

SENTENCING COMMISSION MINUTES – pending approval

Committee	Utah Sentencing Commission
Date	Wednesday, August 16th, 2023
Time	Noon – 2:00 p.m.
Location	Hybrid Zoom Virtual meeting – Capitol Board Room 240, State Capitol Complex
Members Present	<p><u>Virtual Attendance</u>: Craig Barlow, Judge Ryan Tenney, Rep. Stephanie Pitcher, Sen. Daniel Thatcher, Sheriff Michael Smith, Rep. Andrew Stoddard, Judge Sharon Sipes, Christina Zidow, Judge Vernice Trease, Skye Lazaro, Carrie Cochran, Rob VanDyke</p> <p><u>In-Person Attendance</u>: Pam Vickrey, Ryan Robinson, Brett Peterson, Dan Burton, Chief Craig Black, Judge Camille Neider, Richard Mauro, Beatrice Herrera, Brian Redd, Tom Ross, Dennis Martinez</p>
Members Excused	Rep. Marsha Judkins, Rebecca Brown, Liliana Olvera-Arbon, MayKela Cox
Staff & Visitors	<p>Staff: Danica Bodley, Dan Strong, Van Nguyen (virtual), Ned Searle (virtual)</p> <p>Visitors: Will Carlson, Rep. Ivory, Glendon Mitchell, Ernie Rogers (virtual), Albert Cramer (virtual), Jake Glenn (virtual), Blacke Murdoch</p>
Agenda Item	Introduction and Approval of Minutes – Pam Vickrey, Chair
Notes	<p>Chair Pam Vickrey welcomed everyone to the Utah Sentencing Commission (USC) meeting.</p> <p>Motion: Richard Mauro made a motion to approve the June 7th, 2023, meeting minutes. The motion was seconded by Brett Peterson and passed unanimously.</p> <p>Dan Strong introduced Beatriz Herrera, Director Michele Leslie and Director Brian Redd to the commission.</p>
Agenda Item	DUI Homicide Sentencing Review
Notes	<p>Glendon Mitchell and Representative Ivory address the commission regarding sentencing for DUI Homicide. Glendon and his son shared their experience as victims / family members moving through the post-sentencing system. They expressed concern about: a lack of transparency and consistency in victim processes in the transition between the court process and post-sentencing system; the sentencing guidelines’ approach to DUI Homicide sentencing.</p> <p>Dan Strong summarized the current sentencing guidelines for DUI Homicide to the Commission. Currently, DUI Homicide falls into its own column (Column F, Form 2), which starts at a recommendation of imprisonment for 36 months. Other forms of 2nd Degree Felony Homicide start in Column E, which begins at 110 months imprisonment.</p> <p>Judge Neider explained that the sentencing guidelines used to have no time ranges for 2F Homicide offenses, because of the wide range of conduct and facts at issue in those cases. But the current approach was adopted around 2016.</p> <p>The commission discussed possible reasons for the lower sentencing recommendation for DUI Homicide, including that it is a negligence offense while most other forms of Homicide require at least reckless conduct. However, the commission acknowledged that the DUI Homicide column is comparatively new and could benefit from additional review.</p> <p>The commission expressed that they would like to see data from the Board of Pardons and Parole showing how long people served in prison under the current guidelines and the former guideline scheme.</p> <p>The commission agreed to refer this issue to the Anomalies Subcommittee for further study and recommendations prior to the legislative session.</p> <p>Dan explained that there is also a separate group of stakeholders meeting to discuss some of the other issues raised by Mr. Mitchell and Rep. Ivory, regarding victim processes in the post-sentencing</p>

	system. This is somewhat outside the realm of the Sentencing Commission’s mandate, but this group will work on those issues separately and update the commission as needed.
Agenda Item	Juvenile Reform Review
Notes	<p>Blake Murdoch and Brett Peterson presented a report on the juvenile justice system and how it has responded to various reforms adopted after JRI. The presentation provides details about the reform and reinvestment into juvenile justice. Blake and Brett provided several statistics of juveniles currently in the justice system and how they integrate into the system and costs of the processes.</p> <p>Their data showed that fewer juveniles are being detained / processed through the courts and more are being referred to nonjudicial interventions and treatment resources. At the same time, juvenile crime has decreased. House Bill 239 (juvenile JRI) has assisted in placing a huge investment into early intervention so fewer juveniles enter the justice system. All the provided information and statistics will be available in the upcoming JJOC annual report.</p>
Agenda Item	Workgroups and Subcommittee Reports
Notes	<p>Restitution Workgroup</p> <ul style="list-style-type: none"> • Issues that were raised by the judiciary interim committee and referred to the restitution working group were discussed: <ul style="list-style-type: none"> ○ Lack of upfront restitution figure ○ Interest in accrual while inmates are in prison ○ Other fees/expenses accruing during incarceration • The group agreed that 2021’s HB 260 addressed these issues and will research more going forward. <p>Anomalies Subcommittee</p> <ul style="list-style-type: none"> • Issues arose regarding threats being made against public officials. <ul style="list-style-type: none"> ○ Clarifications will be made that elected officials qualify as “public officials” ○ The subcommittee is aligning special categories of threats as well as the consistency in elements and penalties. <p>Adult Guidelines Subcommittee</p> <ul style="list-style-type: none"> • The subcommittee reports on drug distribution review in the sentencing guidelines. <ul style="list-style-type: none"> ○ Adding “caused a death” could be added to aggravating factors ○ Discussion of other ways to distinguish cases are being held ○ There will be upcoming case studies of sentencing high-volume drug trafficking • The subcommittee is also discussing how to implement an incarceration tool. <ul style="list-style-type: none"> ○ More guidance on how/when to use the most expensive resource of Form 6 will have an update ○ Increasing the consistency between PSR/Guidelines/BOPP/etc ○ There will be upcoming presentations coming from BOPP and AP&P <p>Juvenile Subcommittee</p> <ul style="list-style-type: none"> • The subcommittee are updating the 2023 Juvenile Guidelines <ul style="list-style-type: none"> ○ Most of these fixes are technical ○ There will be a review to suggest any more substantive changes
Agenda Item	Joint SC/CCJJ Working Group Rosters
Notes	<p>Dan Strong reviews a brief list of collaborative working groups and who is participating on each one. The groups are:</p> <ul style="list-style-type: none"> • High Frequency Criminal Justice Involvement • Drug Court Access • County Level Probation
Agenda Item	Public Comment

	Ernie Rogers comments on the DUI Incarceration discussion He requests that a technology service representative should be on the commission to look into making a device or toll that monitors a person incriminated of a DUI to have a vehicle monitor.
Agenda Item	Adjourn
Notes	Motion: Richard Mauro made a motion to adjourn. The motion was seconded by Judge Camille Neider and passed unanimously. Next meeting is scheduled for Wednesday, October 18th, 2023 from Noon-2 PM. Location: <u>Anchor Location:</u> Capitol Board Room 240 Zoom link: https://us02web.zoom.us/j/85913829235?pwd=Z21CN1doc0FzSHF4Z21qSmNla3FpUT09