

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, August 8, 2014
Time	Noon – 2 p.m.
Location	Utah State Capitol, Senate Caucus Room
Members Present	Patrick Anderson, Paul Boyden, Darin Carver, David Brickey, Rollin Cook, Sen. Gene Davis, Judge Janice Frost, Jesse Gallegos, Ron Gordon, Rep. Richard Greenwood, Rachelle Hill, Judge Scott Johansen, Judge Thomas Low, Richard Mauro, Chris Roach, Rep. Jennifer Seelig, Senator Dan Thatcher, Pam Vickrey, Scott Carver for Sheriff James Winder, Christina Zidow
Members Excused	Craig Barlow, Chief Craig Black, Al Emery, Judge Gregory Orme, Judge Vernice Trease, Carlene Walker
Staff & Visitors	Staff: Jo Lynn Kruse, Dr. Ben Peterson, Jennifer Valencia Visitors: Susan Allred, Kyle Barney (GOMB), Anna Brower (ACLU), Dorie Farah (JJS), Mike Haddon (DOC)
Agenda Item	Welcome - Approval of Minutes
Notes	Paul Boyden called the meeting to order in Carlene Walker's absence and welcomed everyone. Patrick Anderson made the motion to approve the June minutes. Richard Mauro seconded the motion which passed unanimously .
Agenda Item	Update on Subcommittees
Notes	<p>Jennifer Valencia noted upcoming CCJJ scheduled meetings for the Sentencing Subcommittee (August 14, 25 and September 30), the Release Subcommittee (August 13, 26 and October 1) and the Supervision and Programming Subcommittee (August 26 and October 1).</p> <p>CCJJ in coordination with PEW have completed the data collection phase and are beginning the policy development phase of the Justice Reinvestment Initiatives. The subcommittees will be meeting in August and and September and will make final recommendations to CCJJ in early October.</p> <p>There are five active Sentencing Commission Subcommittees currently: Adult Sentencing and Release Guidelines Subcommittee, Juvenile Sentencing Guidelines Subcommittee, AP&P Matrix Subcommittee, Anomalies Subcommittee and the Justice Courts Subcommittee.</p> <p>Jennifer distributed copies of the 2014 Adult Sentencing & Release Guidelines to the Commission which were published July 1, 2014. Any groups needing copies and/or training please email Jennifer at jvalencia@utah.gov.</p> <p>The Adult Sentencing and Release Guidelines Subcommittee last met on July 28. Mike Haddon and Julie Christenson discussed preliminary research on 4th generation Risk & Need Assessment Tools. Further meetings are delayed until October in order to coordinate with CCJJ and PEW.</p> <p>Jennifer noted the specific changes to the guidelines. The Introduction includes corrected statutory references and lists the specific statutory charge of the Sentencing Commission (as opposed to just referencing the statute). A second paragraph was added under <i>Action Research Approach</i>, to better define the term 'Evidence-Based Practices' in the criminal justice context. Additionally, a statement was included to specify that Presentence Investigations require a Validated Risk & Criminogenic Needs Assessment in all Class A cases and above <i>prior</i> to sentencing. Judges should not sentence and AP&P should not make recommendations without a Risk and Needs Assessment in all Class A cases and above.</p> <p>Carlene Walker previously suggested the observation of a sentencing calendar for the Guidelines Subcommittee and extended an invitation to anyone interested. Judge Trease has indicated that any Friday in August or September with the exception of September 12 is available. Carlene also mentioned a tour of the Draper Prison, Board of Pardons hearing, and/or halfway houses may be beneficial and can be arranged if there is interest.</p> <p>The Juvenile Sentencing Guidelines Subcommittee last met on June 2. A working group was formed to address three issues:</p> <ul style="list-style-type: none"> • Revisions to the prefatory language (Jennifer) • Matrix to better include aggravating and mitigating factors (Susan Burke and Chris Roach) • Sex Offenders (Krista Airam & Dawn Marie-Rubio) <p>The next meeting is scheduled for August 18 at 10:00 a.m. Sim Gill and Susan Burke will present on youth prison commitment proposed statutory amendments. The group will continue to meet as it is not anticipated to be impacted by the PEW/CCJJ subgroups.</p>

	<p>The AP&P Matrix Subcommittee working group has met every 3 to 4 weeks February through July. The subcommittee met on July 28 to discuss a proposed draft. The next meetings will be August 26 and October 1. The August 14 meeting has been cancelled.</p> <p>The Anomalies Subcommittee last met on June 17. Rep. Paul Ray discussed his proposal regarding legislation to utilize the firing squad in response to recent difficulties with various drug combinations used in other states for lethal injection. The subcommittee began discussions regarding drug enhancements and drug crimes in general, as the current response is somewhat inconsistent with an evidence-based approach. The next meetings are scheduled for August 25 and September 30.</p> <p>The Justice Courts Subcommittee last met on July 7. Ryan Robinson presented and discussed the issue of discrepancy between federal law and state recording of DV convictions, including three possible resolutions. Further discussion will follow once a legislative proposal is drafted. Ongoing discussions include assessment tools, DV crimes, and certification of treatment providers.</p>
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Agenda Item	Update on June and July PEW Presentations (tape 37:23)
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Notes	<p>A copy of <i>Washington State Institute for Public Policy Benefit-Cost Results</i> is included in today's handouts for discussion regarding the type of information we should be looking for in evaluating various programs and/or proposals. The analysis examines the monetary value of programs or policies to determine whether the benefits from the program exceed its costs. The WSIPP research approach to identify evidence-based programs and policies has three steps: First to determine what works and what does not work, second to calculate whether the benefits of a program exceed its costs, and third to estimate the risk of investing in a program by testing the sensitivity of their results. More information can be obtained by contacting institute@wsipp.wa.gov.</p> <p>Jennifer discussed takeaways from the PEW Presentations:</p> <ul style="list-style-type: none"> • Prison population • Drivers (causes) • Type of offenders returning • AP&P (high and low risk offenders) • Treatment • Reentry • Responses to violations • Budgetary concerns <p>Discussion followed with the following input.</p> <ul style="list-style-type: none"> • Changing the underlying culture will be the greatest challenge • Supporting private providers with training, tools and assistance they need (collaborative relationships) • Change the wording on RFP's, administrative rules and certification of treatment providers • Need to establish better working relationship between law enforcement and treatment providers • Leadership of executive appropriations should be made aware of budget needs • Lack of budgetary support for evidence based practices • How to establish community treatment options without incarceration <p>The preferred date for Judge Trease's sentencing court is August 29, from 9:00 a.m. to noon. All are encouraged to attend, especially members of the Guidelines Subcommittee</p>
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Next Meeting	The next meeting will be on October 1, 2014, Utah State Capitol Bldg, Senate Caucus Room
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Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