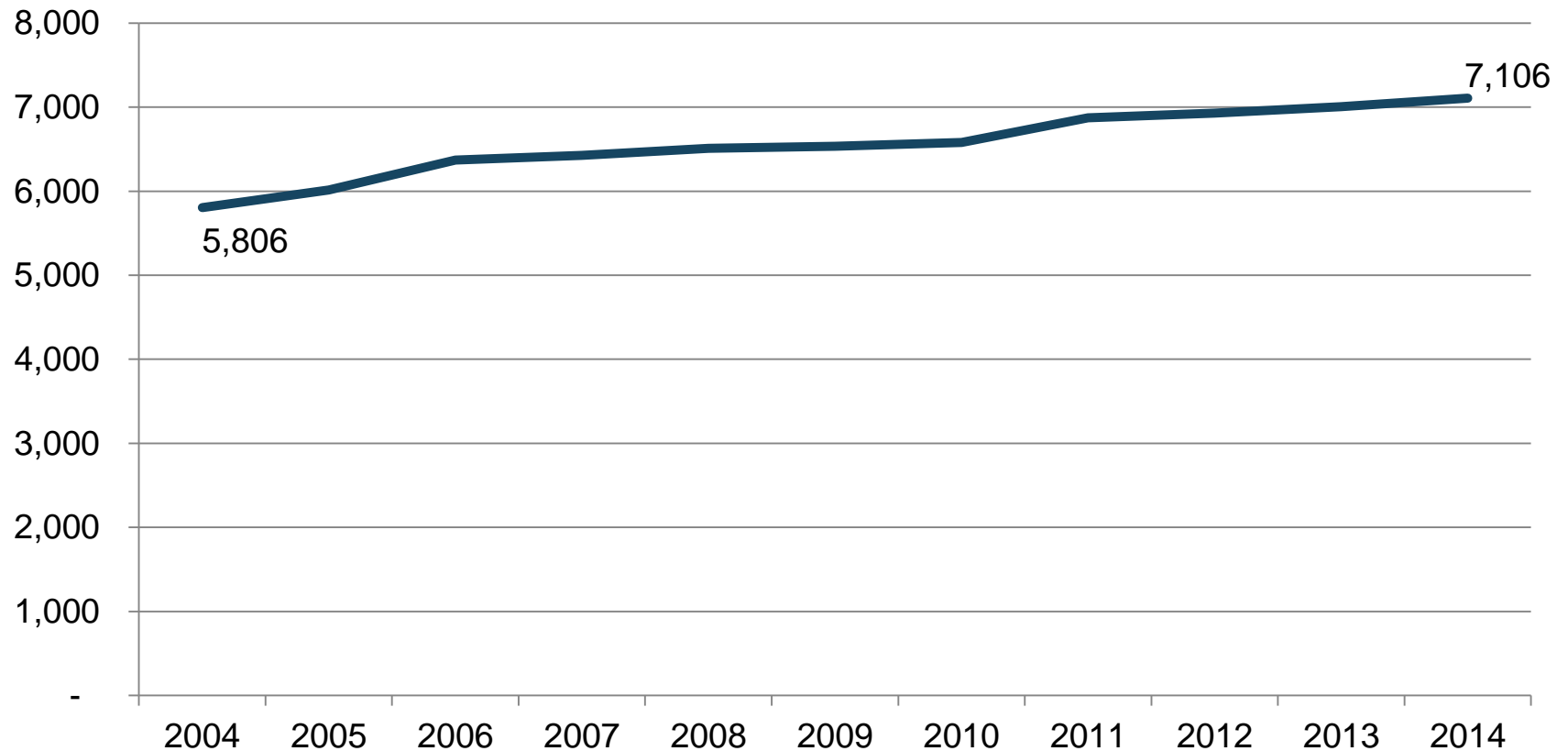# Utah Data Analysis Part 1: Prison Drivers

Commission on Criminal and Juvenile Justice
Salt Lake City, Utah
May 15, 2014

Utah Prison Population Grew 22% in Last Decade

Prisoners on Jan 1, by Year

Outline

➢ Prison growth drivers presentation

  » Admissions: how many people come into prison

  » Time served: how long they stay in prison

  » Stock population: impact of trends

Data

➢ Utah Department of Corrections
  » Prison admissions, 2004-2013
  » Prison releases, 2004-2013
  » Snapshot of offenders in prison, Jan. 1, 2004 – Jan. 1, 2014
➢ Utah Administrative Office of the Courts
  » Felony charges, 2004-2013
  » Felony convictions, 2004-2013
➢ National Data
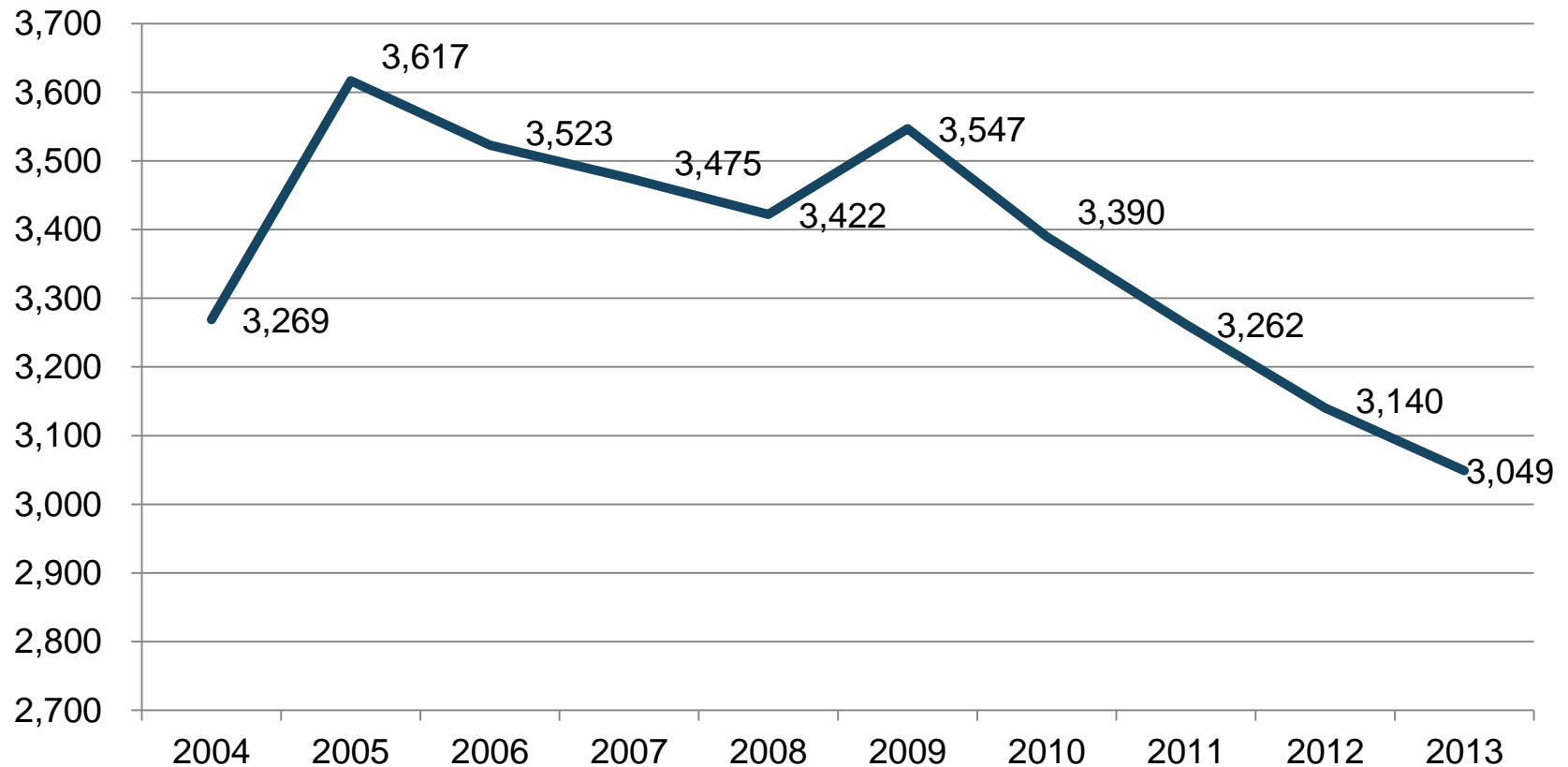 » Federal Bureau of Investigation, Uniform Crime Reports
  » Census Bureau

PRISON ADMISSIONS

Who is Entering Prison?

➢ Admissions over time
  » Resident population growth
  » Crime
  » Felony charges and convictions
  » Admission type
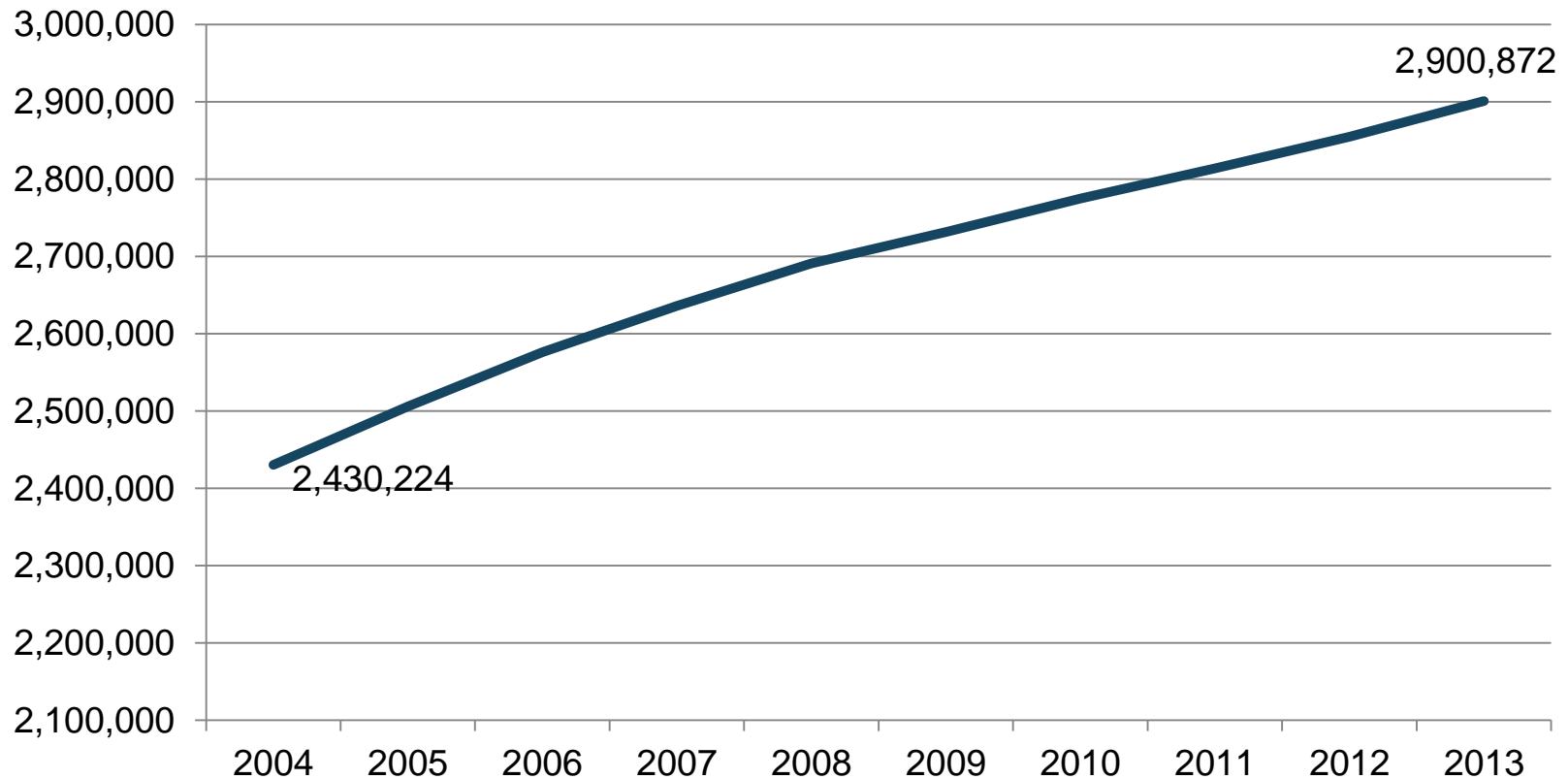➢ New court commitments
➢ Revocations

Admissions in Decline, Falling Eight Out of Ten Years in Prior Decade
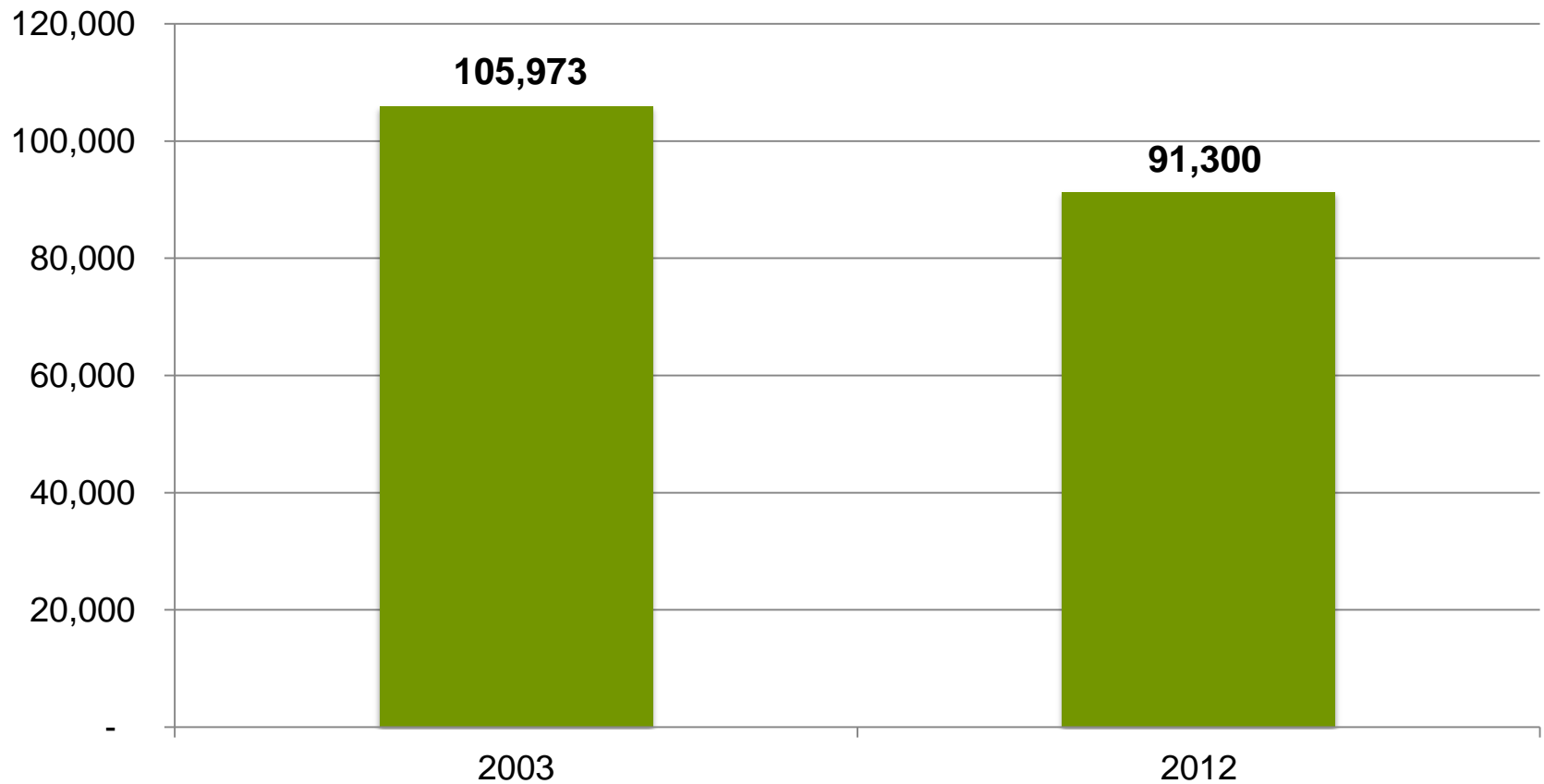
Prison Admissions (2004-2013)

Utah State Population Grew 19% Over Last Decade

Utah Population, 2004-2013

Source: 2004-2011 Data From UPEC, 2012 and 2013 Estimates from the US Census Bureau

14% Fewer Crimes Reported in Utah Than a Decade Ago

Number of Reported Index Crimes in Utah
(2003 and 2012)

Source: FBI Uniform Crime Reports

8

Felony Charges Up 16%, Convictions Up 29% Despite Falling Crime

Felony Charges and Convictions (2004-2013)

