

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE**

**Room 25 House Building**

**February 8, 2016**

**Members Present:** Sen. Daniel W. Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Rep. Keven J. Stratton, House Vice Chair  
Sen. Curtis S. Bramble  
Sen. Jani Iwamoto  
Sen. Scott K. Jenkins  
Sen. Ralph Okerlund  
Rep. Rich Cunningham  
Rep. Sophia DiCaro  
Rep. Brian S. King  
Rep. Merrill Nelson  
Rep. Curtis Oda  
Rep. Angela Romero  
Rep. V. Lowry Snow

**Members Excused:** Sen. Wayne L. Niederhauser, President

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Ms. Clare Tobin Lence, Fiscal Analyst  
Ms. Cindy Hopkin, Committee Secretary

**Note:** A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Co-Chair Hutchings called the meeting to order at 8:05 a.m.

**1. Budget Requests**

**a. Governor's Office**

Ms. Tenielle Young, Financial Manager, Governor's Office, presented four budget requests: 1. The Literacy and Education Program which supports the First Lady's Summer Reading Program, literacy activities, coordination of early learning initiatives, and education policy work, 2. The Governor's operational projects, 3. The Privatization Board, and 4. Transportation Planning.

**b. Lieutenant Governor's Office**

Mr. Mark Thomas, Chief Deputy, Lieutenant Governor's Office, presented the duties and responsibilities of the Utah Lieutenant Governor's Office and three requests for funding: 1. For office operations to provide customer service and project management components for the state's election management system, backup support for their database, and to provide additional

resources for the increased cost in DTS expenditures, 2. For voter outreach to provide federally required election information to the public, and 3. To replace the current statewide voting equipment which will likely be replaced in 2018 and originally cost \$27 million. This funding request will be set aside until the purchase is made and Utah counties will also be asked to share the cost of the new equipment.

**c. Commission on Criminal and Juvenile Justice (CCJJ)**

Mr. Ron Gordon, Executive Director, CCJJ, assisted by Mr. David Walsh, Deputy Director, CCJJ, presented two budget requests.

The agency's first priority building block is for Jail Reimbursement which refers to payments made by the state to reimburse counties for a portion of the cost of housing felony offenders as a condition of probation, and parolees in jail on a 72-hour hold.

The agency's second priority building block is for indigent defense. Recent reports of indigent defense in Utah prepared by the Sixth Amendment Center and the Utah Judicial Council note significant deficiencies and recommend establishing an Indigent Defense Commission to provide statewide oversight and training pertaining to the constitutional requirements for indigent defense.

Rep. Hutchings reminded the committee that there is a difference between Jail Contracting and Jail Reimbursement. Just because the committee funds one does not mean that the other is also funded. This is an area where the counties are exceptional partners and a critical part of the justice process and it is the sole responsibility of the subcommittee to make sure it gets funded.

Ms. Clare Tobin Lence, Fiscal Analyst, commented that there has been some money reallocated toward the literacy programs, voter outreach, and the Indigent Defense Commission based on committee action last week.

**d. Department of Corrections**

Mr. Rollin Cook, Executive Director, Department of Corrections (DOC), assisted by Mr. Mike Haddon, Deputy Director, DOC, presented some of the successes of the agency, and some of the current trends in probationer, parolee and inmate populations.

DOC's first priority in building blocks is for certified staff compensation. Between 2013 and 2015, a total of 329 correctional officers left the department which is 34.9 percent of all corrections officer positions. At the same time, a total of 65 adult probation and parole (AP&P) agents left the department which reflects 22.3 percent of the department's agent positions. Retention of officers is a critical issue for DOC. An estimated 55.4 percent of the department's correctional officers have less than four years experience which is a big concern in regards to safety and security.

Rep. Cunningham commented about the difficulties in retaining corrections officers and all the overtime hours due to unfilled positions in the DOC. Going back 5 to 6 years and adding up all the overtime paid after spending \$30,000 to \$60,000 to train the officers and then to lose them to other agencies that can offer better compensation is something that needs to change. If the DOC is spending \$5 million per year average in mandatory overtime, the committee should look at the fiscal numbers and use some of that money to fund the kind of compensation necessary to be competitive so the DOC doesn't lose people from corrections after they are trained.

Sen. Thatcher asked the DOC to prepare a cost benefit analysis for the committee to find out what amount it would take to close the gap so the DOC can retain their officers rather than training them for other agencies.

Sen. Thatcher stated the committee's desire to solve the problem of retention and reminded the agency that the other challenge the committee faces is the short fall in the General Fund this year. Coming up with millions of dollars to provide building blocks for jail reimbursement, the AG's office, and DPS will be very challenging no matter how desperate the need. The committee will absolutely have to challenge every agency to dig deep and find things that are less important than their core functions and direct those dollars to the most urgent needs to help the committee in their efforts to fix those problems.

Ms. Geri Miller-Fox, Division Director, AP&P, presented certain agency building blocks.

AP&P agents are key decision makers in the criminal justice system. They facilitate training, treatment, de-escalation, and arrest. Their job requirements necessitate more training than any other law enforcement entity in the state of Utah. In the past the agents have had an average case load size of 60 to 65. Over the course of the last three years that average case load has grown to 75.6. With turnover and vacancies this number can reach into the 90s.

