

UTAH CRIME VICTIMS COUNCIL MEETING

Meeting Notice and Agenda*

March 15, 2024; 12:00 pm - 2:00 pm
Lunch 11:30 - 12:00

Location: Utah Office for Victims of Crime
Training Room
350 E 500 S, Salt Lake City, UT 84111
<https://utah-gov.zoom.us/j/86208402491>

TIME	AGENDA ITEMS	OWNERSHIP
12:00 - 12:10	Welcome, Introductions	Avremi Zippel
12:10-12:25	Conference Report	Tallie Viteri
12:25-12:35	Council Budget Report	Gary Scheller
12:35-12:45	District Victim Rights Vacancies (3rd and 7th Districts)	Tyler Kotter
12:45-1:00	Legislative Discussion/Report	Avremi Zippel
1:00-1:50	Victims Council/ Victims Commission Transition (updates to HB308)	Avremi Zippel Marlesse Jones
1:50-2:00	2024 Meeting Schedule	Avremi Zippel
2:00	Adjourn	

Next Council Meeting Date:
Next Council Meeting Topics:

HB 308 - CRIME VICTIM AMENDMENTS

Effective 5/1/24

- Requires UOVC to provide law enforcement agencies with educational materials so they can inform sexual assault victims about their right to be tested or have the offender tested.
- Amends the Council's statute so they will no longer appoint the chairs of the Committees or review complaints not resolved by the Committees.
- Allows the VSC to make rules regarding the victim complaint process and review any action taken by a Committee.
- Recodifies Section 77-37-5 into Title 63M, Chapter 7, Part 10, Victim Rights Committees.
- Defines "victim's rights" as any right afforded to a victim under Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I, Section 28.
- Requires the VSC to appoint a chair of each Committee and the chair to appoint the rest of the specified Committee members with the VSC's consent.
- Describes the process by which a Committee shall review a complaint, including what happens if a complaint does not allege a violation of a victim's rights.
- Requires that a copy of the complaint be sent to the person who is the subject of the complaint.
- Requires a criminal justice agency to provide their investigative findings to a Committee if they received and reviewed the same complaint from a victim.
- Specifies what action a Committee may take after reviewing a complaint and requires the Committee to notify the victim of what action the Committee took.
- Requires all criminal justice agencies to establish a policy for addressing a complaint alleging a violation of a victim's rights.
- Prohibits a defendant from alleging a violation of victim's rights.

R356. Governor, Criminal and Juvenile Justice (State Commission on).

R356-8. Crime Victim Complaints.

R356-8-1. Authority.

This rule is authorized by Subsection 63M-7-904(2)(b).

R356-8-2. Purpose.

The purpose of this rule is to establish procedures for:

- (1) a victim or a representative of a victim to submit a complaint;
- (2) a committee to consider a complaint; and
- (3) the Victim Services Commission to review an action taken by a committee.

R356-8-3. Definitions.

Terms used in this rule are defined in Section 63M-7-1001, in addition:

- (1) “chair” means a committee chair;
- (2) “complaint” means a report of a violation of a victim’s rights submitted by a victim or a representative of a victim;
- (3)(a) “person” means an individual, entity, or organization;
- (b) “person” includes a criminal justice agency; and
- (4) “staff” means an individual employed by the commission who is assigned to assist the Victim Services Commission.

R356-8-4. Filing a Complaint.

- (1) A victim or a representative of a victim may file a complaint by completing:
 - (a) the online Victim/Witness Complaint form; or
 - (b) a written complaint form and submitting it to the Victim Services Commission.
- (2) When a complaint is filed, staff shall:
 - (a) log the complaint into the complaint tracking system; and
 - (b) forward the complaint to the chair for the judicial district where the violation of the victim’s rights is alleged to have occurred.
- (3) If the complaint alleges that a member of a committee violated a victim’s rights, staff shall forward the complaint to a different committee to avoid a conflict.

R356-8-5. Review of a Complaint.

- (1)(a) Once a complaint is received the chair shall schedule a meeting of the full committee as soon as practicable.
- (b) The committee shall conduct an initial review of the complaint as provided in Subsection 63M-7-1003(1)(a).
- (2) If the committee finds the complaint does not allege a violation of a victim’s rights, the chair shall send a letter with the committee’s finding to the victim or the representative of the victim as provided in Subsection 63M-7-1003(2).

Commented [1]: HB 308 Enrolled Lines 355-356 states that the committee has 30 days to respond to the complainant if the alleged violation is not a victim rights issue from the date of receiving the complaint.

- (3)(a) If the committee finds that the complaint does allege a violation of a victim's rights, the chair shall forward a copy of the complaint to the person who is the subject of the complaint.
- (b) If the complaint alleges that a criminal justice agency, or an employee of a criminal justice agency, violated a victim's rights, the chair shall request that the criminal justice agency provide the committee with a copy of any investigative findings the criminal justice agency may have related to the complaint.
- (c) The committee may request additional information from the victim, the victim's representative, the person who is the subject of the complaint, or any other individual or entity who may have information related to the complaint.
- (4) The committee shall review any documentation received and may make findings as provided in Subsection 63M-7-1003(6).
- (5) The chair shall send a copy of the committee's findings to:
- (a) the victim or the representative of a victim as provided in Subsection 63M-7-1003(7);
- (b) the person who is the subject of the complaint; and
- (c) staff for the Victim Services Commission.
- (6) The Victim Services Commission may review a committee's findings as provided in Subsection 63M-7-904(2)(c).

R356-8-6. Assistance of Staff.

In addition to the duties described in R356-8-4(2), staff may provide administrative assistance to a chair or a subcommittee by:

- (1) scheduling committee meetings;
- (2) ensuring a committee complies with the requirements of Title 52, Chapter 4, the Open and Public Meetings Act; and
- (3) contacting a victim, a representative of a victim, a criminal justice agency, a persons who is the subject of a complaint, or any other individual or entity.