Source: Utah Administrative Office of the Courts
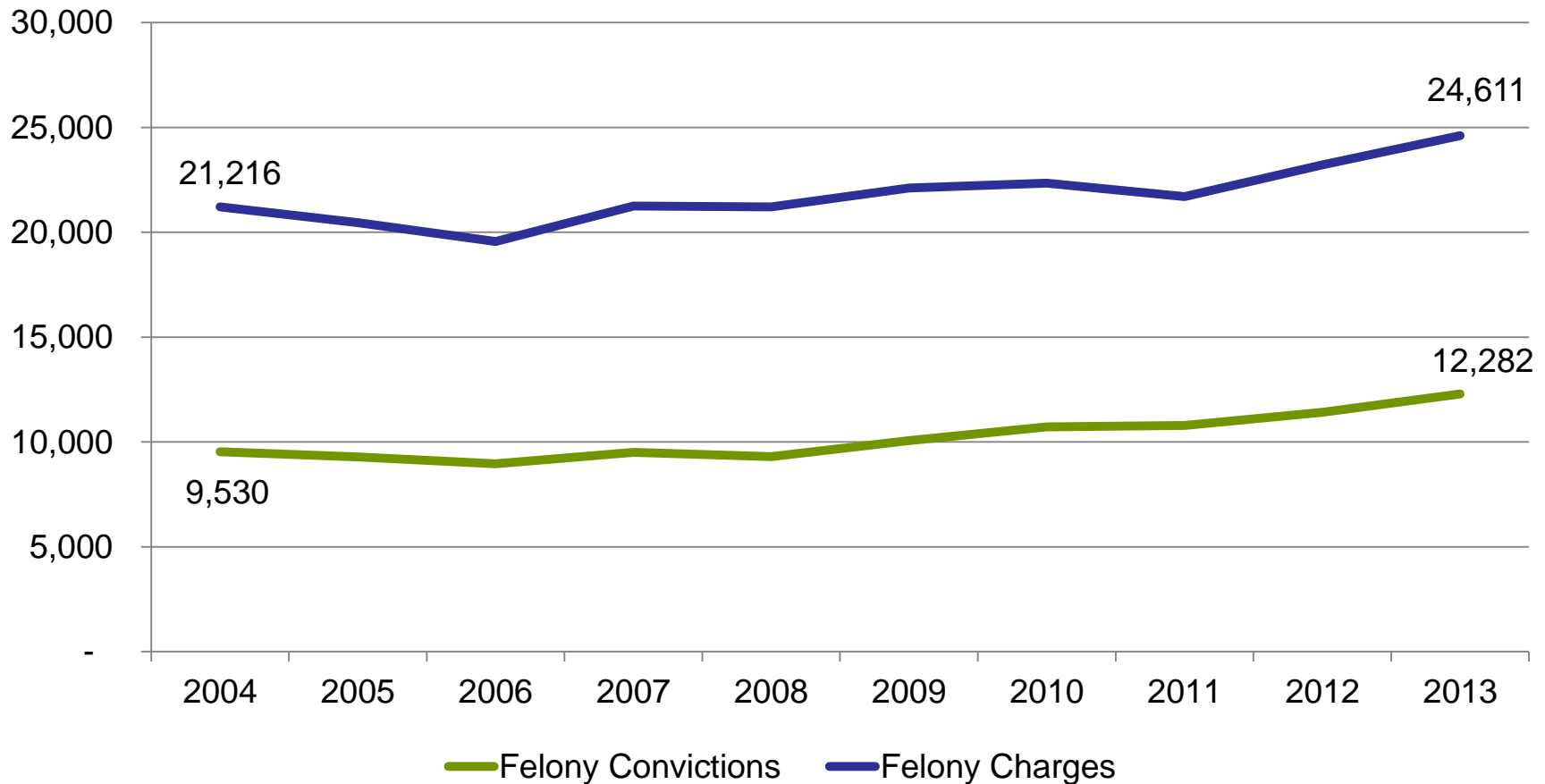
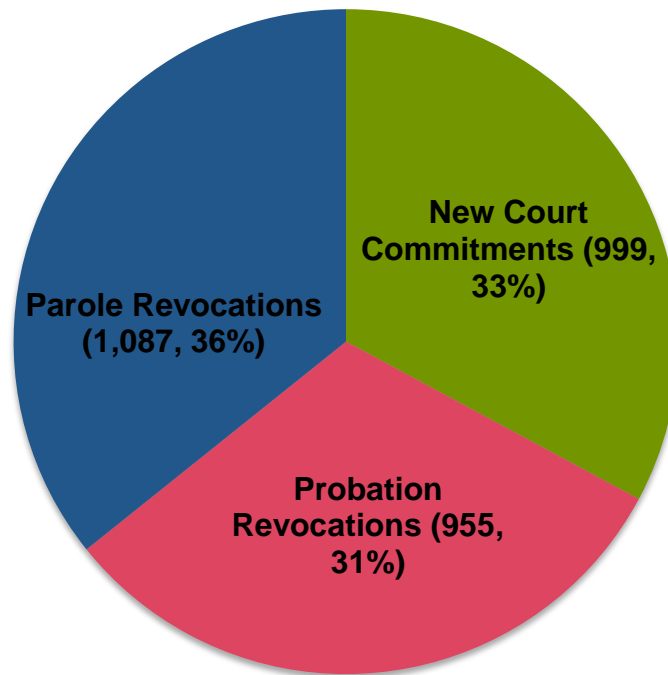# Admissions Decline Driven by Decrease in Parole Revocations; Probation Revocations Up

Admissions to Prison, by Admit Type, by Year (2004-2013)

New Court Commitments — Parole Revocations — Probation Revocations
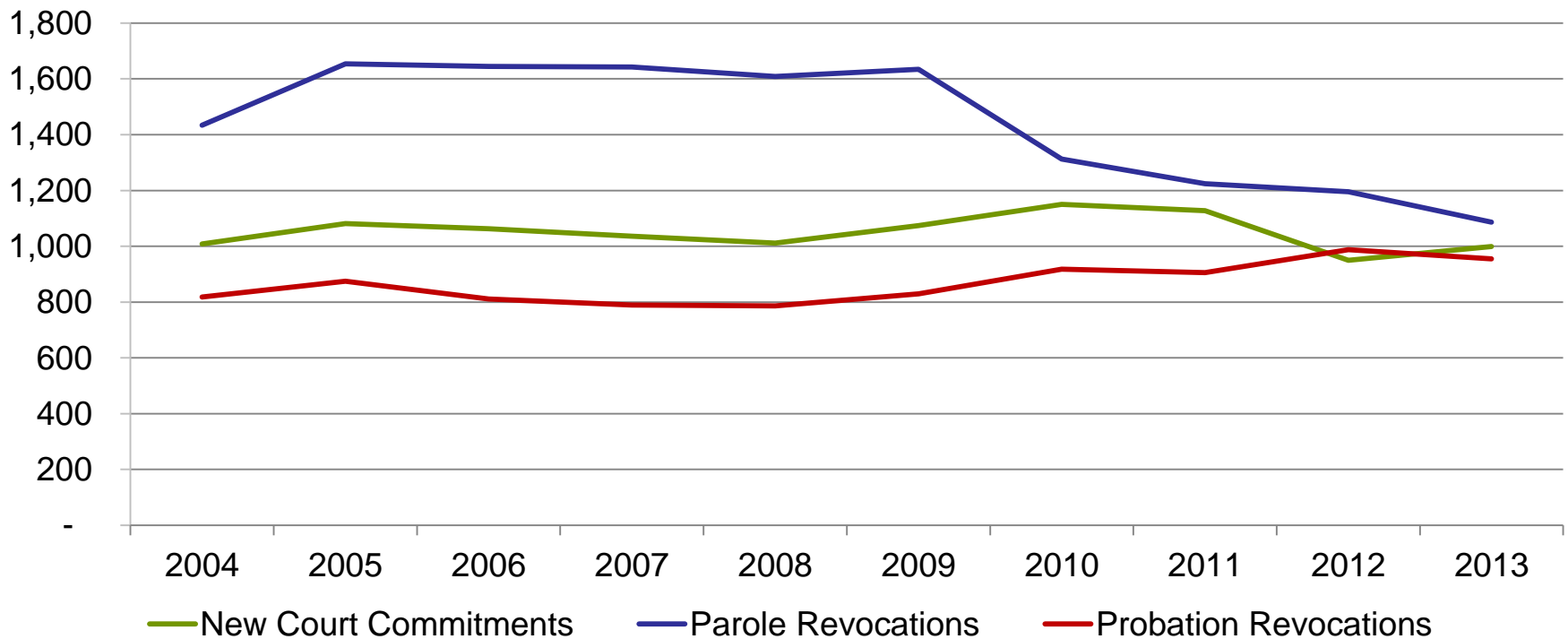
Parole and Probation Revocations Make Up Two-Thirds of Admissions
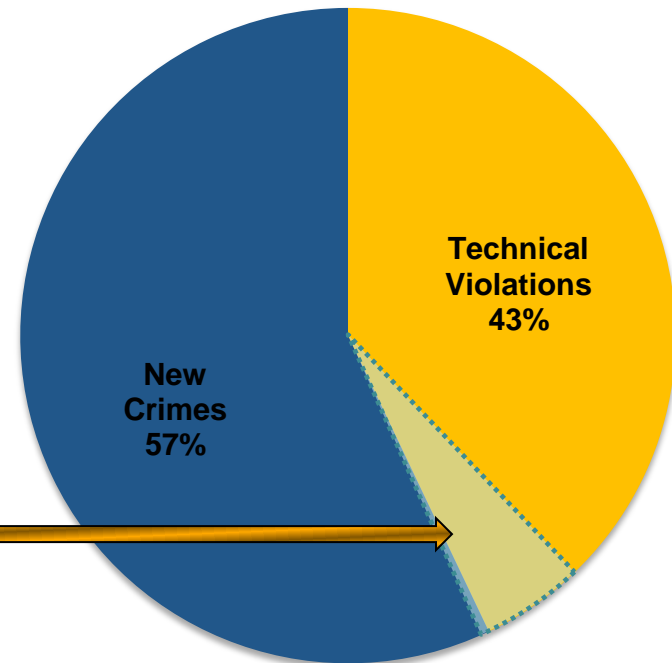
Prison Admissions by Type (2013)

43% of Offenders Admitted to Prison with No New Criminal Conviction, Up From 38% in 2004

Prison Admissions, 2004

Prison Admissions, 2012

Technical Violations 38%

New Crimes 62%

Technical Violations 43%

New Crimes 57%
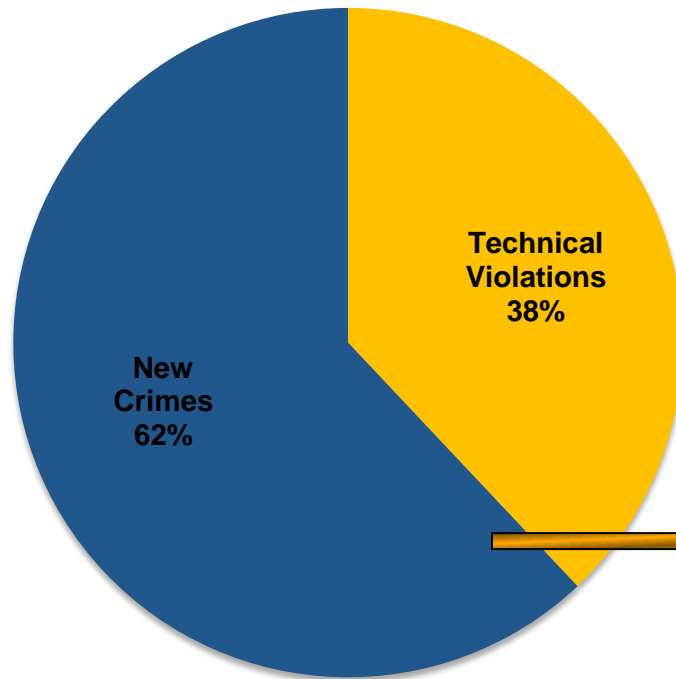
Key Takeaways

➢ Admissions to prison are in decline

➢ Prison growth is not driven by state population growth or crime rates

➢ The decline in admissions is driven by a decline in parole violators revoked to prison, however:

» Probation revocations grew 24% over last decade

» Technical violations make up a greater share of Utah's prison admissions than a decade ago

Who is Entering Prison?

- ➤ Admissions over time
- ➤ New court commitments
  - » Offense type
  - » Specific offenses
  - » Criminal history
  - » Sentencing and Release Guidelines
  - » Dispositions
  - » Crime degree and category
- ➤ Revocations

63% of New Court Commitments Admitted to Prison for Nonviolent Crimes
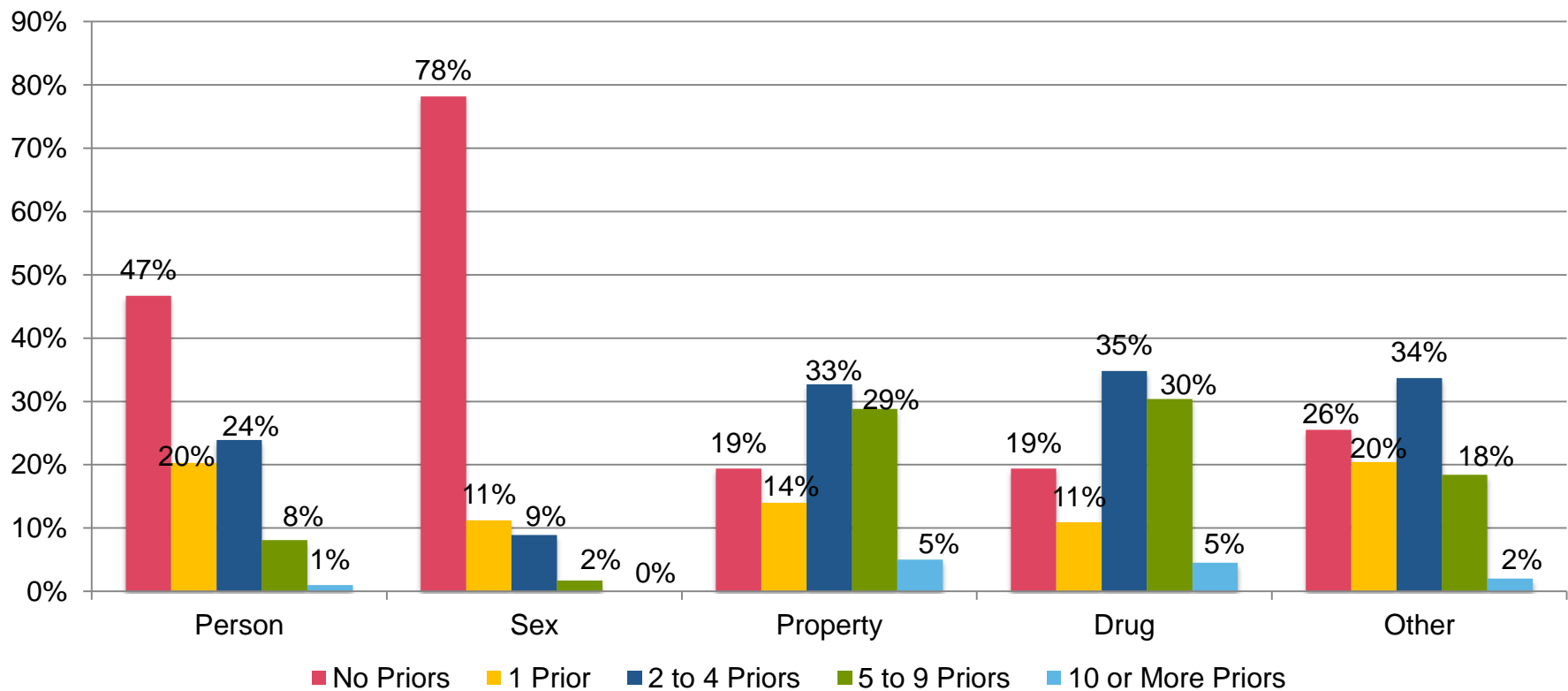
Prison Admissions by Offense Type
(NCC Only, 2013)
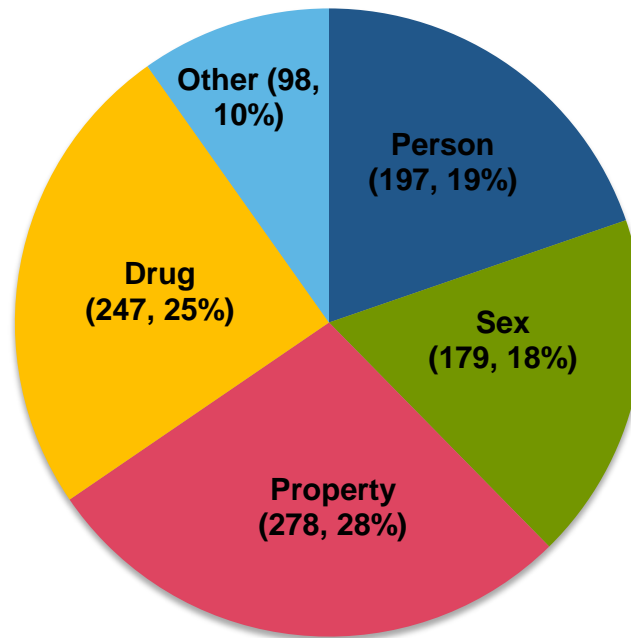
8 of Top 10 Offenses at Admission Nonviolent

Offense	NCC in 2004	NCC in 2013	% Change
Poss/Use Of Controlled Substance	**151**	**120**	**-21%**
Theft	**62**	**71**	**15%**
Poss W/ Intent To Dist Cont Substance	**60**	**70**	**17%**
Retail Theft (Shoplifting)	**12**	**51**	**325%**
Driving Under The Influence Of Alc/Drugs	**52**	**47**	**-10%**
Aggravated Sexual Abuse Of A Child	41	44	7%
Aggravated Assault	47	43	-9%
Burglary	**38**	**43**	**13%**
Distrib/Arrange Dist Cont Substance	**36**	**41**	**14%**
Theft By Receiving Stolen Property	**27**	**39**	**44%**

20% of Property and Drug New Court Commitments Admitted to Prison Have No Prior Felony Convictions

Prior Felony Convictions by Offense Type (NCC Only, 2013)

Legend: ■ No Priors ■ 1 Prior ■ 2 to 4 Priors ■ 5 to 9 Priors ■ 10 or More Priors

Person: No Priors 47%, 1 Prior 20%, 2 to 4 Priors 24%, 5 to 9 Priors 8%, 10 or More Priors 1%
Sex: No Priors 78%, 1 Prior 11%, 2 to 4 Priors 9%, 5 to 9 Priors 2%, 10 or More Priors 0%
Property: No Priors 19%, 1 Prior 14%, 2 to 4 Priors 33%, 5 to 9 Priors 29%, 10 or More Priors 5%
Drug: No Priors 19%, 1 Prior 11%, 2 to 4 Priors 35%, 5 to 9 Priors 30%, 10 or More Priors 5%
Other: No Priors 26%, 1 Prior 20%, 2 to 4 Priors 34%, 5 to 9 Priors 18%, 10 or More Priors 2%

Utah Sentencing and Release Guidelines

➢ 12 crime categories
  » By crime degree and type

➢ 5 criminal history levels
  » Takes into account prior convictions as well as prior supervision success/failure, and current weapon use

➢ Each matrix cell provides a recommendation for disposition (prison vs. probation) as well as time to serve in prison

➢ Sentences by degree:
  » 1st degree felony: 5 to 100 years
  » 2nd degree felony: 1 to 15 years
  » 3rd degree felony: 0 to 5 years

➢ Consecutive and concurrent enhancements

Utah Sentencing and Release Guidelines

CRIME CATEGORY

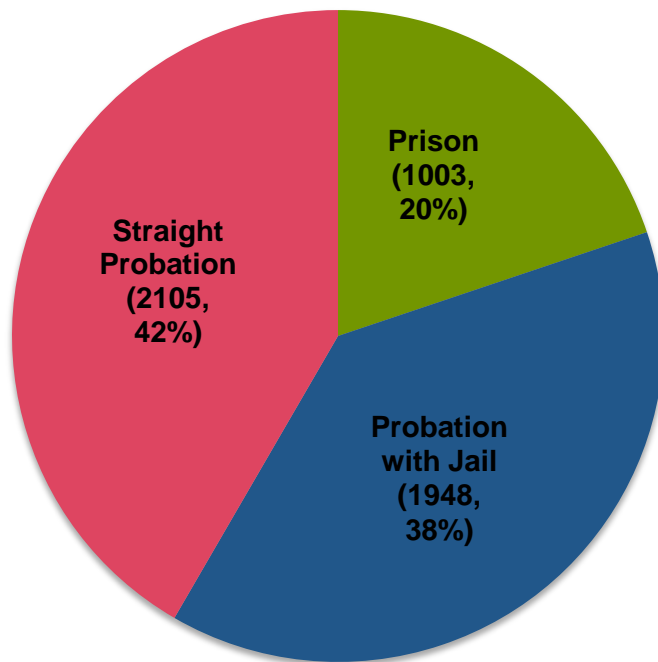| CRIMINAL HISTORY	A 1st Degree Murder	B 1st Degree Death	C 2nd Degree Death	D 1st Degree Person	E 3rd Degree Death	F 1st Degree Other	G 2nd Degree Person	H 3rd Degree Person	I 2nd Degree Other	J 2nd Degree Possession	K 3rd Degree Other	L 3rd Degree Possession
V	24 YRS	10 YRS	*	10 YRS	48 MOS	84 MOS	60 MOS	36 MOS	30 MOS	20 MOS	20 MOS	18 MOS
IV	22 YRS	9 YRS	*	9 YRS	42 MOS	78 MOS	48 MOS	30 MOS	24 MOS	18 MOS	18 MOS	16 MOS
III	20 YRS	8 YRS	*	8 YRS	36 MOS	72 MOS	36 MOS	24 MOS	20 MOS	16 MOS	12 MOS	12 MOS
II	20 YRS	7 YRS	*	7 YRS	24 MOS	66 MOS	30 MOS	20 MOS	18 MOS	14 MOS	10 MOS	10 MOS
I	20 YRS	6 YRS	*	6 YRS	20 MOS	60 MOS	24 MOS	18 MOS	16 MOS	12 MOS	9 MOS	8 MOS

Mandatory Imprisonment

IMPRISONMENT

INTERMEDIATE SANCTION

REGULAR PROBATION

MISDEMEANORS

Prison Disposition Rate Steady at Close to 20%
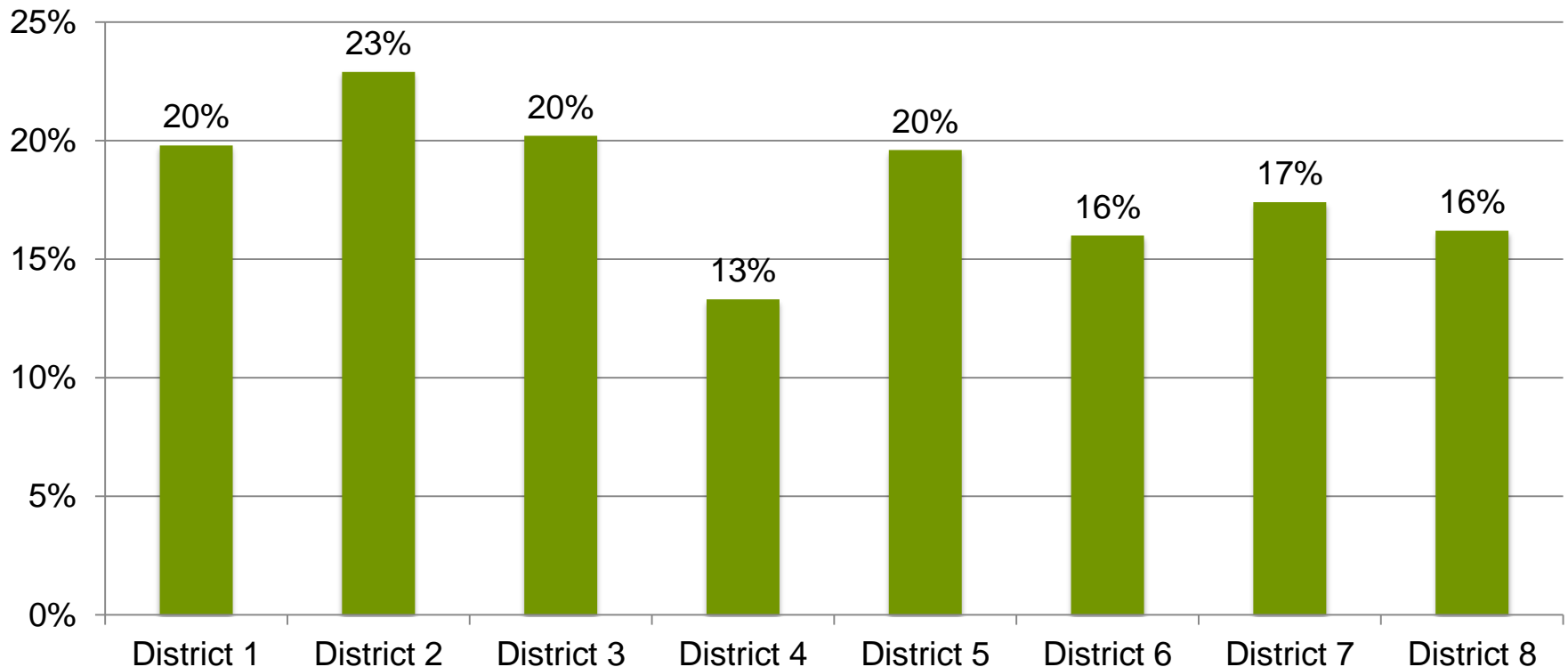
Felony Offenders With New Sentences (2004)

Prison (1003, 20%)

Straight Probation (2105, 42%)

Probation with Jail (1948, 38%)

Felony Offenders With New Sentences (2013)

Prison (1013, 19%)
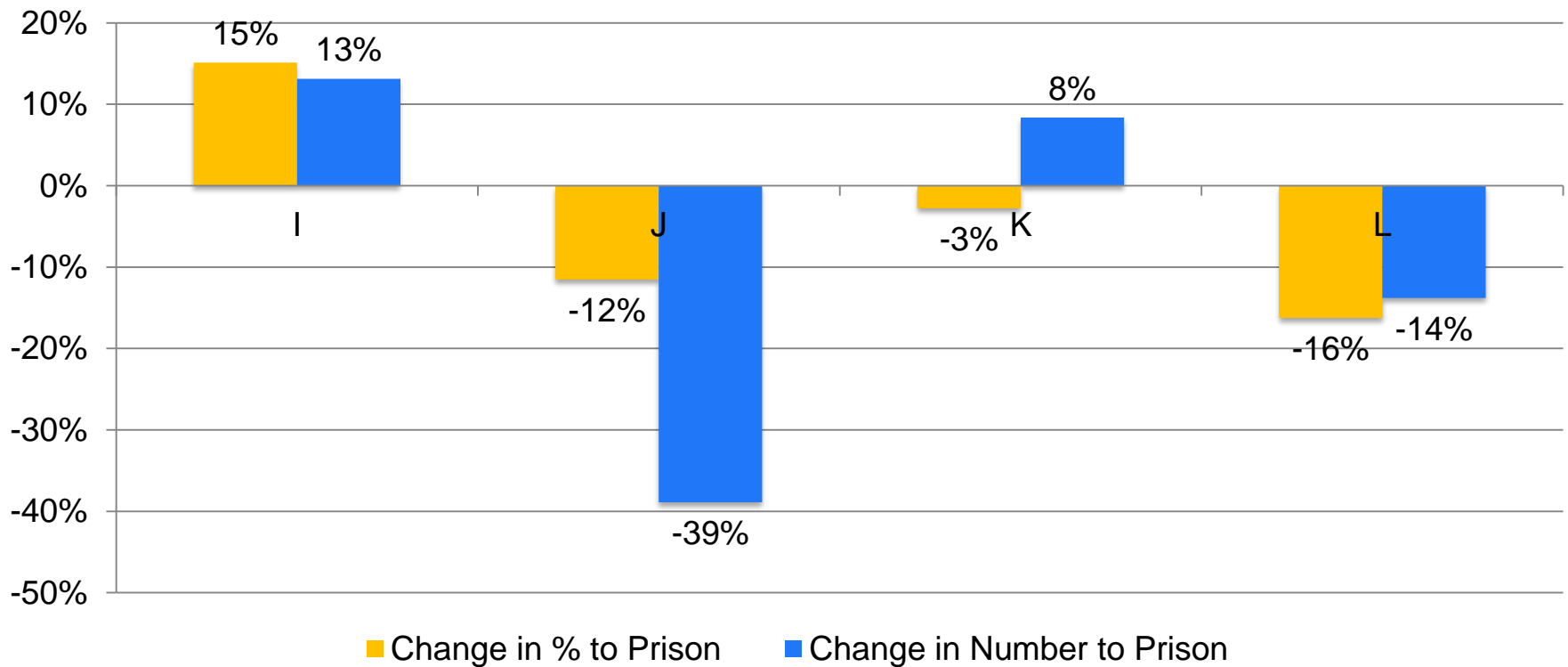
Straight Probation (2304, 44%)

Probation with Jail (1979, 37%)
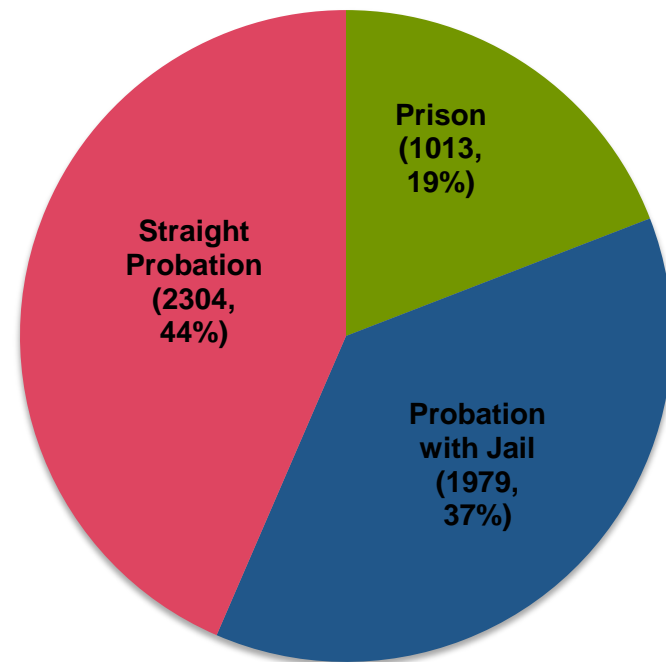
Significant Variation in Disposition Rate by Court District

**Percent of Felony Offenders Sentenced to Prison by Court District (2013)**

*Significant at p=.00005

More I and K Offenders Going to Prison, Reason for Growth Varies

Change in Disposition Rate and Number of Offenders to Prison (2004-2013)

Large Growth in K Felony Offenders Drives Growing Numbers to Prison

Felony Offenders by Crime Category
(2004 and 2013)

12% growth in K (3rd degree nonviolent offenders)
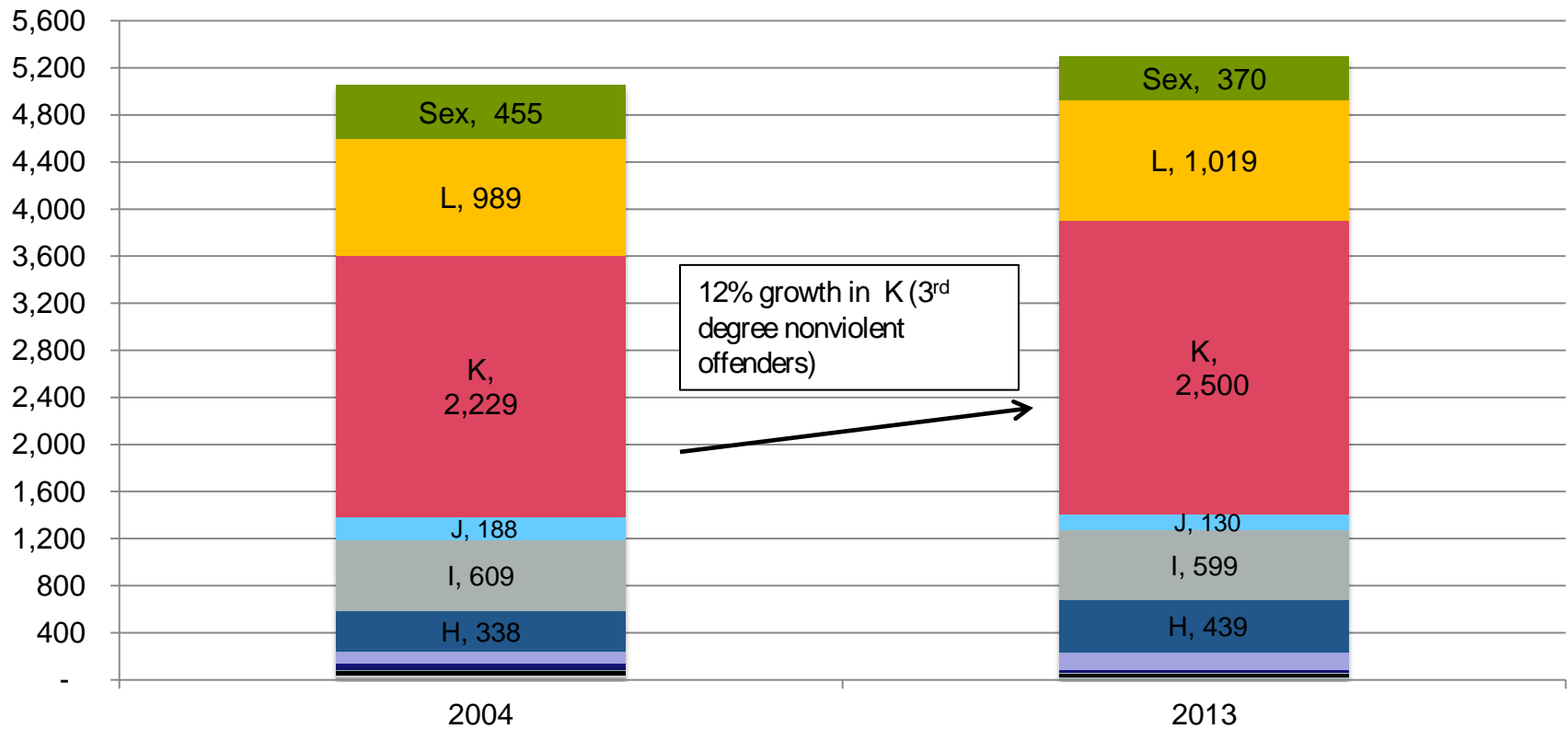
2nd and 3rd Degree Nonviolent Crimes (Categories I, J, K, and L) Make Up 62% of Prison Admissions

Prison Admissions by Crime Category, NCC Only (2013)

3rd Possession (L) 10%

2nd Degree Other (I) 15%

3rd Degree Other (K) 35%

2nd Degree Possession (J) 2%
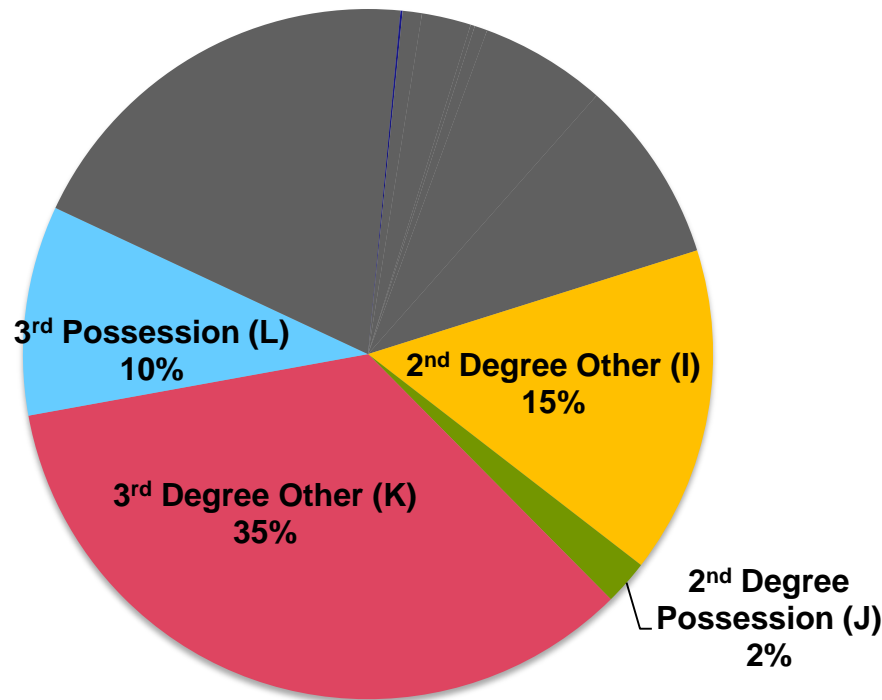
Key Takeaways

➢ 63% of new court commitments to prison are for nonviolent crimes, almost all 2nd and 3rd degree

➢ 8 of the top 10 offenses at admission are nonviolent

» Possession of a controlled substance still the most common crime at prison admission

» Theft admissions high and growing

➢ 30% of property and drug new court commitments admitted to prison have one or no prior felony convictions

Key Takeaways

➢ The rate at which felony offenders are sentenced to prison has stayed steady overall, however:

» Low-level drug possession offenders are less likely to be sentenced to prison than in past

» Nonviolent 2nd degree offenders are more likely to be sentenced to prison than in past

» Nonviolent 3rd degree offenders are less likely to be sentenced to prison but make up a growing number of prison admissions because of larger pool of offenders

Who is Entering Prison?

- ➤ Admissions over time
- ➤ New court commitments
- ➤ Revocations
  - » New crimes versus technical violations
  - » New crimes at revocation

Parole Revocations With New Convictions Dropped 40%, Technical Violations Only 2%
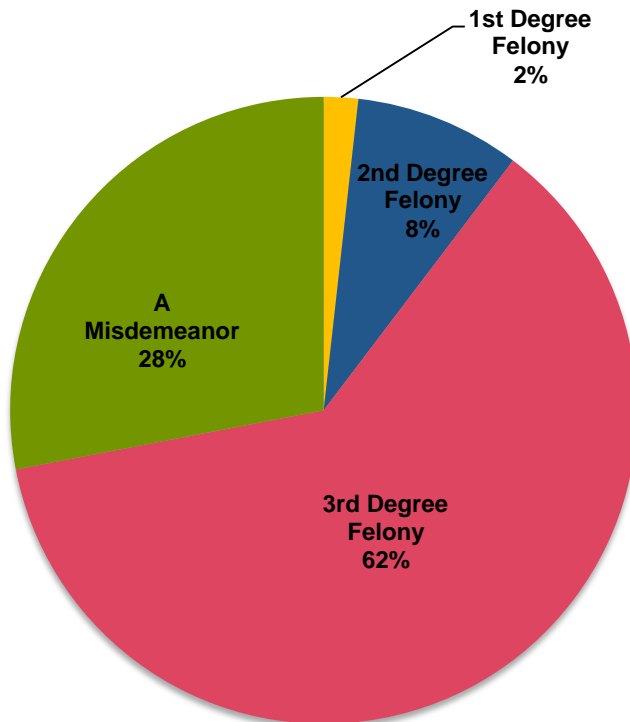
Parole Revocation Admissions (2004 and 2012)
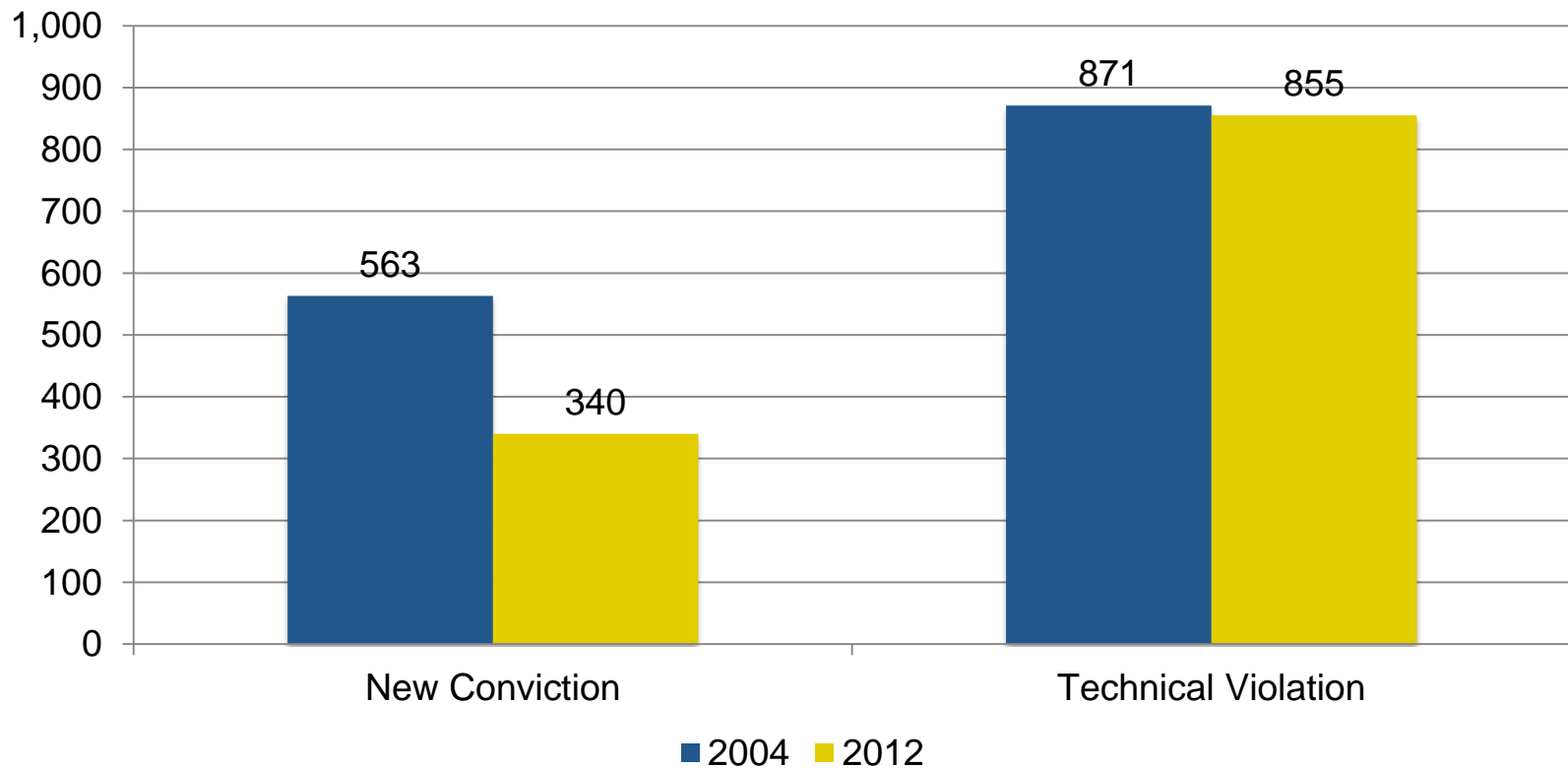
Probation Revocations with New Convictions Rose 10%, Technical Violations Up 34%
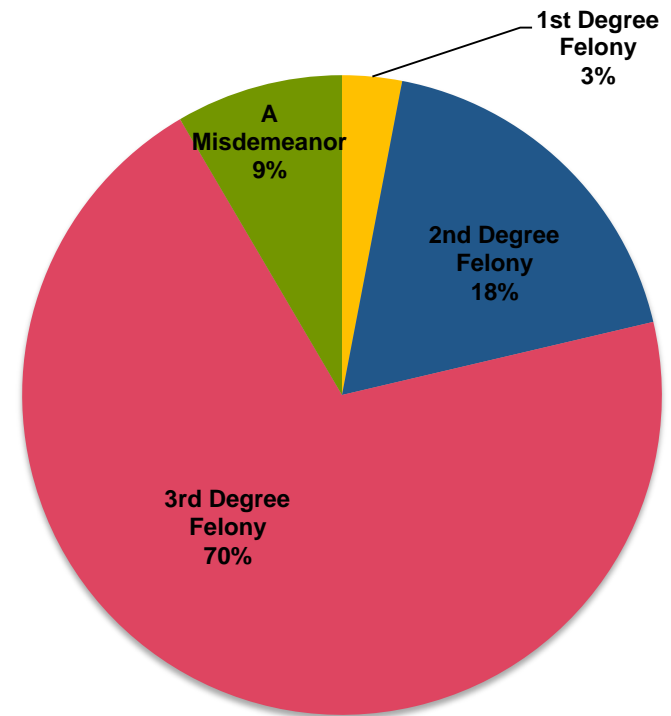

Probation Revocation Admissions (2004 and 2012)
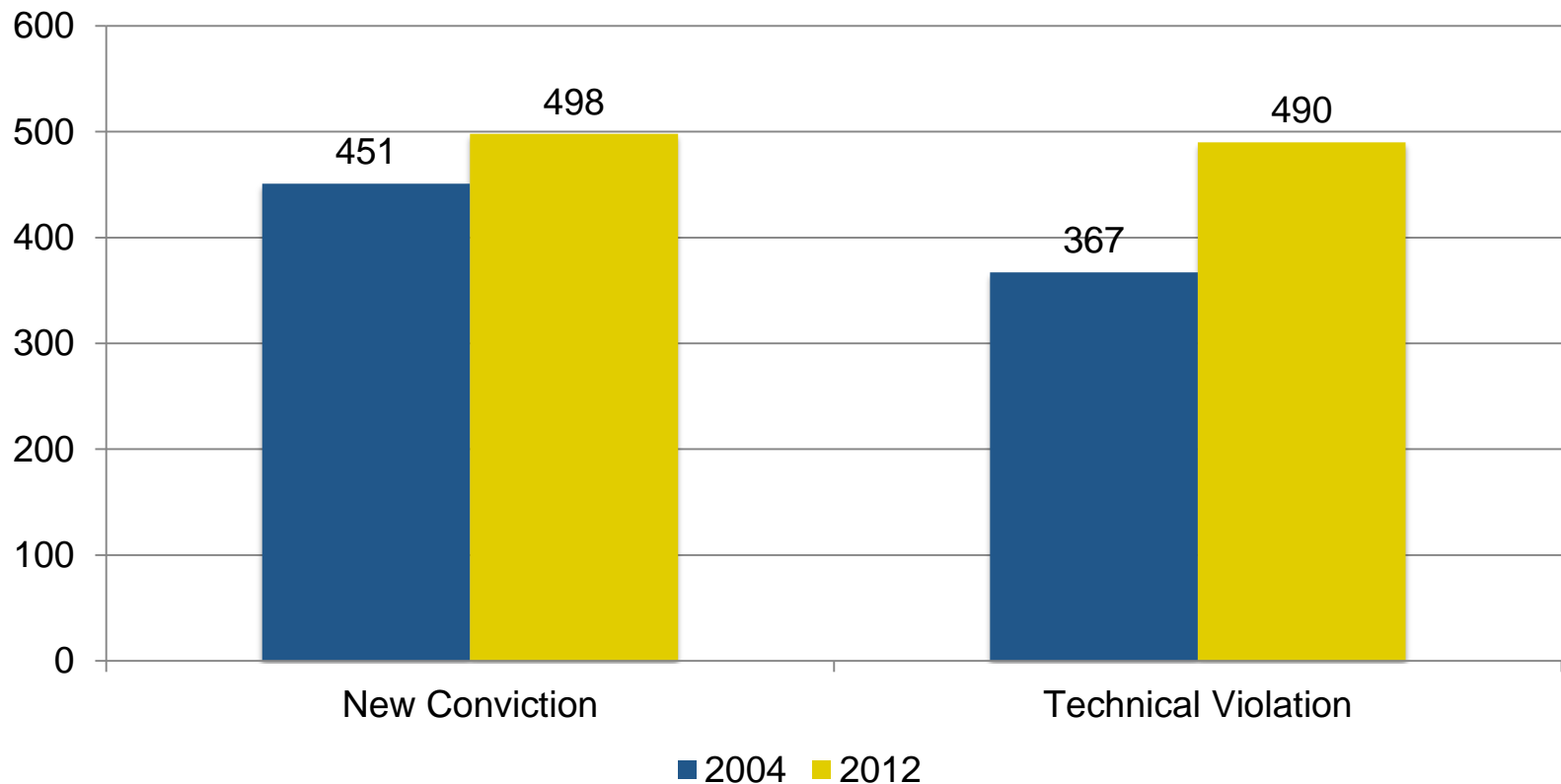
Most Parole and Probation Revocations with a New Crime, Convicted of 3rd Degree Felonies or A Misdemeanors

Crime Degree of Instant Crime for Parole Violators with New Crime (2012)

Crime Degree of Instant Crime for Probation Violators with New Crime (2012)

Key Takeaways

➤ Parole revocations for new crimes dropped 40%, but only 2% for technical violations

➤ Probation revocations for technical violations have risen by 34% over the last decade

➤ 90% of parolees, 79% of probationers revoked to prison for a new crime were convicted of 3rd Degree Felonies or A Misdemeanors

Time for a Break

➢ After the break:

  » Time Served
  » Prison Population

TIME SERVED IN PRISON

Time Served in Prison

- ➢ Changes over time
- ➢ New commitments vs. revocations
- ➢ New court commitments
  - » Offense type
  - » Crime category
  - » Percent of sentence served in prison
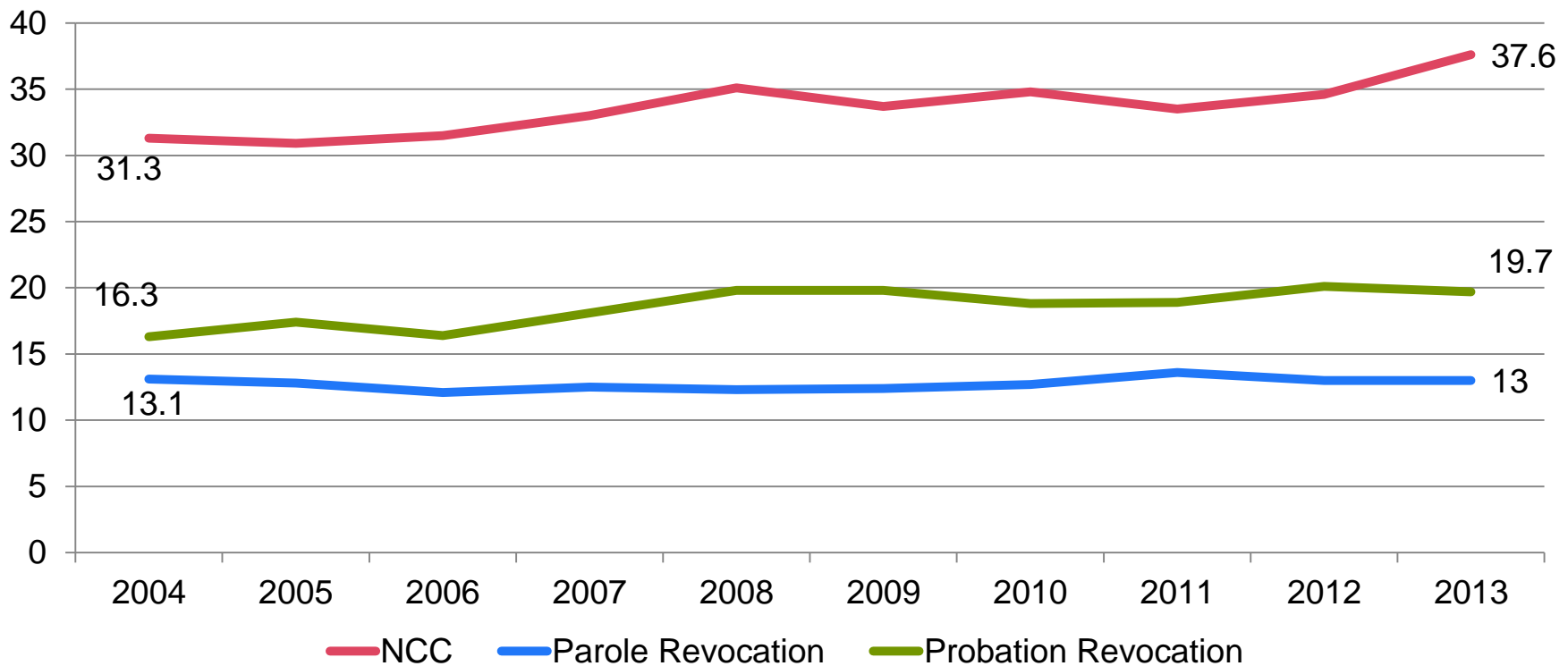- ➢ Revocations
  - » New crime versus technical

Time Served in Prison Up 20% Over Last Decade
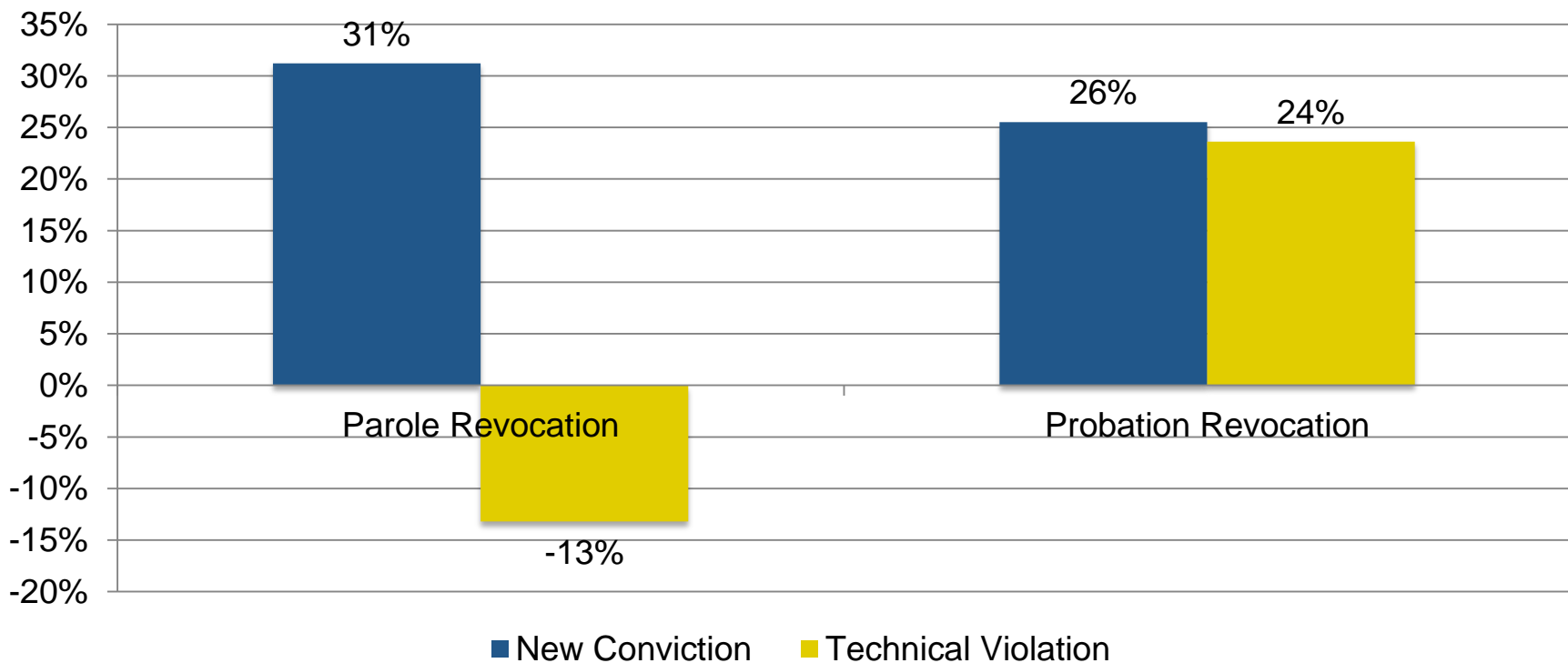
**Mean and Median Time Served by Release Year
(Months)**
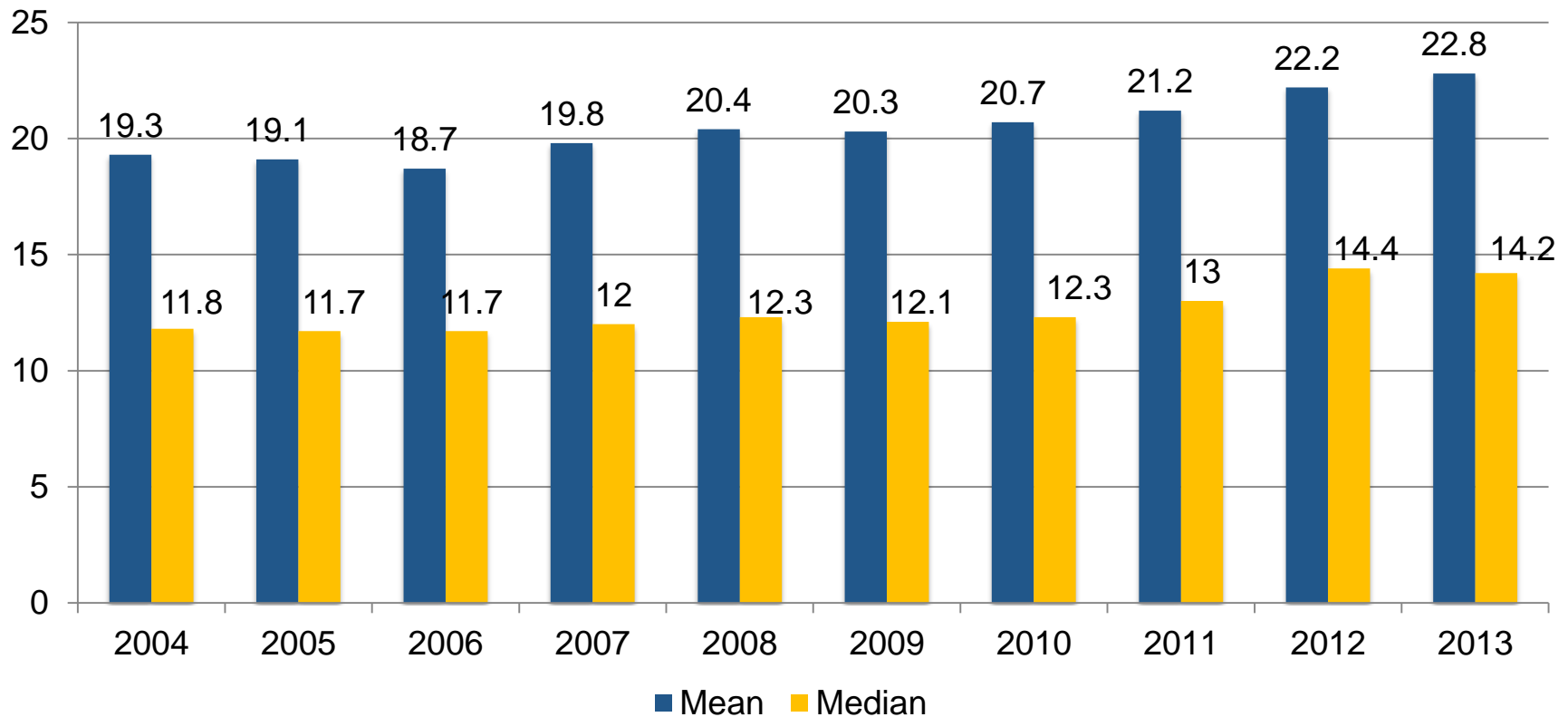
20% Growth in Time Served for New Court Commitments and Probation Revocations

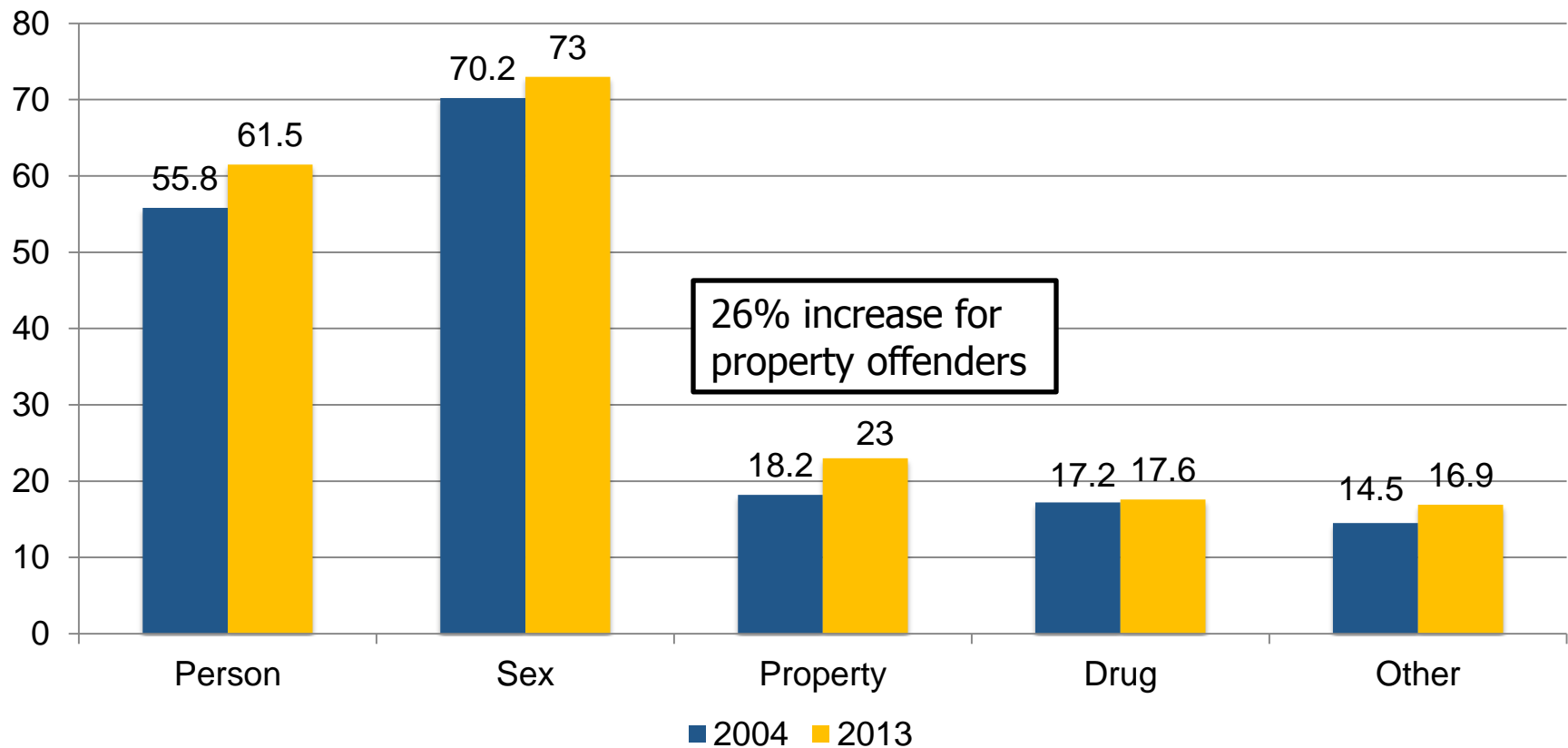**Mean Time Served by Admit Type
(Months)**

Probation and Parole Revocations With New Convictions Serving Longer

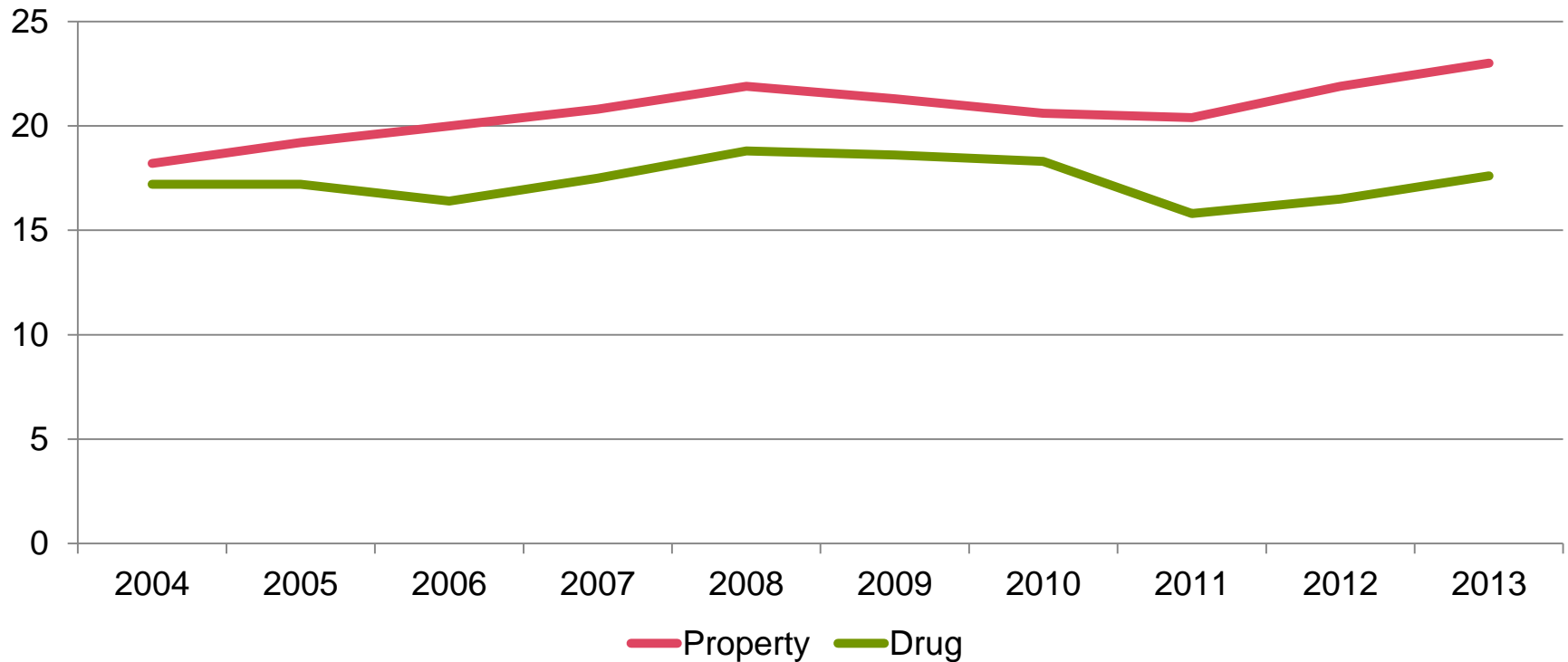**Change in Mean Time Served for Probation and Parole Revocations (2004-2013)**

Time Served Up for All Offense Types

Mean Time Served by Offense Type, NCC Only, 2004 and 2013 (Months)

26% increase for property offenders
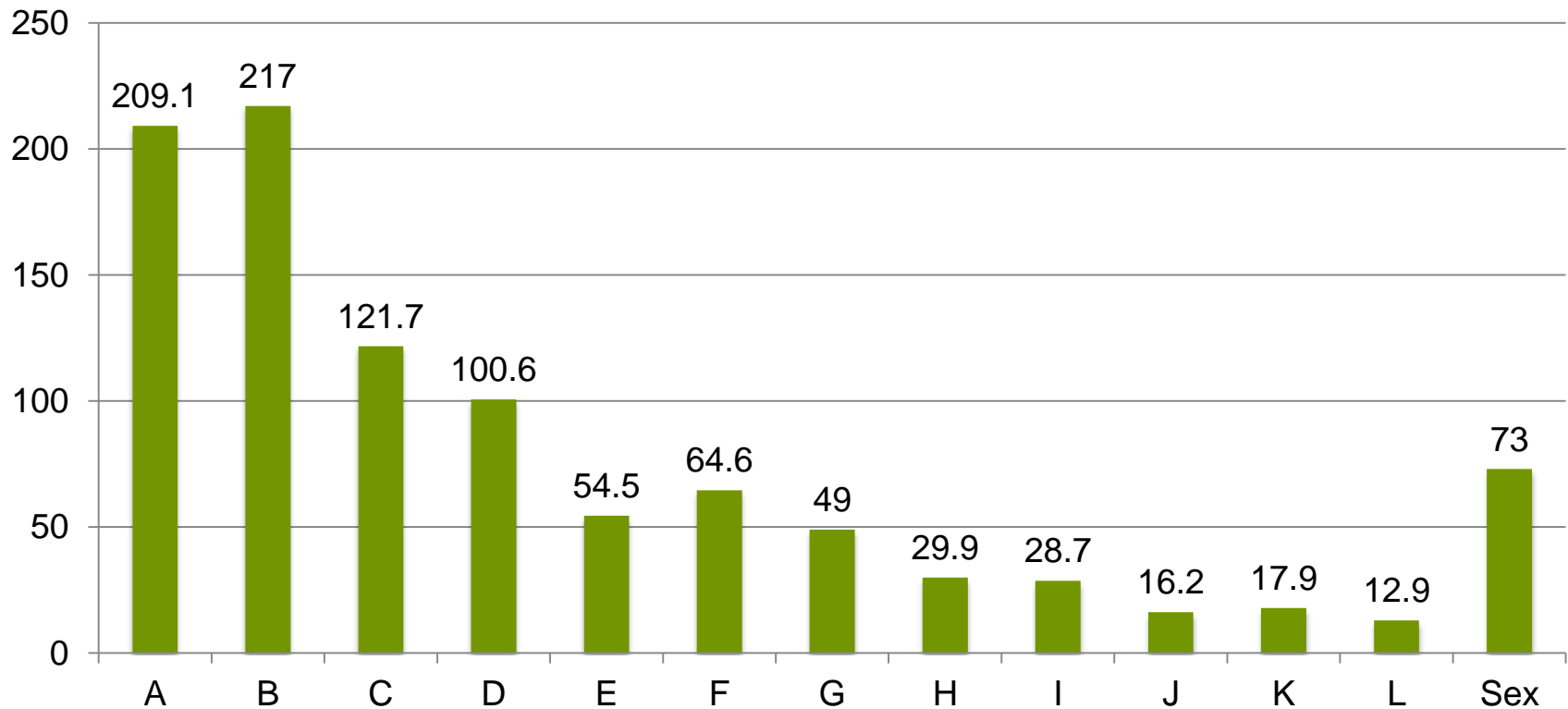
■ 2004   ■ 2013

Time Served for Property Offenders Shows Trend Over Decade, Drug Offenders on Recent Upswing

**Time Served for Drug and Property Offenders
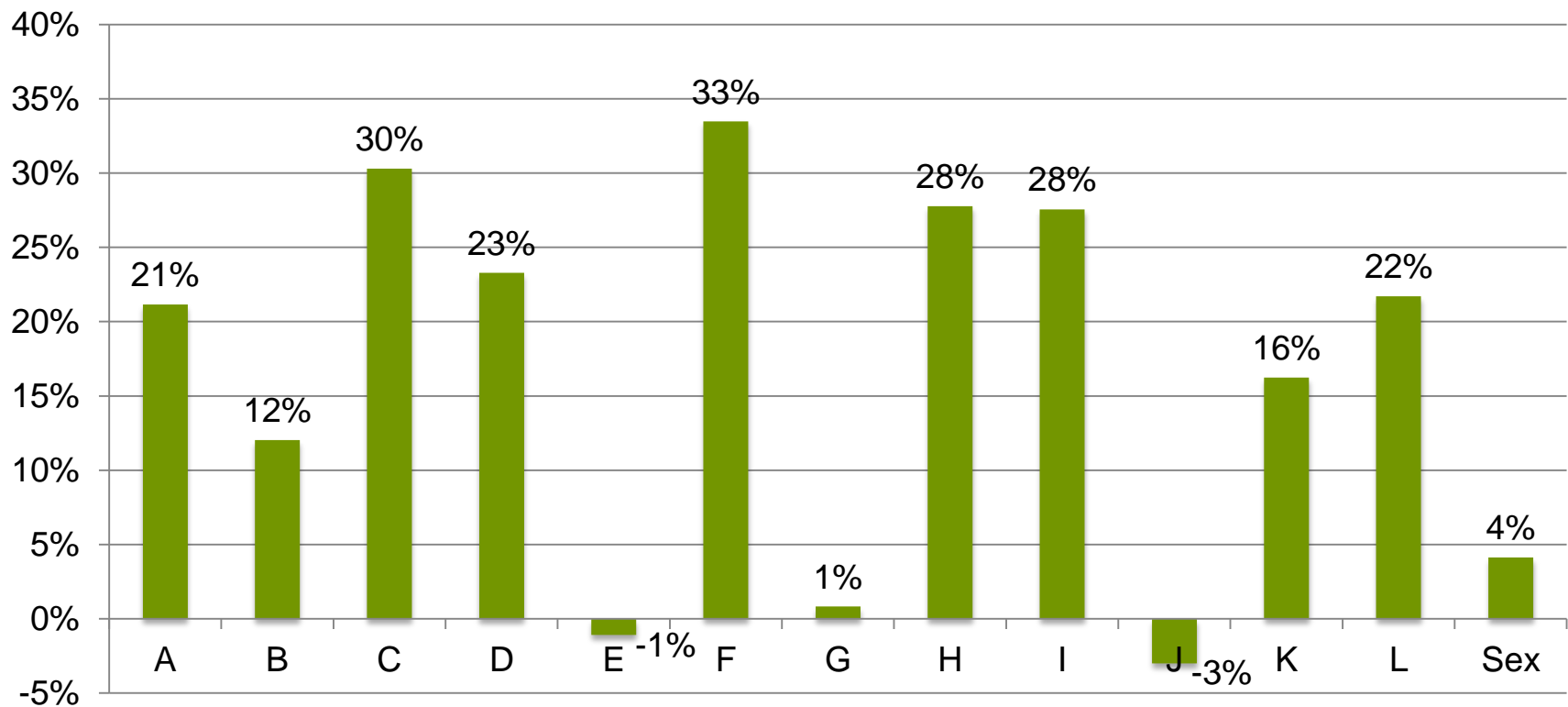(NCC Only, 2004-2013)**

Time Served Higher for More Serious Crime Categories

Mean Time Served by Crime Category
(NCC Only, 2013, Months)

Time Served Grew in Most Crime Categories

**Change in Mean Time Served by Crime Category
(NCC Only, 2004-2013)**

Time Served Growing for Most Nonviolent Offenders

**Change in Mean Time Served by Criminal Category
(Offenders with a New Criminal Conviction, 2004-5 to 2012-13)**

|		I	J	K	L
		2nd Degree Other	2nd Degree Possession	3rd Degree Other	3rd Degree Possession
Criminal History	V	22%	8%	2%	7%
	IV	46%	16%	27%	-3%
	III	42%	43%	17%	1%
	II	26%	21%	28%	32%
	I	34%	-24%	2%	12%

Offenders Serve Longer Portion of Their Sentence Behind Bars

**Percent of Maximum Sentence Served
(NCC Only, 2004 and 2013)**
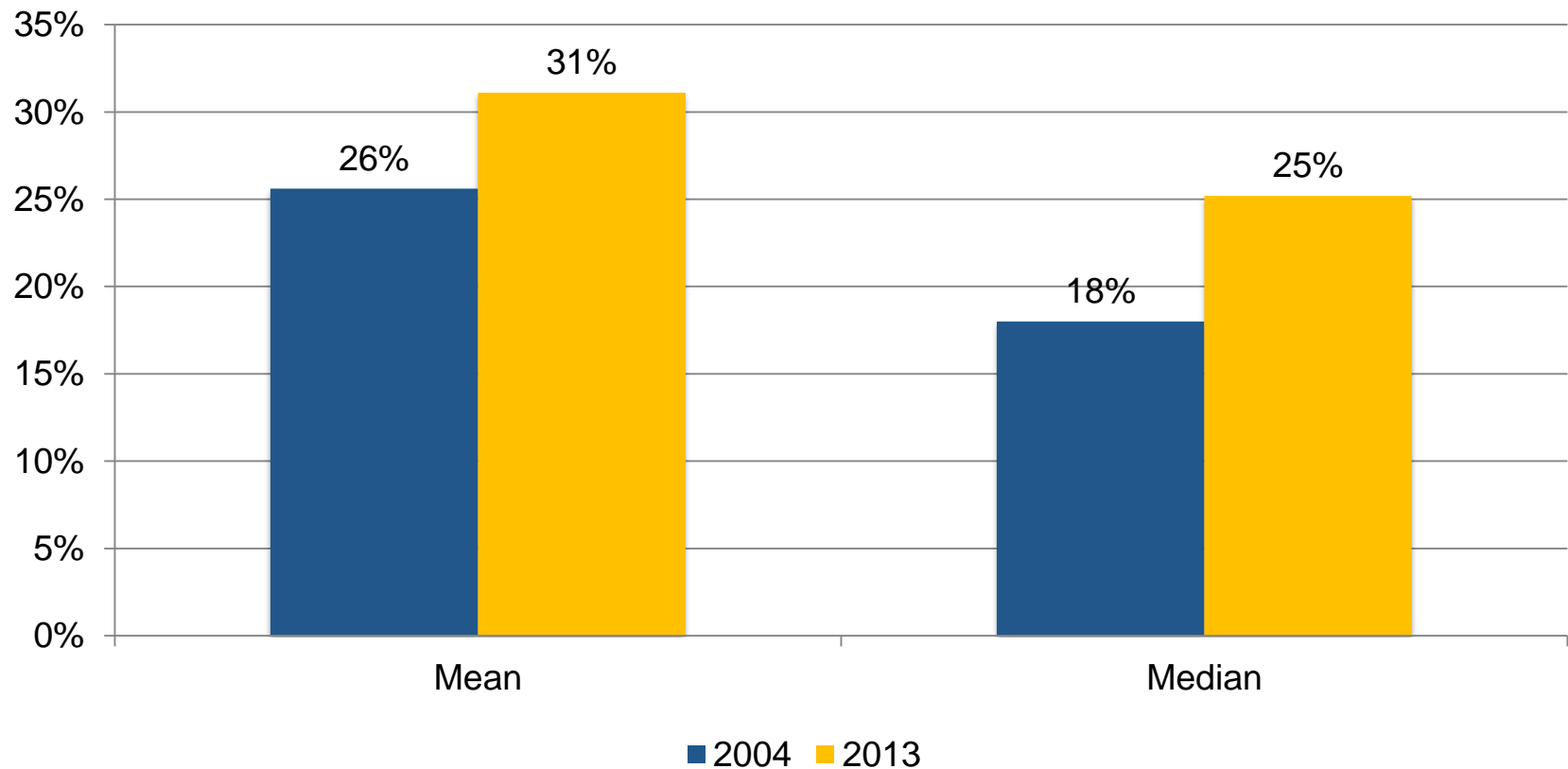
Probation Technical Violators Serve Nearly Twice as Long as Parole Technical Violators

Mean Time Served, Parole and Probation Revocations, 2013 (Months)
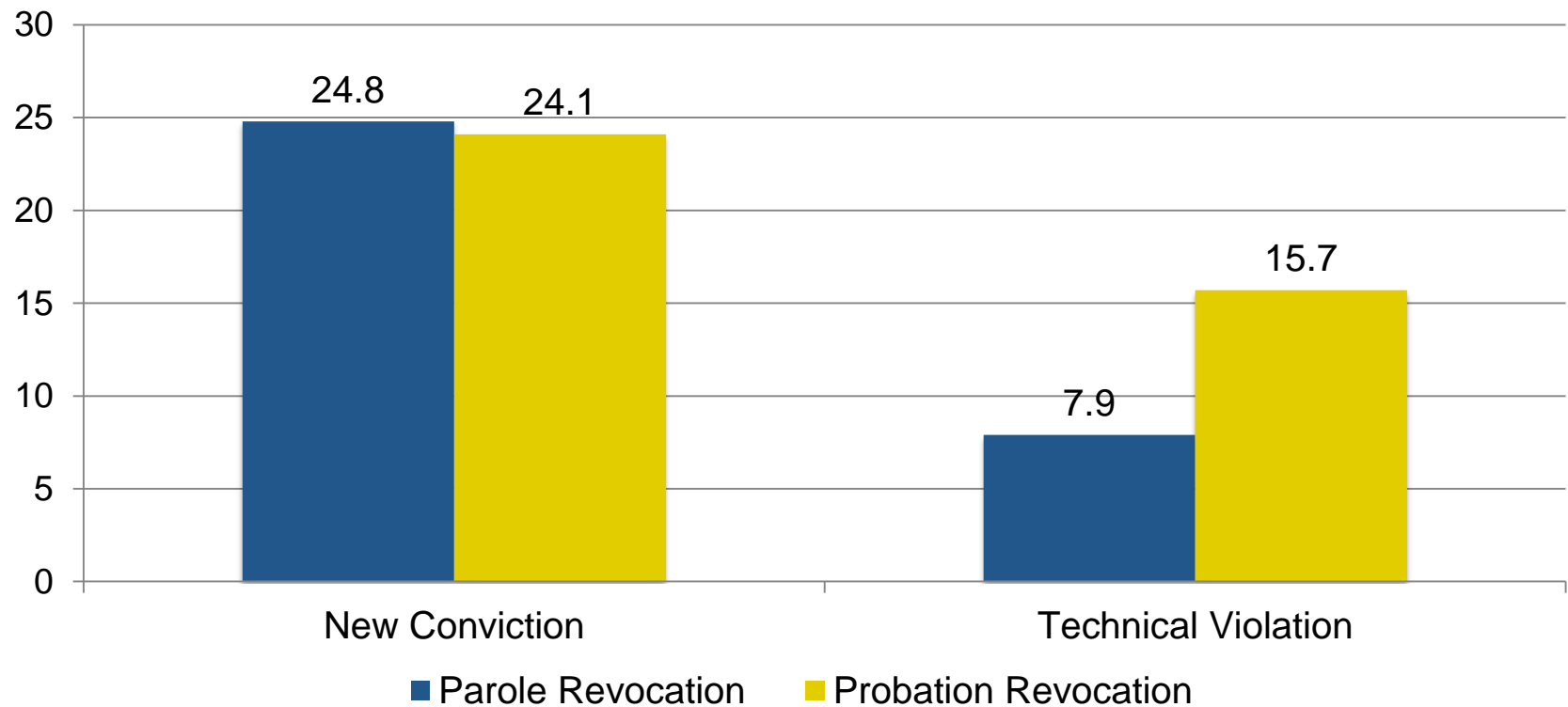
Key Takeaways

- ➢ Time served is up 20% overall, including
  - » 26% for new property offenders
  - » 26% for probation violators with new convictions
  - » 24% for probation technical violators
  - » 31% for parole violators with new convictions
- ➢ Offenders are serving a longer portion of sentences behind bars
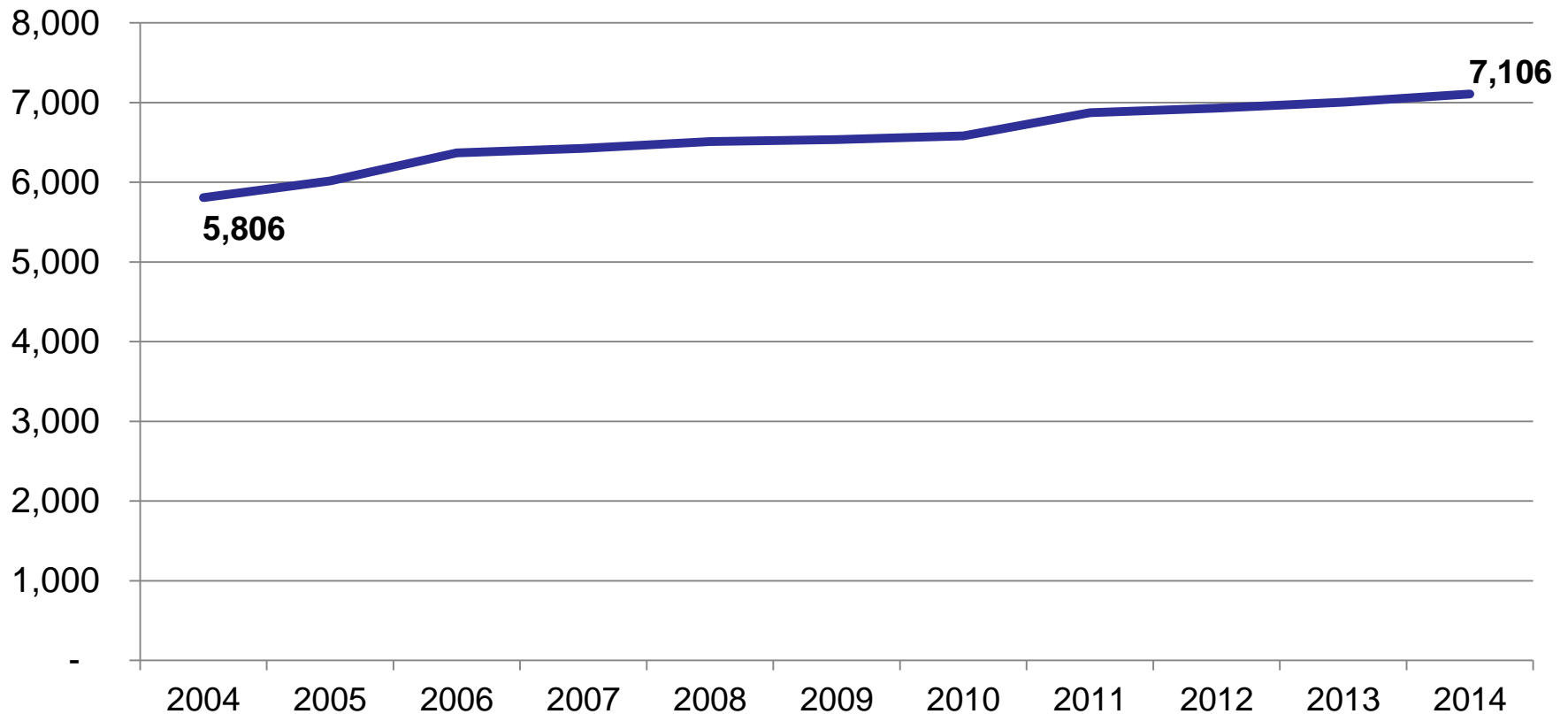- ➢ Probation technical violators serve nearly twice as long as parole technical violators

PRISON POPULATION

Prison Population Snapshot

➤ Demographics

➤ Offense types and offenses

➤ New court commitments

» Offense type

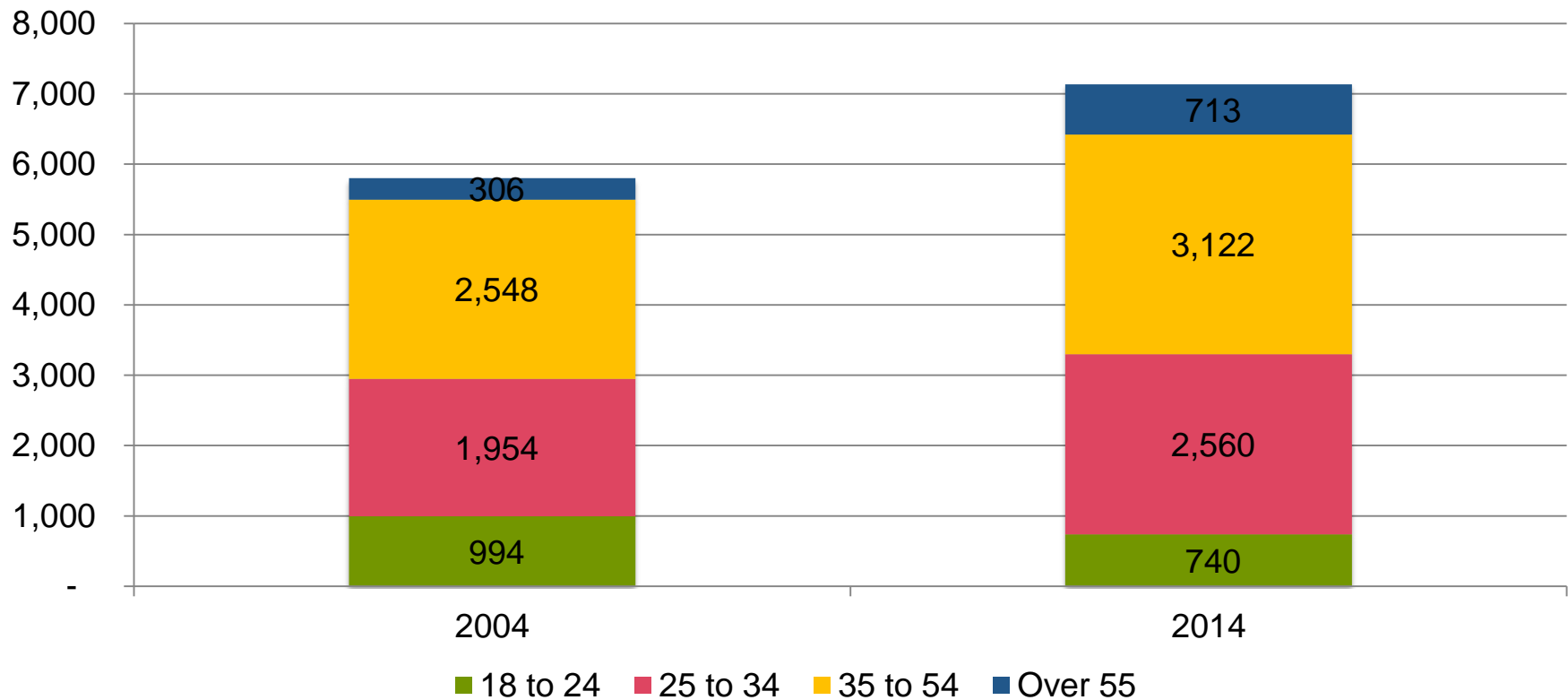» Crime category

➤ Admission type

» New crime versus technical

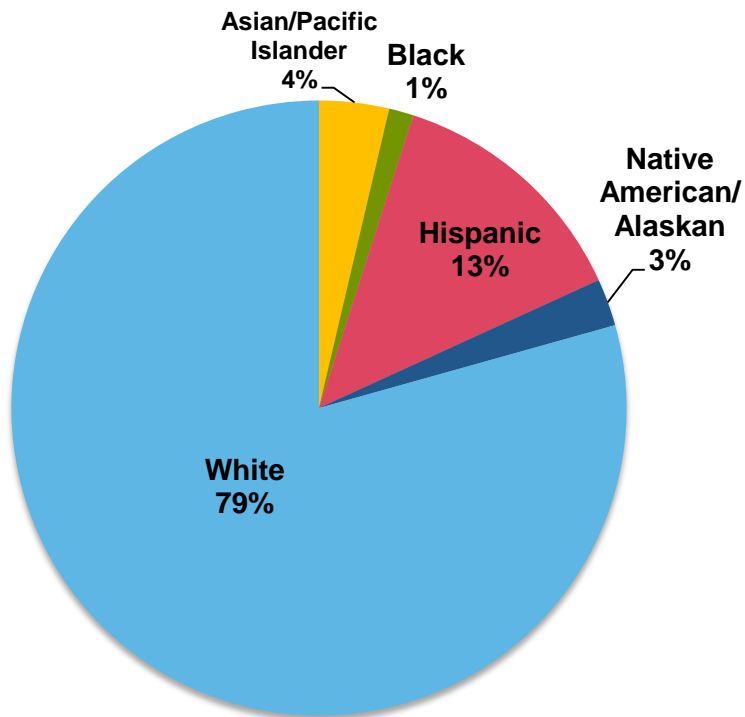# Utah Prison Population Grew 22% in Last Decade

Prisoners on Jan 1, by Year

The Number of Prisoners Over 55 More Than Doubled in Last Decade
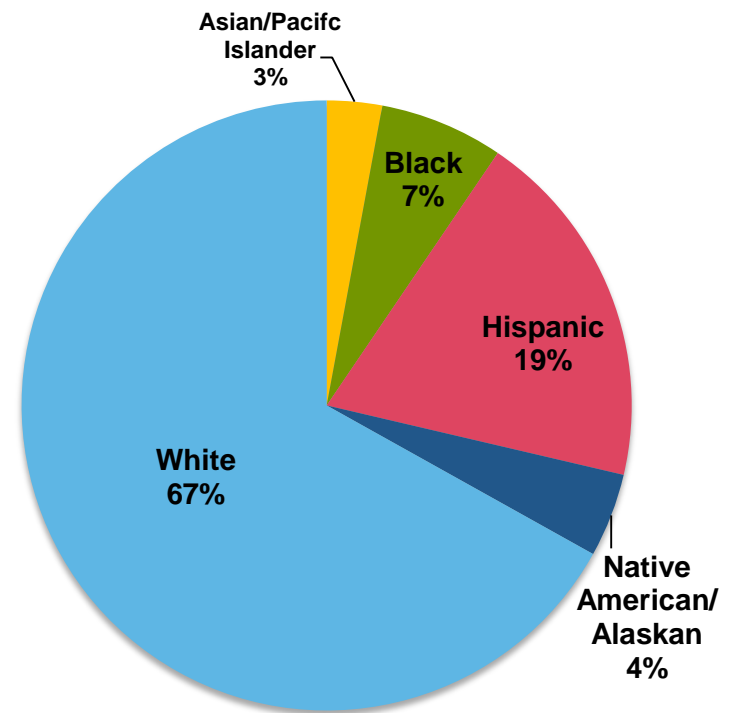
Prisoners on Jan 1 2004 and 2014, by Age Group

# Minorities Overrepresented in Utah Prisons

Utah Population, 2012, by Race/Ethnicity

Asian/Pacific Islander 4%
Black 1%
Native American/ Alaskan 3%
Hispanic 13%
White 79%

Prisoners on Jan 1, 2014, by Race/Ethnicity

Asian/Pacifc Islander 3%
Black 7%
Hispanic 19%
Native American/ Alaskan 4%
White 67%

Nonviolent Offenders Make Up 41% of Current Prison Population
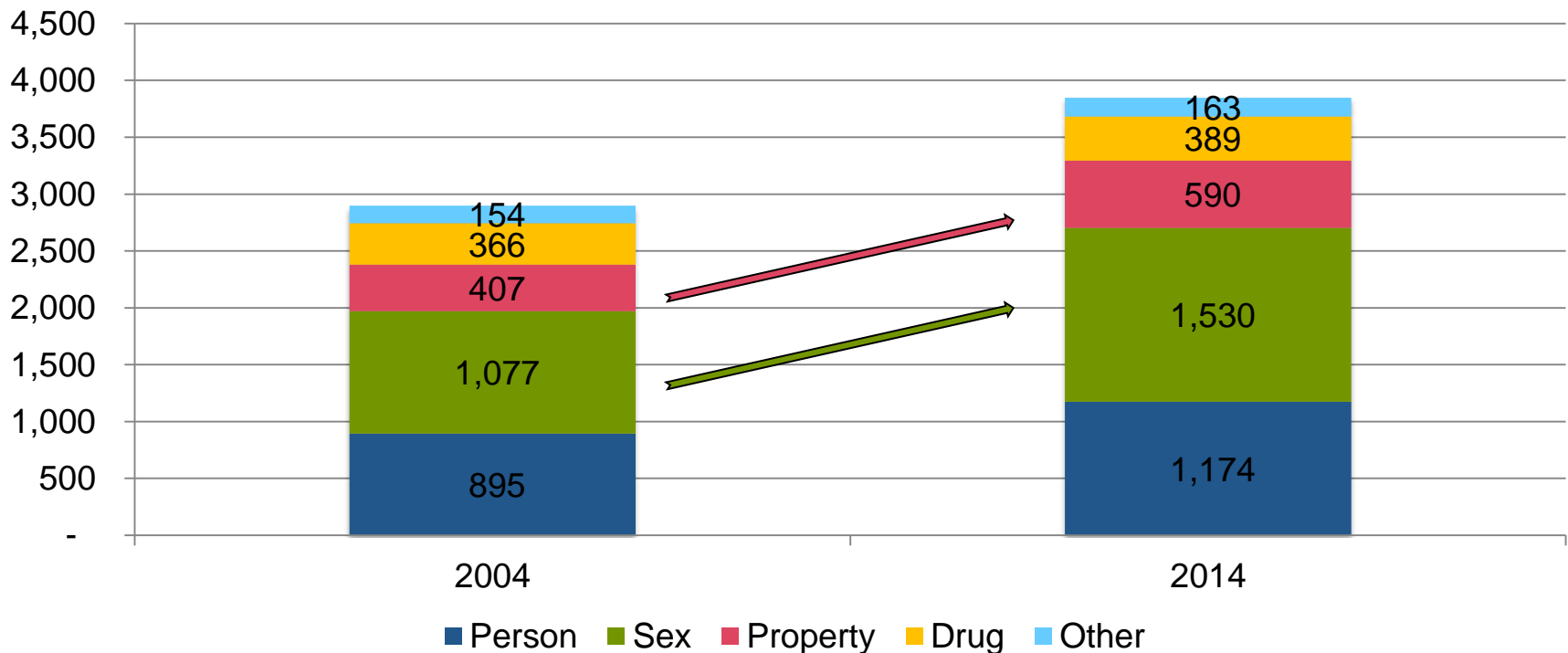
Prison Population on Jan 1, 2014, by Offense Type
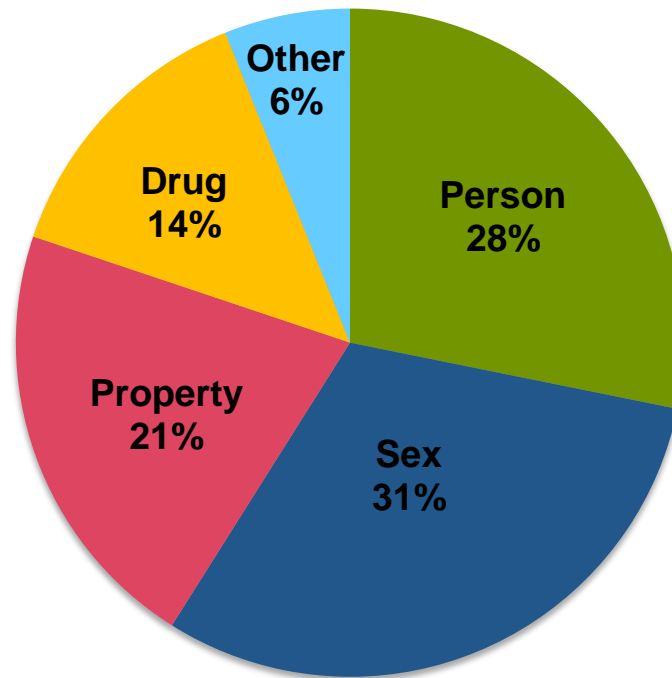
4 of Top 10 Crimes in Prison Are Nonviolent

| Top Offenses in Prison	Number of Prisoners, Jan 1, 2014	Change Since Jan 1, 2004
Aggravated Sexual Abuse Of A Child	502	87%
Sexual Abuse Of A Child	441	21%
Theft	387	17%
Poss/Use Of Controlled Substance	384	14%
Burglary	360	53%
Murder	327	36%
Poss w/ Intent To Dist Cont Substance	307	48%
Aggravated Assault	263	9%
Aggravated Robbery	259	1%
Robbery	250	8%

Number of Property Offenders in Prison Grew 45%, Sex Offenders Grew 42%

**New Court Commitments in Prison on Jan 1 2004 and 2014, by Offense Type**

3rd Degree Nonviolent ("K") Offenders Second Largest Crime Category in Prison, After Sex Offenders

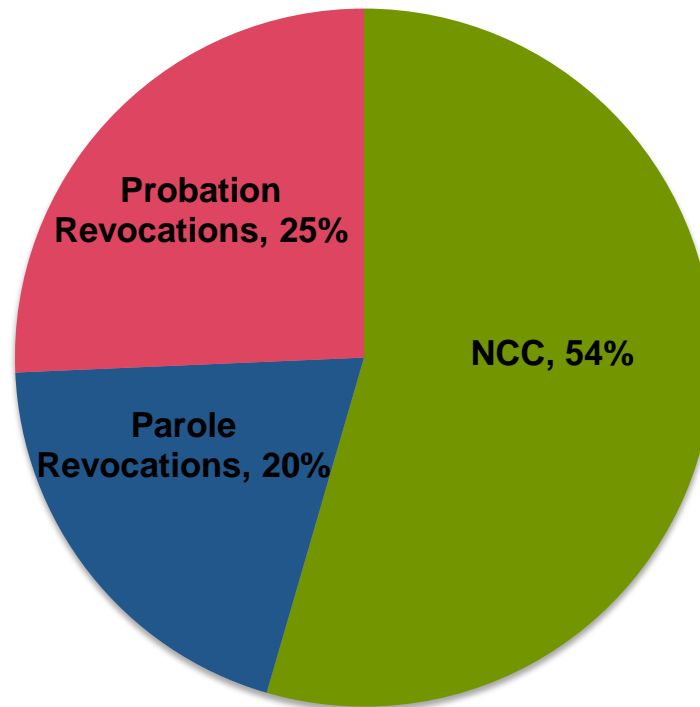**Prison Population, Jan 1, 2014, by Crime Category (NCC Only)**
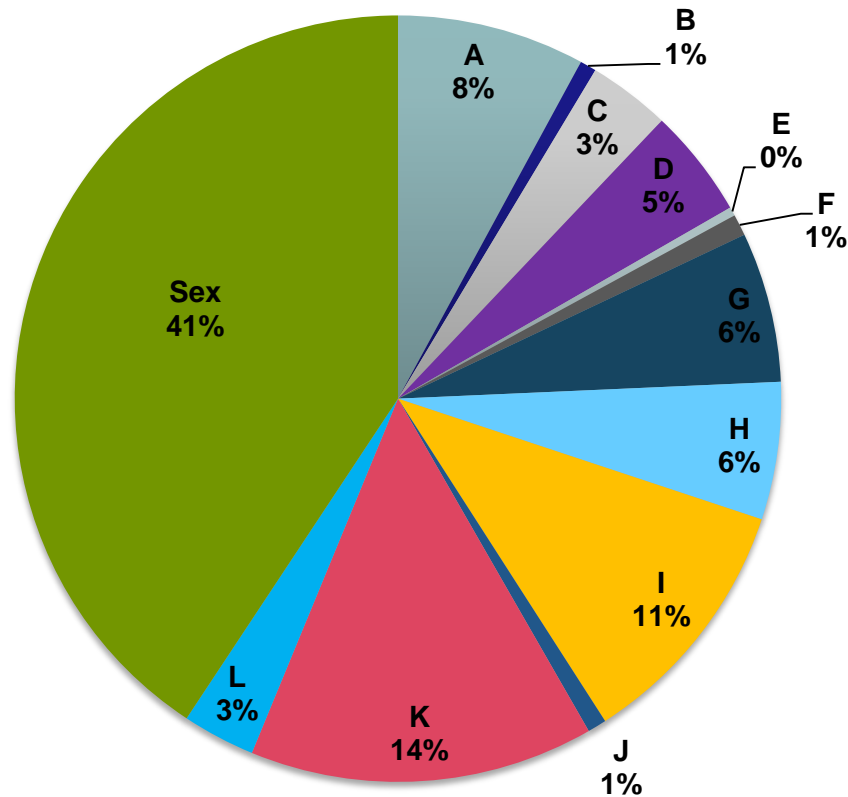
I Offenders (2nd Degree Nonviolent Crimes) Have Second Highest Growth Rate in Prison Population

Change in Prison Population, 2004-2014, by Crime Category (NCC Only)
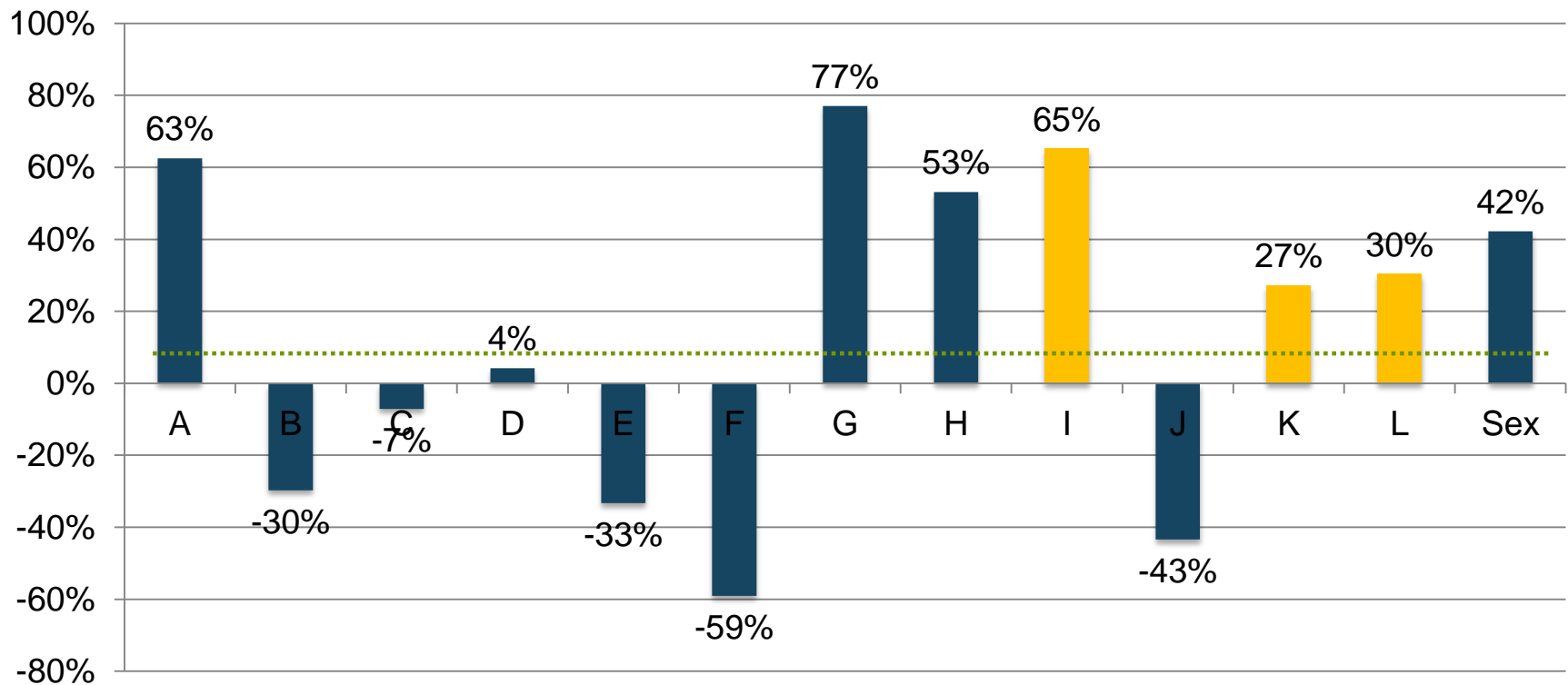
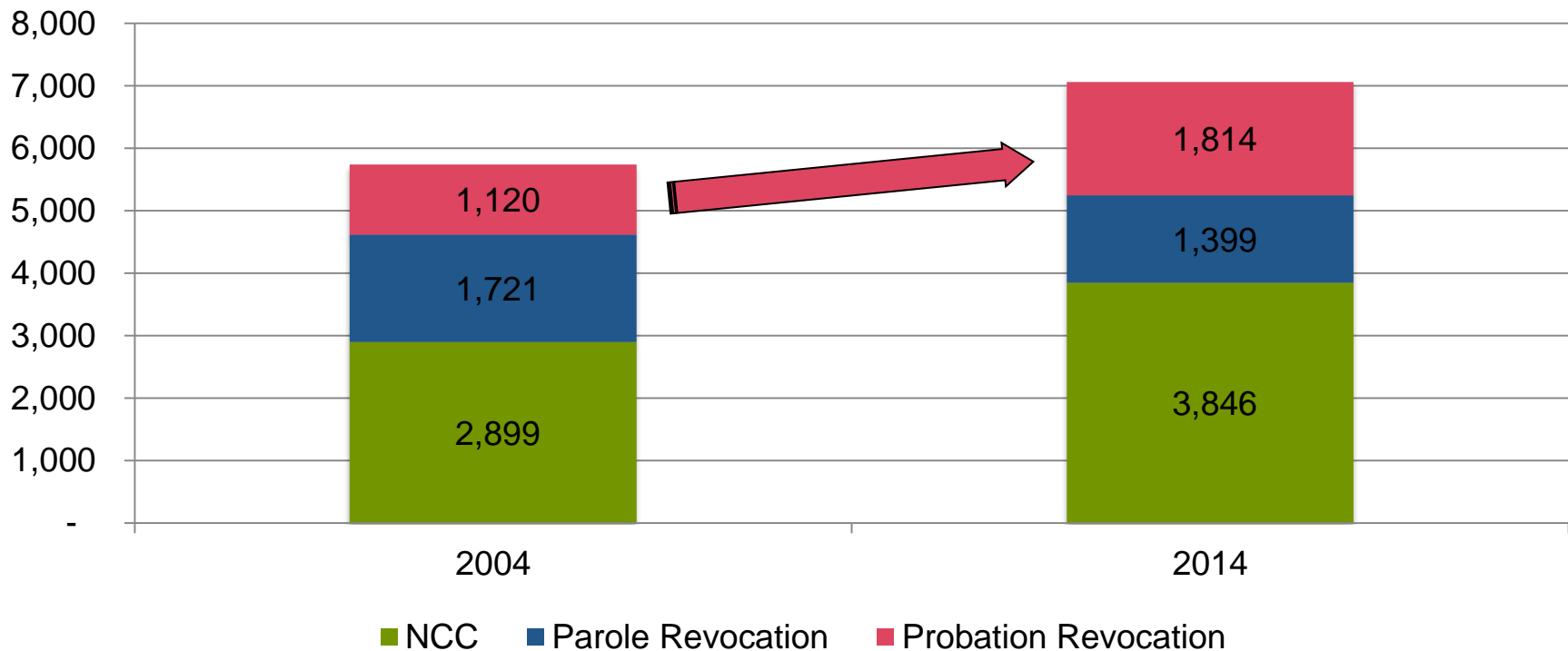# Revocations Make Up 46% of Current Prison Population

Prison Population on Jan 1, 2014, by Admission Type
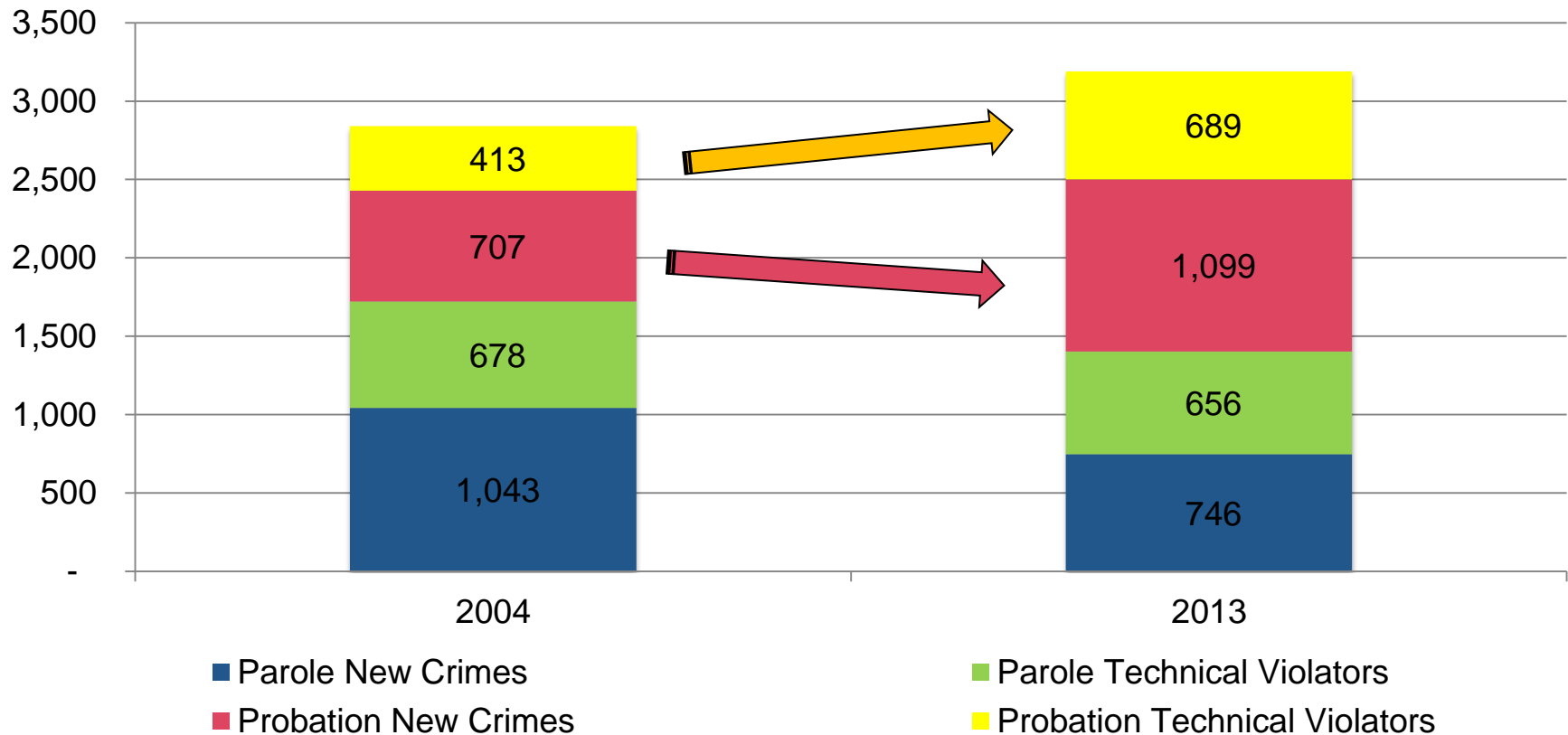
Number of Probation Revocations in Prison Grew 62% Over Last Decade

Prison Population on Jan 1 2004 and 2014, by Admission Type

Probation Technical Violators in Prison Grew 67%, Probation Revocations with a New Conviction Grew 55%

**Prison Population on Jan 1 2004 and 2013, by Type of Revocation**

Key Takeaways

- ➤ Prison population grew 22% in the last decade
- ➤ Almost half (46%) of prison population are revocations from supervision
- ➤ 41% of population are nonviolent offenders
- ➤ 2nd degree nonviolent felons now take up 65% more prison beds than in 2004
  - » Property new court commitments in prison take up 45% more beds
- ➤ Probation technical violators now take up 67% more beds than in 2004
- ➤ Sex offenders now take up 42% more beds than in 2004, and make up the single largest offense type in prison

Prison Population Projected to Grow 37% in Next 20 Years

MGT Prison Population Forecast, 2014-2033
(Average Daily Population)
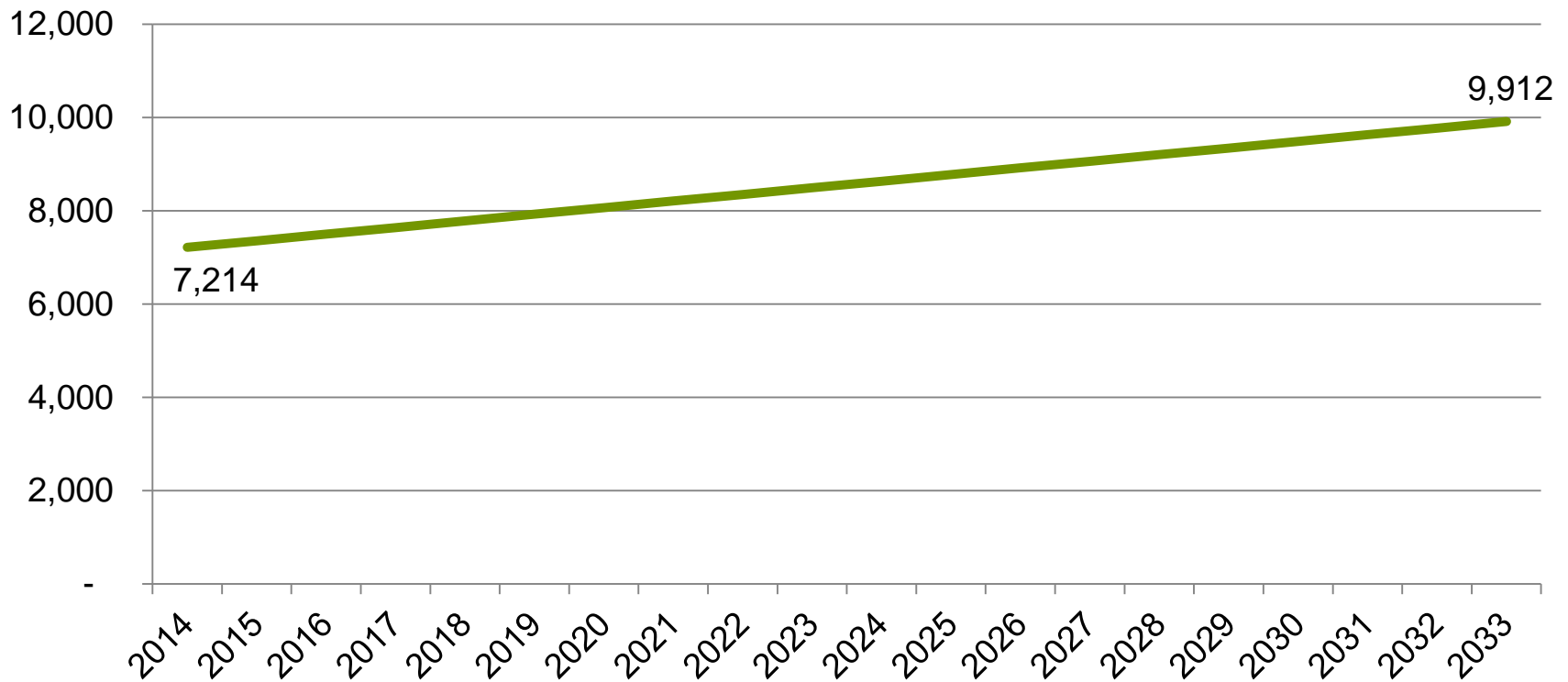
Summary of Takeaways

➢ Almost half (46%) of prison population made up of offenders revoked from supervision

➢ Probation technical revocations are taking up 67% more prison bed space over last decade

» Driven by growth in both admissions (up 34%) and time served in prison (up 24%)

Summary of Takeaways

➢ The number of new court commitments in prison also grew, driven by 20% increase in time served

　　» Nonviolent 2nd and 3rd degree offenders have both more admissions and longer time served, leading to significant growth in prison bed use

　　» The number of sex offenders in prison grew 42%, likely due to change in time served

➢ Despite successful efforts to reduce drug possession admissions to prison, simple possession is still the fourth most common crime in prison due to increasing time served

Next Meeting

- ➢ Female prison population drivers
- ➢ System assessment
- ➢ Community corrections
- ➢ Answering your questions

Takeaway Questions

- **Why are so many of these types of offenders coming to prison?**
  - Probationers who violate the terms of their supervision
  - Nonviolent offenders
  - Drug and property offenders with no prior felonies

- **What's driving the growth in:**
  - Nonviolent 3rd degree felonies?
  - Probation revocations for technical violations?

Takeaway Questions

- **Why are these types of offenders serving so much longer in prison than they were 10 years ago?**

  – Probation violators

  – Nonviolent offenders

  – Property and drug offenders

- **Why are probation technical violators serving so much longer than parole technical violators?**

Contact Info

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  - » Email: ZTowns@pewtrusts.org

➢ Public Safety Performance Project
  - » www.pewpublicsafety.org