The agency has worked with the courts to make sure that if an offender doesn't need supervision they don't come to supervision. They have tried to close any case that they think is ready to close, but their officers will not jeopardize public safety. There are some offenders that AP&P needs to supervise, but to the degree the agency believes they can safely do so they have prioritized their efforts to moderate and high risk offenders. As a result, not only are the agents case loads higher than ever before, but the agents are working with the most difficult cases that exist in the criminal justice system.

Mr. Haddon stated that the AP&P needs 15 additional supervising agents as well as a couple of office specialists to assist with the case loads. They will also need to provide equipment and vehicles for the new staff. The department anticipates that they will be able to obtain about \$1 million savings in the operations of the Utah State Prison in Draper which will help offset the cost of AP&P's building blocks.

Ms. Miller-Fox thanked the committee for the resources provided last year to hire 10 TRC agents that specialize in evidence-based treatment protocol. These new agents deliver those services statewide. Historically the agency was only able to provide TRC services to about one third of the AP&P offices. The agency now has 18 in-house therapists who provide crisis care and intensive out-patient treatment for offenders. They also received 10 support staff positions and 9 transition agents. This means that AP&P is running out of office space. Because of the new staff from last year plus the 15 new agents requested this year, part of the AP&P request is an additional office. Also, the Cedar City office lease ran out two years ago and the agency was asked to leave that facility. The agency's staff there is currently housed in an abandoned liquor store which is not conducive to the work they need to do. A portion of the funds requested for office space would be used to find them a suitable office space as well.

Mr. Tony Washington, Director of Clinical Services, Utah DOC, presented the agency's medical staffing building block request. There was an incident not long ago where an inmate (a dialysis patient) died. The agency had two external audits done to determine the cause of death. One of the primary issues that lead to the death was the lack of adequate nursing staff to be able to provide the necessary triage. In the past, in the individual housing units, they managed medical onset cases with ENTs. The agency found that the med. tech. isn't able to assess and triage at the same level as a nurse and be able to prevent an event like that from happening.

The DOC's request is for five additional nurses on staff to address the triage issues, and to be the go-between for doctors, physician's assistants (PAs) and other people involved in medical treatment for the inmates. The agency is also requesting an on-site laboratory and two lab techs at the Draper Prison. Currently lab results take about four hours. These changes would mean that when a doctor requests lab work, he would receive the results almost immediately. The funding for these requests would be moved one-time from the agency's programs and operations to their medical services.

The DOC is going to be starting success framework initiative in medical services. They will evaluate work flow and efficiencies to be able to make adjustments to medical operations inside the prison system.

Mr. Hadden addressed the final building block for DOC. The agency is requesting \$1 million one-time to allow them to maintain their jail contracting rate.

## **2. Federal Funds, Fees, Intent Language and Other Budget Actions**

Mr. Gary Syphus, Fiscal Analyst, presented a summary and a description of each of the Federal Funds items as submitted to the committee by the Governor. A copy of that information is available from the February 2, 2016 meeting for the committee to review and approve or recommend changes. In addition, the committee has also been asked to review Fees. There are about 15 pages of administrative fees in H.B. 8. There is a list of all the fees changes (either new,

increased or reduced) available to help in the review process to be ready to vote in the February 12th meeting. Mr. Syphus and Ms. Lence are preparing Intent Language and verifying it with the various agencies to present at the February 10th meeting.

### **3. Requests for Appropriations**

Rep. Michael E. Noel presented three requests: 1. A Jail Contracting rate increase, on-going from the General Fund to increase the contracting rate to \$52 per day. 2. A Jail Contracting treatment rate increase, ongoing from the General Fund to increase the treatment rate \$61 per day, and 3. Funding for facial recognition/password management software. This is a one-time request from General Fund as a grant for a pilot program to test the benefits of this software for rural law enforcement and eventually be used statewide. This program will be a cost savings investment.

### **4. Sheriffs Association**

Captain James O. Tracy, Utah County Sheriffs Association, addressed Jail Reimbursement funding. Last year they received \$13 million on-going and \$2 million that was one-time money. Their request is to put all \$15 million into ongoing funding. It would help their department move toward the 50 percent reimbursement rate that they still have not received based on the current funding.

The numbers of beds are fluctuating right now based on the Justice Reinvestment Initiative (JRI). Many of the prison inmates are coming back into the jails under an A misdemeanor rather than a felony: with a felony offense those individuals would generally be condition of probation (COP) and jails would be reimbursed by the State. Now they are not being reimbursed, particularly Utah County. They used to have a daily average of 200 of the reimbursement type of inmates and now they are down to 90 of those. The numbers haven't dropped in the jail but they have become non-reimbursable.

**MOTION:** Rep. Stratton moved to adjourn. The motion passed unanimously with Sen. Bramble, Sen. Jenkins, Sen. Niederhauser, Sen. Okerlund, and Rep. King absent for the vote.

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Sen. Daniel W. Thatcher, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair