr. Kirk Torgensen from the Office of the Attorney General were present to give status updates of the state settlements and litigation.

A. Highway Crosses: \$388,050 paid for the opposition's attorney fees. Mr. Haidenthaller expressed disappointment that on appeal the State of Utah did not prevail and was ordered to pay the prevailing side's attorney fees.

B. Navajo Tribe Settlement: \$33,000,000 to be paid over a four year period. The first payment of \$1,000,000 was paid in July of 2011, a second payment of \$5,000,000 was paid in July of 2012 and a third payment of \$13,500,000 was also paid in July of 2012. One remaining payment of \$13,500,000 will be paid in July of 2013. Mr. Haidenthaller mentioned this upcoming legislative session will have to address the final payment. At that point the settlement will be paid in full.

Mr. Torgensen reminded the committee of the \$23,000,000 the state collected from the pharmaceutical lawsuit two years ago and the \$21,000,000 awarded to the state from a settlement against the Bank of America last year. Also there will be a potential for more money coming to the state through lawsuits with other banks they are negotiating with concerning mortgage fraud.

Mr. Torgensen reported the Medicaid fraud team continues to bring in money from the pharmaceuticals to the Department of Health to go back into the Medicaid fund. An audit reported Utah to be one of the most aggressive states going after Medicaid fraud.

Mr. Torgensen informed the committee that the personnel is mostly in place for the pursuing and prosecuting of more white collar crime. \$2,000,000 appropriated by the legislature is being used to accomplish this.

### **Public Safety**

Mr. Lance Davenport Commissioner, Utah Department of Public Safety, and Colonel Danny Fuhr, Utah Highway Patrol, addressed the committee.

A. Safety Inspection Changes: Colonel Fuhr reported that seven troopers are now assigned to the Safety Inspection Division, down from 15. There are nearly 2,000 inspection stations throughout the state, none were eliminated. Instead of checking stations regularly, troopers act only on complaints to the stations.

Colonel Fuhr explained that through reassignment and new ones allocated there were 20 troopers to be assigned. He reported that most of them have gone to rural Utah. In 2008 the highway patrol lost 19 troopers so most of the new ones were used to plug in the vacancies. Colonel Fuhr noted that there are currently 37 vacancies in the highway patrol. He stated that it takes 1 year from the time of application to the time of full hiring. Colonel Fuhr noted that vacancies are for many reasons but most are leaving to work in the private sector.

Sen. Stephenson requested an analysis of the cost of hiring new troopers combined with the real cost incurred by losing troopers to other agencies or the private sector, noting the state pays for all their training.

Sen. Thatcher requested an update on the number of troopers with a second job, the number of troopers qualifying for state assistance, and the number of trooper families with two wage earners. He wanted to see if there has been an impact on the changes that were made in the last session.

B. Helicopter: Colonel Fuhr reported the new helicopter should be ready sometime between December and February. One will be taken to Southern Utah and the new one will remain to serve the Wasatch Front.

C. Trooper Safety: Colonel Fuhr reported that 5 troopers have been hit by automobiles this year and 21 since 2009. Much is being done to have all vehicles move off the interstate for traffic violations and minor accidents. Colonel Fuhr noted that any left-side approach to a stopped automobile by a trooper is unacceptable.

### **3. Drug Courts**

Mr. Richard Schwermer, Assistant State Court Administrator, briefed the committee about the drug court they were going to observe. Mr. Schwermer noted that drug courts are the most effective intervention treatment available for individuals who fall in the high risk category who have been convicted of drug crimes.

The committee was dismissed to observe a drug court with the Honorable Randall Skanchy.

Co-Chair Hutchings reconvened the meeting at 11:35 a.m.

Mr. Schwermer addressed questions from the committee. Mr. Schwermer noted that research shows that drug treatment exclusive while in jail is not effective. It becomes effective when the treatment follows an individual out of jail.

Mr. Brent Kelsey, Assistant Director, Division of Substance Abuse and Mental Health, reported that it was determined that 69% of all admissions to the Salt Lake County Jail tested positive for drugs or alcohol. Overall jails are reporting 70-85% of all admissions have a positive drug or alcohol test.

Mr. Schwermer reported that there are currently 43 drug courts in Utah. He noted that the recidivism rate after graduating from the drug court system is around 10% and without treatment recidivism rate increases to around 70% .

Rep. Hutchings requested a report for the caucuses at the upcoming legislative session on the success of the drug courts.

Mr. Schwermer explained to the committee about the collaboration that is making the Utah drug courts successful. Judge Dennis Fuchs has the responsibility of checking the courts on a regular basis to ensure they are being run the most effective way possible. Mr. Schwermer assured the committee that when money is appropriated for the courts it will be used in the most effective way because of this collaboration. Mr. Schwermer further explained that currently the cost per individual to go through a drug court is \$4,000 - \$6,000, the state is funding \$2,000 of that cost. Supplemental funding will be requested in the upcoming legislative session to cover more of the cost per individual.

### **Corrections**

Mr. Mike Haddon, Executive Coordinator, Utah Department of Corrections, addressed the committee.

A. Parole Violator Center: Mr. Haddon reported the Parole Violator Center should be completed and ready to open in November. It will a 300 bed facility. Staff will be hired as needed beginning with 2 therapists and a few correctional officers. The Parole Violator Center is designed to be an intensive management of parole violators with the hope of keeping them in the community and working while receiving treatment.

B. Prison Population Status: Mr. Haddon reported the current prison population count can now be accessed through the Department of Corrections website. According to the projections, by FY15 the county jail space that is being contracted by the Department of Corrections will be at the maximum amount possible. There currently is an increase of 132 inmates per year. Mr. Haddon explained the future need for more beds at the prison and the role of the county jails with the current population growth.

C. Medical Update: Mr. Haddon reported the medical situation is the same as in past years. The department will have a supplemental request to back fill the cost of medical bills for the inmates.

Rep. Hutchings noted that Utah is one of the lowest incarcerating states in the nation.

#### **4. Community Programs Presentation (Youth Provider Association)**

Ms. Christina Zidow, Director of Adolescent Programs, Odyssey House and President, Youth Provider Association, addressed the committee. Ms. Zidow explained that the Division of Juvenile Justice Services (DJJS) is contracting with independent private providers when a community based program is needed for further treatment. Last year 80% of juveniles entering the system required these services. DJJS is currently contracting with 130 private providers. Ms. Zidow reported that the cost of treatment is rising and the independent providers will need more cost reimbursement in the future.

Susan Burke, Director, DJJS reported that the number of juvenile sex offenders is declining.

#### **5. Lunch Hour Break**

Co-Chair Hutchings dismissed the committee for a lunch break.

Co-Chair Thatcher resumed the meeting at 1:30 p.m.

MOTION: Rep. Ray moved to approve the minutes of the February 14, 2012 meeting. The motion passed unanimously, with Rep. Hutchings and Rep. Oda absent for the vote.

#### **6. CROSS Study**

Mr. Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice (CCJJ), explained that efforts are being made with research and data to improve the outcomes in the criminal justice department and to help provide better information to law makers when making budget decisions.

Dr. Matt Davis, research professor, University of Utah, and Mr. Mike Tonetta, statistician, University of Utah, explained the importance of studies to evaluate the CCJJ programs in order to provide feedback to those running the programs in an effort to improve outcomes.

Dr. Davis presented a power point presentation showing an evaluation of the CROSS gang program and further explained the importance of evaluating the effectiveness of treatment programs.

## **7. Community Based Programs Efficiency Study (Cost-Benefit Analysis)**

Ms. Jennifer Hemenway, Director of Research, Commission on Criminal and Juvenile Justice and Mr. Ben Peterson, Commission on Criminal and Juvenile Justice, explained the importance of a cost-benefit analysis. Ms. Hemenway further explained the analysis should show what the quality of the program is compared to the cost, therefore making it easier to assess whether the program is a good value for the money spent. Handouts were distributed and explained to the committee.

Dr. Rob Butters, Director, Utah Criminal Justice Center, and professor, University of Utah, explained the importance of meta-analytical research and the importance of understanding the quality of the evaluation of each program. Dr. Butters further reported the ability to assess the quality of the study is valuable to determine if the study is valid.

Ms. Hemenway explained the cost-benefit analysis should be used as just one tool to measure the effectiveness of programs.

Dr. Richard Fowles, Professor of Economics, University of Utah, explained a power point presentation on the Utah taxpayer's cost of crime. Dr. Fowles further explained the increased cost when intervention programs are introduced with the purpose of reducing crime.

Mr. Gordon explained the importance of each study in deciding which intervention programs are useful and which ones to abandon. Mr. Gordon noted that CCJJ will begin using the data from the studies immediately.

Co-Chairs Hutchings and Thatcher both expressed gratitude for the work and research, noting that the studies will be great tools to help make decisions in the future.

## **8. Division of Juvenile Justice Services**

Ms. Susan Burke, Director, Division of Juvenile Justice Services (DJJS), referred to the handouts prepared by the fiscal analysts showing the funding trends in the Juvenile Justice Services and discussed the impact the changes in Medicaid funding will have on the services. Ms. Burke reported there has been a reduction in the referrals into the juvenile system, and stated they are seeing success in many of the programs. Much is being done to assess each program as to their effectiveness. Ms. Burke reported they are seeing good outcomes and there will be more transparency in the future as to the outcomes of the intervention programs.

Ms Burke expressed concerns as to the loss of some Medicaid funding and the impact it will have on providing the necessary treatments to juveniles. The committee discussed the advantages of rural and community detention centers over the possible cost savings of larger ones, which would be a greater distance from the juvenile's homes.

Ms. Burke described the Genesis facility as an early intervention program. The facility has 40 beds, 10 of which are for females. The average stay is 60 days and there is currently a waiting list for the facility.

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MOTION: Rep. Herrod moved to adjourn the meeting. The motion passed unanimously.

Co-Chair Thatcher dismissed the committee at 4:00 p.m. to travel to the DJJS Facility/Genesis Program in Draper Utah.

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Sen. Daniel W. Thatcher, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair