

THE
PEW
CHARITABLE TRUSTS

Subgroup Report-Outs

Salt Lake City, Utah
Commission on Criminal and Juvenile Justice
September 9th, 2014

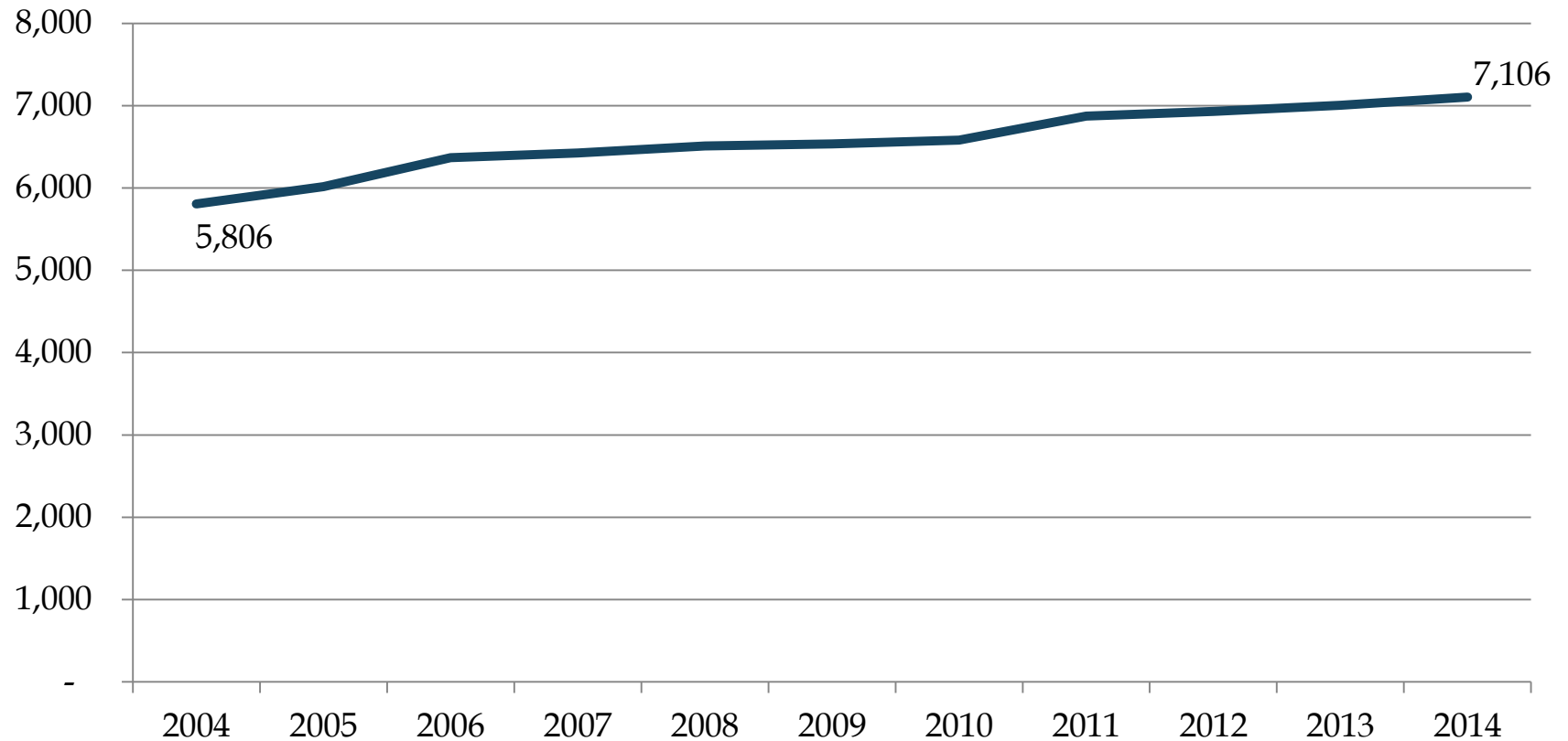
Outline

- Review of Key Findings – *Pew*
- Subgroup Report Outs
 - Sentencing – *Carlene Walker*
 - Release – *Angela Micklos*
 - Treatment and Supervision – *Rollin Cook*
- Discussion – *All*

REVIEW OF KEY FINDINGS

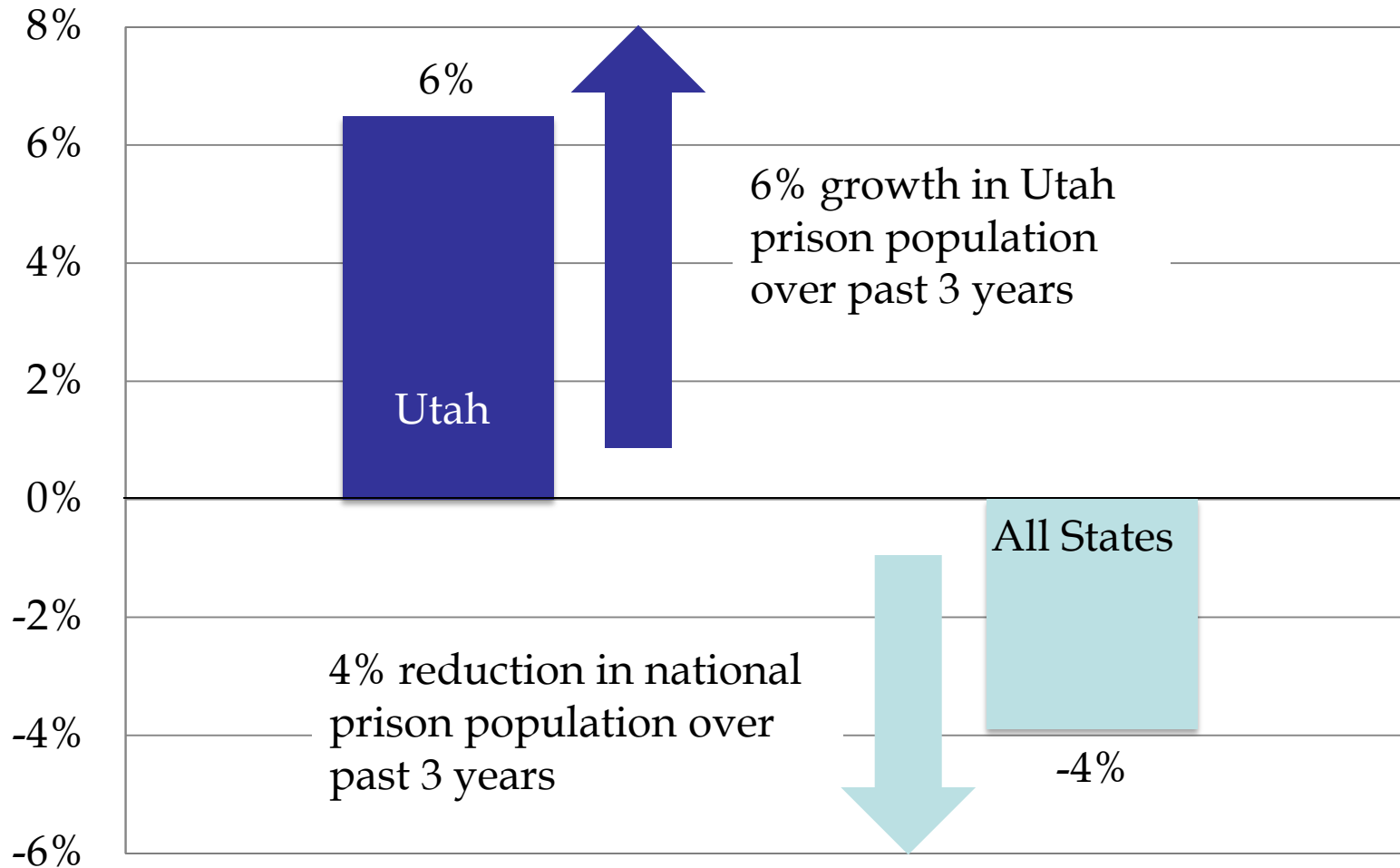
Utah Prison Population Grew 22% in Last Decade

Prisoners on Jan 1, by Year



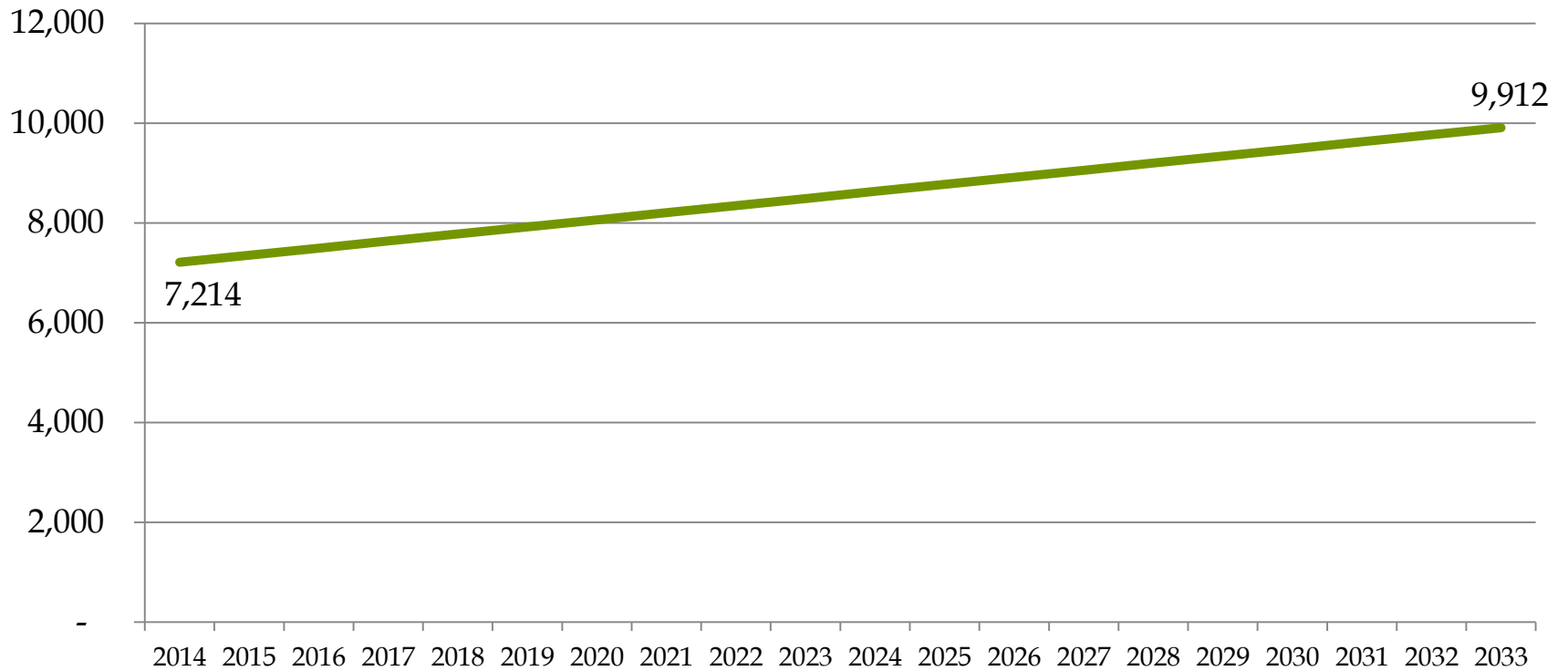
Utah Prison Population Grew Amid Recent National Decline

Change in Prison Population, 2009-2012



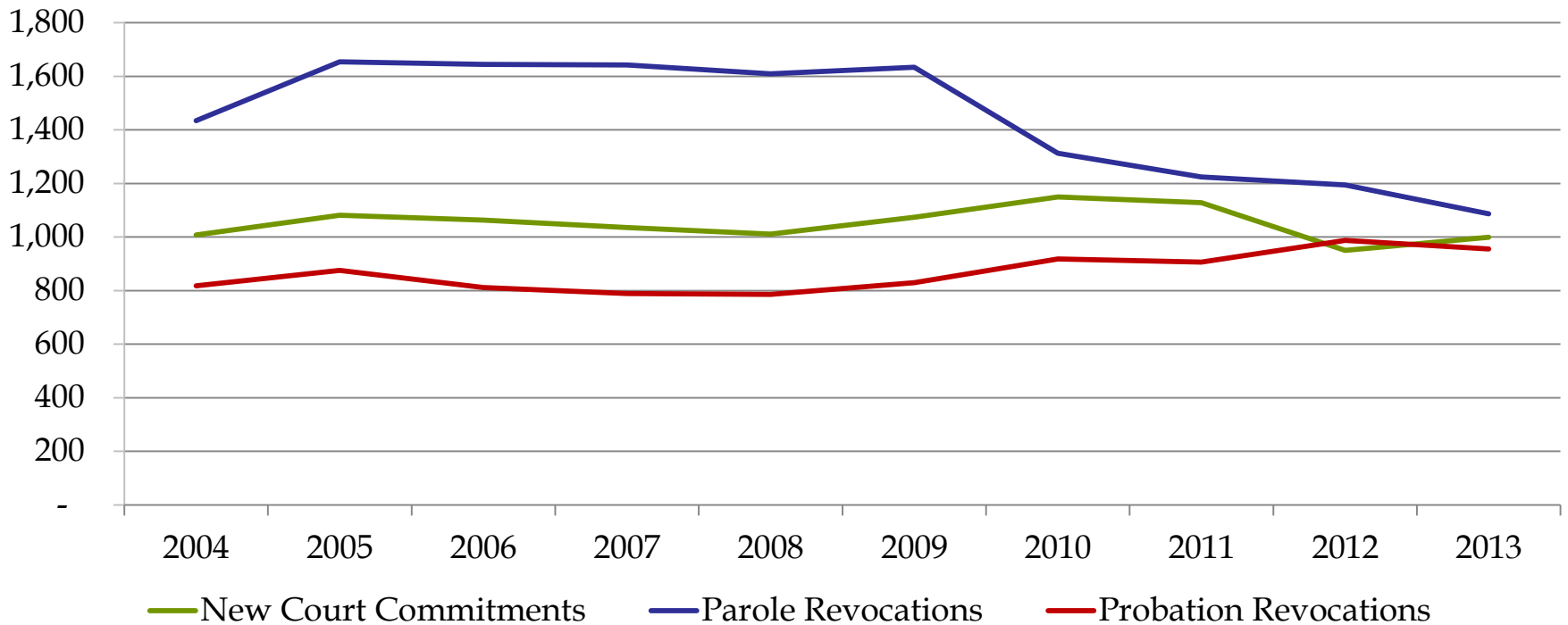
Prison Population Projected to Grow 37% in Next 20 Years

**MGT Prison Population Forecast, 2014-2033
(Average Daily Population)**



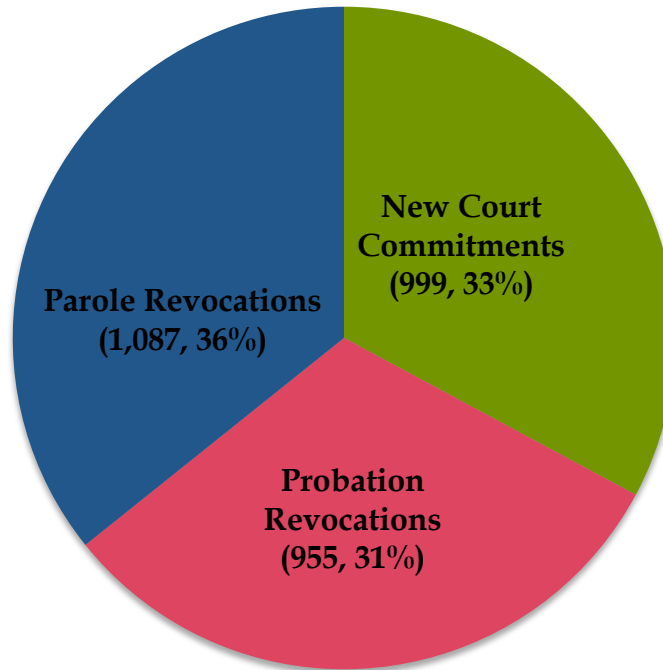
Admissions Decline Driven by Decrease in Parole Revocations; Probation Revocations Up

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



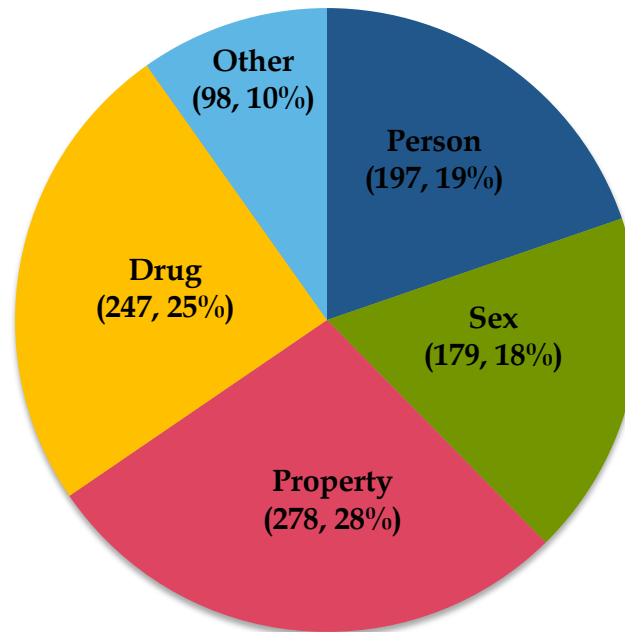
Parole and Probation Revocations Make Up Two-Thirds of Admissions

Prison Admissions by Type (2013)



63% of New Court Commitments Admitted to Prison for Nonviolent Crimes

**Prison Admissions by Offense Type
(NCC Only, 2013)**

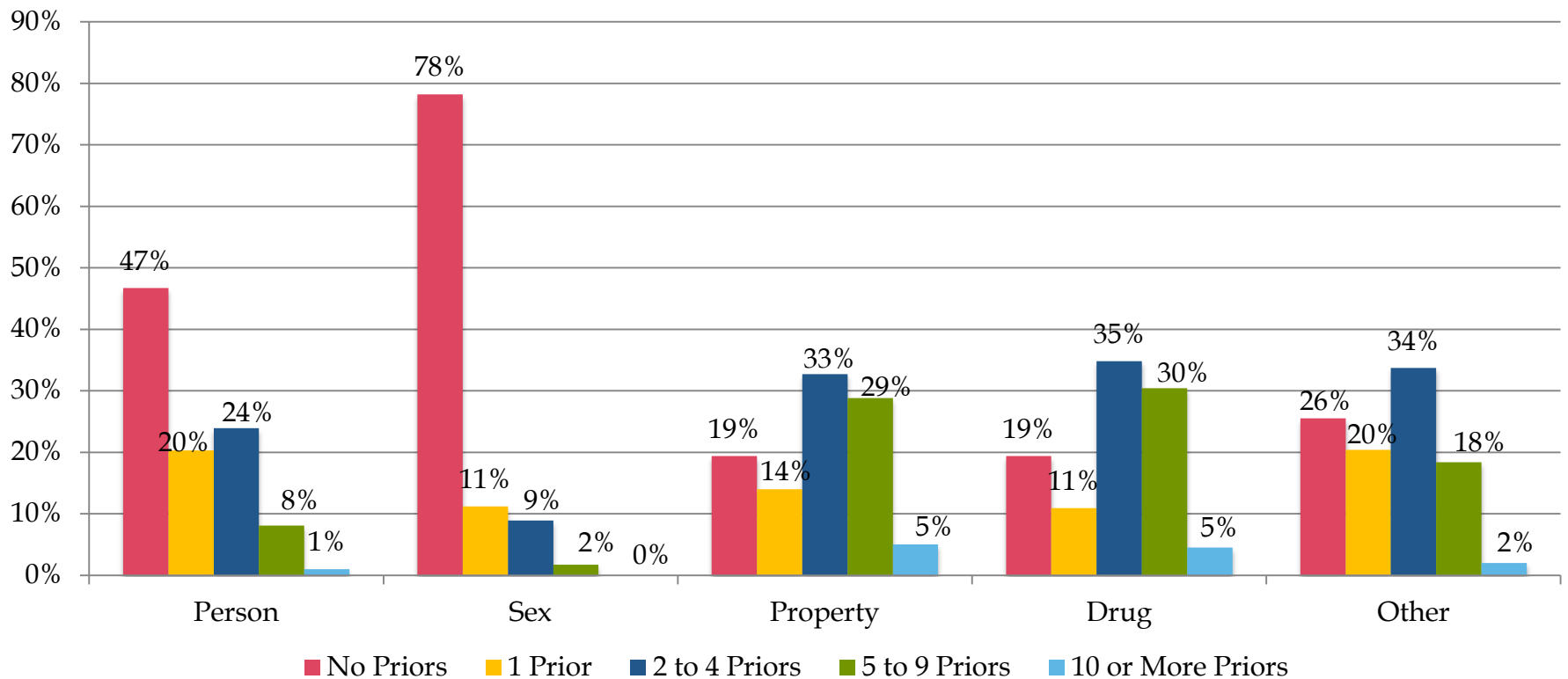


8 of Top 10 Offenses at Admission Nonviolent

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%

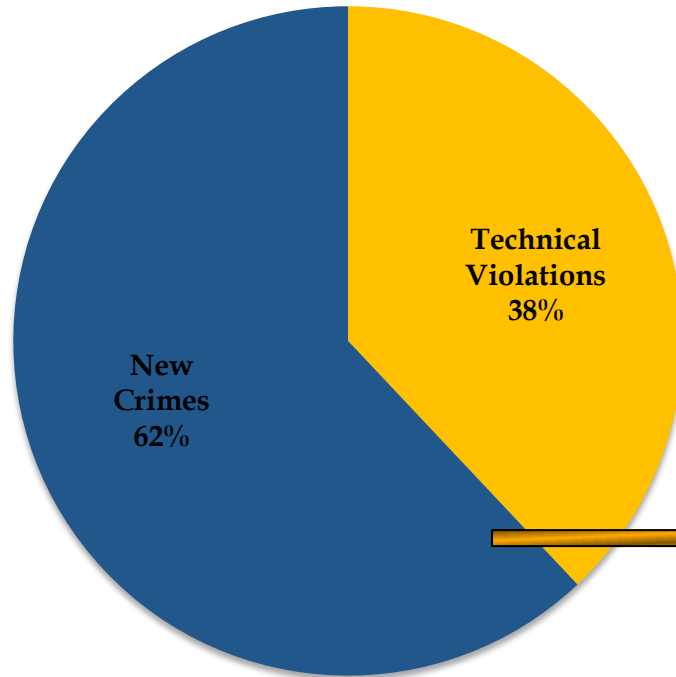
20% of Property and Drug New Court Commitments Admitted to Prison Have No Prior Felony Convictions

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

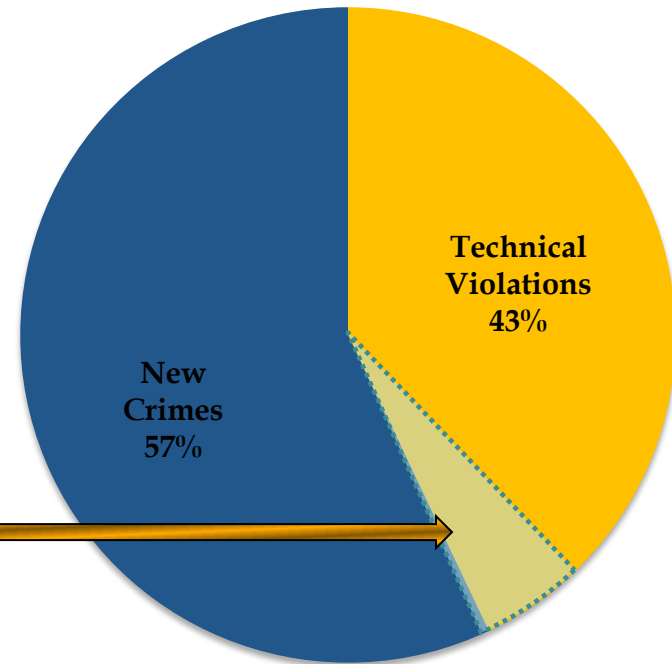


43% of Offenders Admitted to Prison with No New Criminal Conviction, Up From 38% in 2004

Prison Admissions, 2004

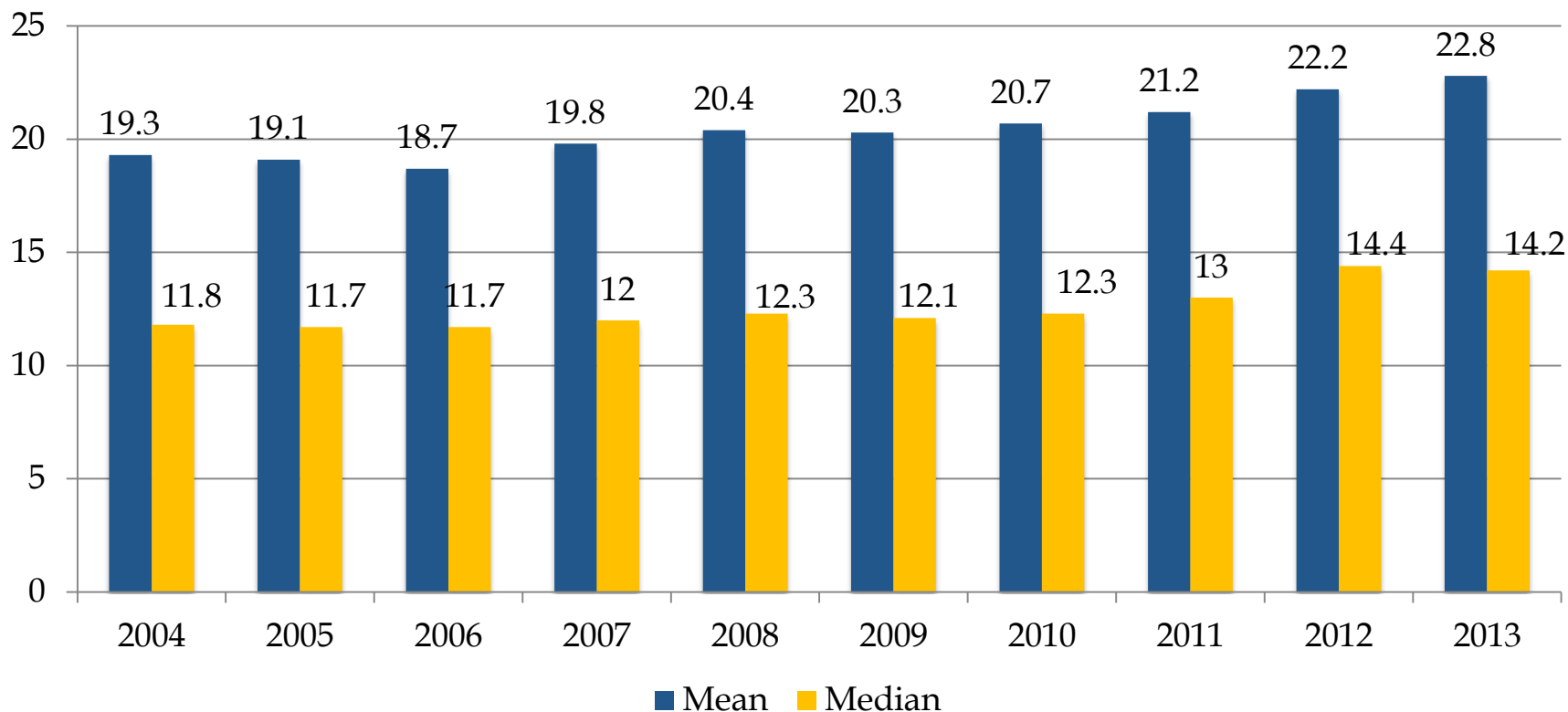


Prison Admissions, 2012



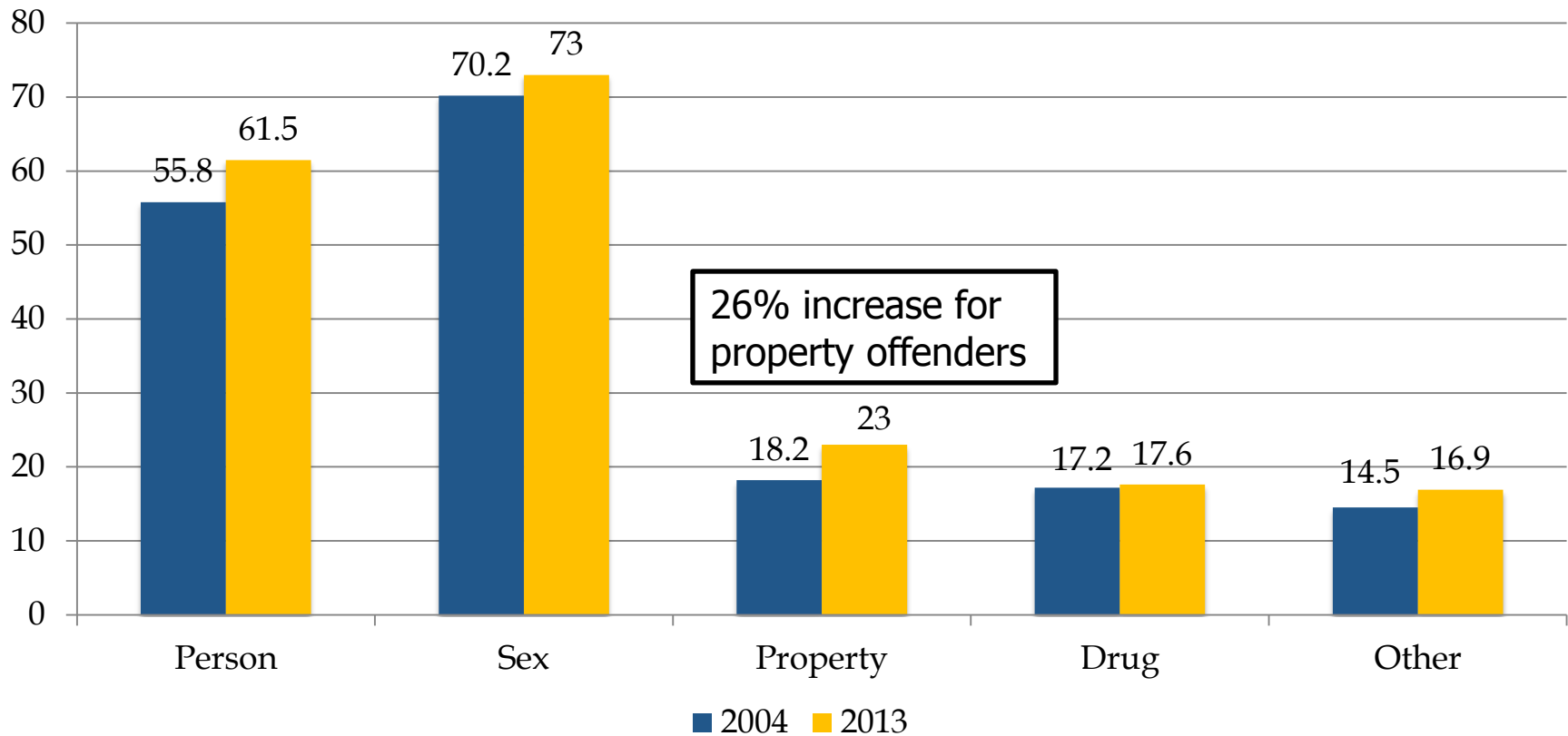
Average Time Served in Prison Up 18% Over Last Decade

Mean and Median Time Served by Release Year
(Months)



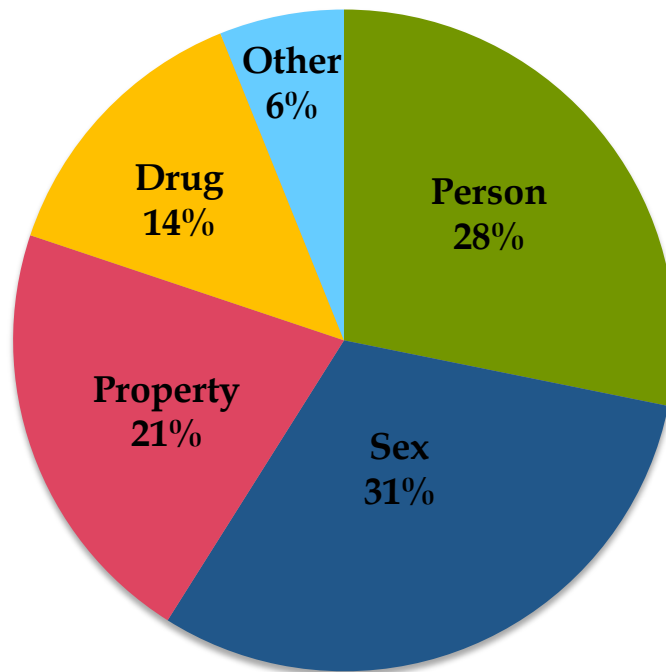
Time Served Up for All Offense Types

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



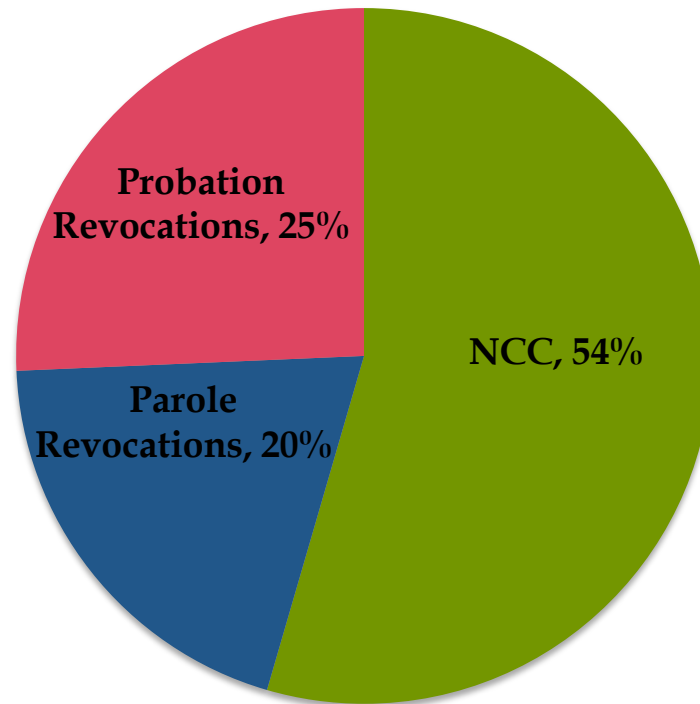
Nonviolent Offenders Make Up 41% of Current Prison Population

Prison Population on Jan 1, 2014, by Offense Type



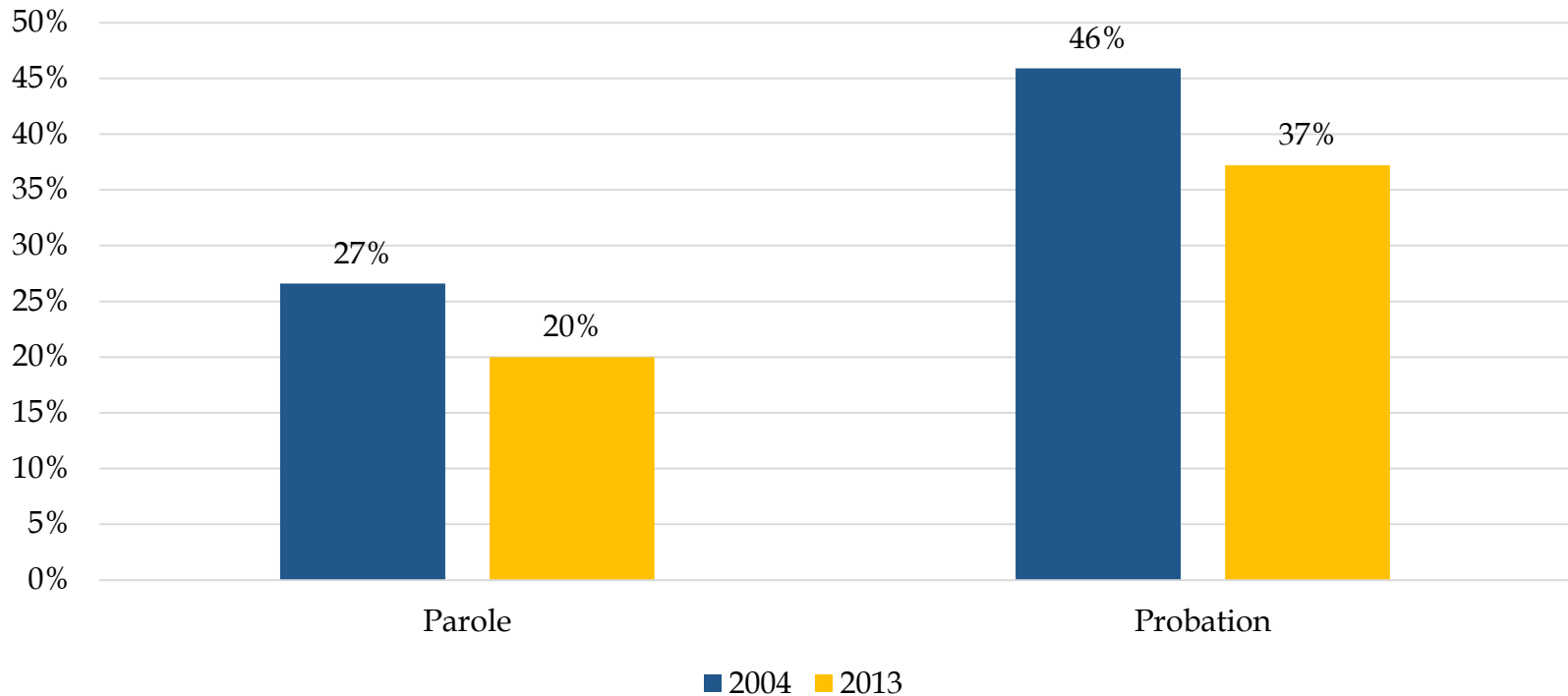
Revocations Make Up 46% of Current Prison Population

Prison Population on Jan 1, 2014, by Admission Type



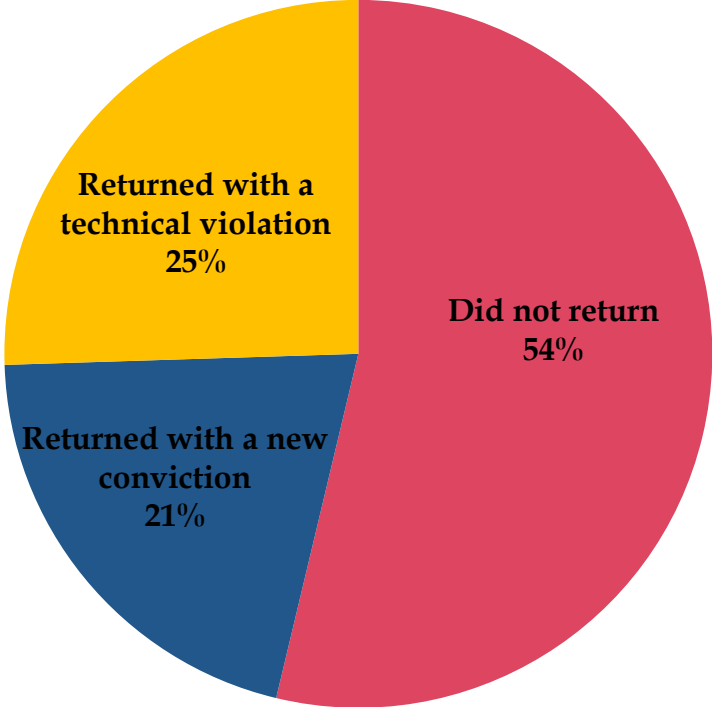
Declining Rates of Success for Probationers and Parolees

Parole and Probation Successful Discharge Rates, 2004 vs. 2013



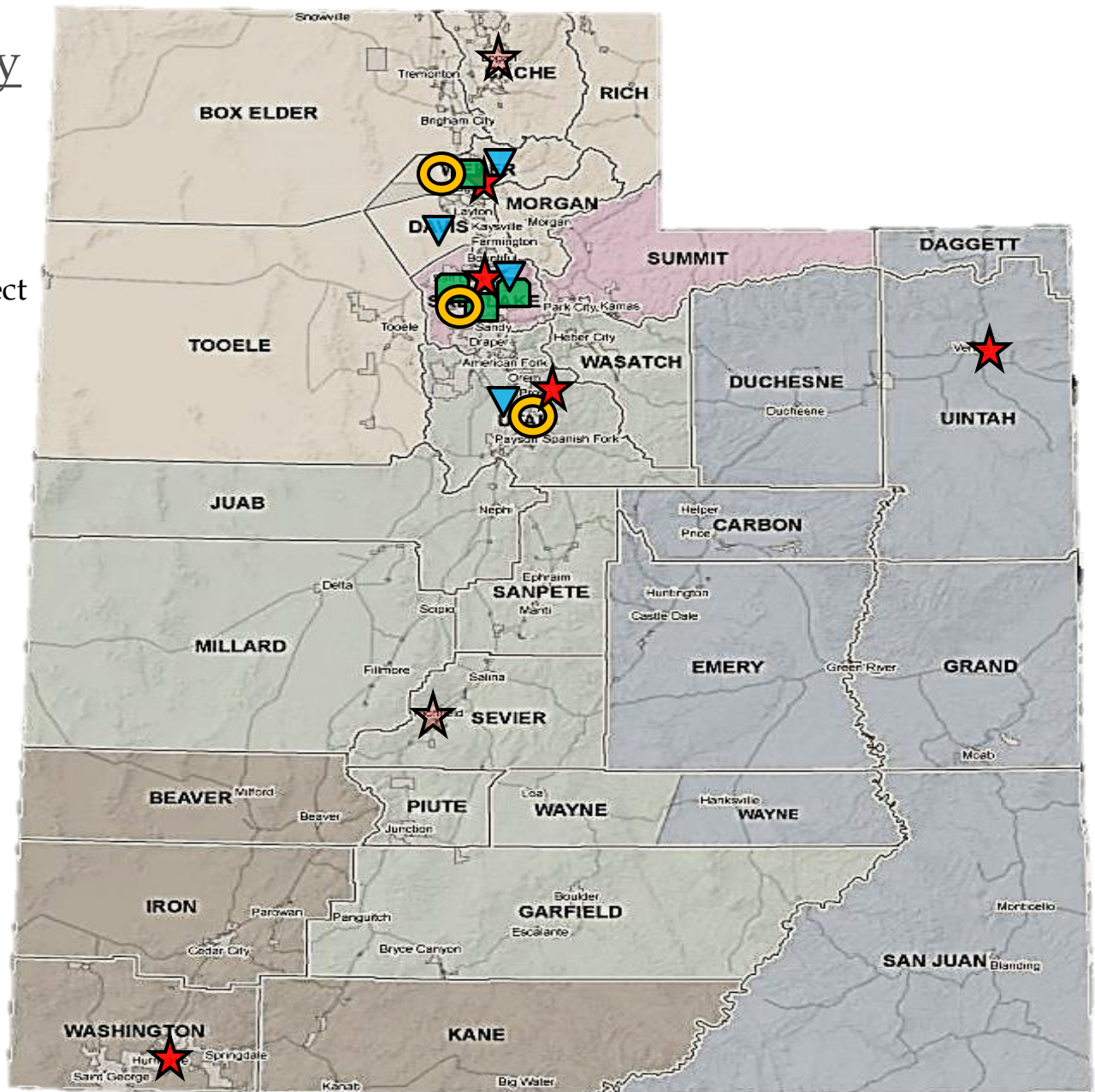
46% of Released Prisoners Return Within 3 Years, and Majority of Returns are for Technical Violations

3-Year Return to Prison Rate for 2010 Prison Releases, by Return Type



Community Reentry Options

- ★ - Treatment Resource Centers
- - Halfway Houses
- - Employment Placement Project
- ▽ - Parole Access to Recovery

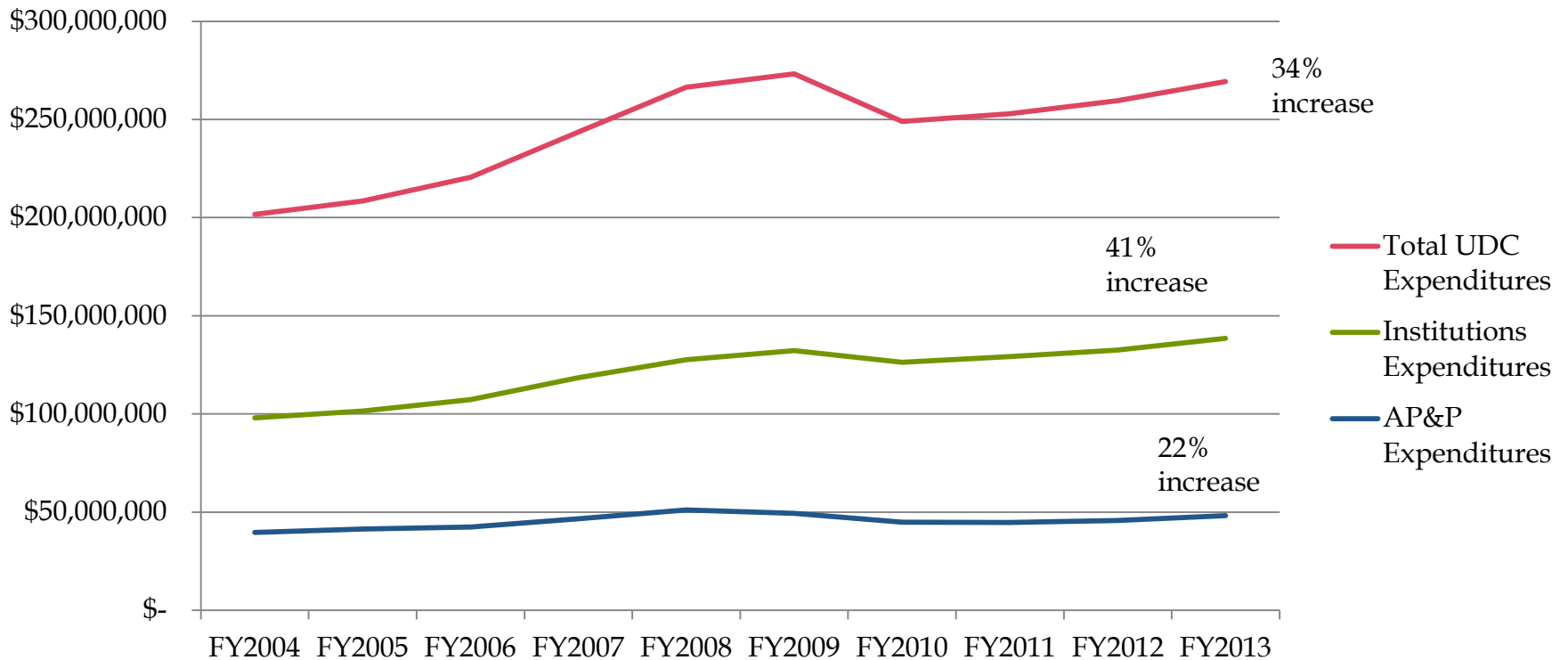


Unmet Mental Health Treatment Needs in Utah

	Estimated # Adults With Mental Health Treatment Need	# Served	% Need Met
Bear River	14,090	1,902	13%
Central	6,193	685	11%
Davis	26,176	2,753	11%
Four Corners	3,800	890	23%
Northeastern	4,862	1,133	23%
Salt Lake	98,501	10,098	10%
San Juan	1,465	406	28%
Southwest	17,793	1,180	7%
Summit	3,311	436	13%
Tooele	4,819	1,151	24%
Utah	44,371	4,516	10%
Wasatch	1,940	324	17%
Weber	22,874	4,102	18%
Total	250,046	28,981	12%

Growth in Funding for UDC Prisons Outpacing AP&P Supervision

UDC Expenditures, FY 04-FY 13



Summary Takeaways

While Utah's incarceration rate still remains below the national average,

- Utah's prison population has grown 22% in the past 10 years and is projected to grow 37% in the next two decades
- The Department of Correction budget grew 34% in the last decade
 - » The majority of new dollars went to institutions while a minority went to community supervision

Summary Takeaways

While the majority of Utah's prison beds are filled with violent or sex offenders,

- Nonviolent 2nd and 3rd degree offenders are driving prison growth with more admissions and longer time served
- Drug possession offenders continue to occupy a large number of prison beds because of longer time served
- 33% of property offenders and 30% of drug offenders entering prison had one or no prior felony convictions

Summary Takeaways

- Almost half (46%) of prison population is made up of people revoked from supervision
- A majority of the revocations to prison are for technical violations of supervision
- Probation technical revocations take up 67% more prison bed space than a decade ago
 - » Driven by growth in admissions (up 34%) and time served in prison (up 24%)

Summary Takeaways

Finally, while Utah has made great strides in implementing evidence-based practices in the corrections system,

- Offenders on supervision are failing at higher rates than 10 years ago
- Evidence-based practices are still inconsistently applied across the state and lack coherent budgetary support
 - » Many existing resources are not focused on high risk offenders or on criminogenic needs
 - » Significant shortfalls in treatment and reentry resources

SUBGROUP REPORT-OUTS

CCJJ Subgroups

- 1) Sentencing
- 2) Release
- 3) Treatment & Supervision

SENTENCING

Sentencing Subgroup Members

- Carlene Walker, Chair
- Thomas Low
- Elizabeth Lindsley
- Sim Gill
- Mark Moffat
- Jim Tracy
- Sen. Stuart Adams

Policy Options Under Consideration

#1: *Drug Sentences*

Focus prison beds on serious and violent offenders by:

- 1) Restructuring sentences for drug possession offenders
- 2) Distinguishing between commercial drug offenders whose conduct is driven by serious substance abuse problems and those who are in the business of dealing drugs

Policy Options Under Consideration

#2: *Drug-Free Zones*

Eliminate unintended consequences of drug sentence enhancements, including:

- 1) Restructuring drug-free zone enhancements to ensure they are focused on drug dealers targeting children

Policy Options Under Consideration

#3: *Criminal History Scoring*

Focus prison beds on serious and violent offenders by adjusting criminal history factors that influence the upward departure of lengths of stay to:

- 1) Ensure that factors are not double-counted, resulting in inflated lengths of stay
- 2) Eliminate factors that are not relevant to understanding the public safety risk a person poses

Policy Options Under Consideration

#4: *Probation Technical Revocations*

Focus prison beds on serious violent offenders by reducing the use of prison beds for technical revocations of probation by:

- 1) Using swift, certain and proportional lengths of stay for technical probation revocations

Policy Options Under Consideration

#5: *Offense Classifications*

Focus prison beds on serious and violent offenders by:

- 1) Reducing the use of enhancement factors to automatically elevate the degree of the offense and,
- 2) Expanding judicial discretion to use additional aggravating factors to determine the appropriate sentence

Policy Options Under Consideration

#6: *Local Impacts*

Hold counties harmless from shifting fiscal burdens

- 1) Examine misdemeanor sentencing
- 2) Examine jail bed use for revocations and jail as a condition of probation

Next Steps

Examine additional policy areas, including:

- Diversion options (specialty courts, increased supervision and treatment)
- Pre-sentence screening and assessment options to provide judges with more information for higher risk offenders

Examine impacts of policy options to understand the costs and savings.

RELEASE

Release Subgroup Members

- Angela Micklos, Chair
- Keith Squires
- Spencer Austin
- Dan Becker
- James Swink
- Kathleen Christy
- Stan Parrish

Policy Options Under Consideration

#1: *Earned Time Credits*

Incentivize offenders to engage in treatment that targets their individualized criminogenic needs by:

- 1) Offering standard earned time credits for offenders who successfully address certain priorities in their Case Action Plans

Policy Options Under Consideration

#2: *Presumptive Parole*

Streamline release decisions for less serious offenders and free up additional time for Parole Board to consider more serious cases by:

- 1) Creating a presumption of parole release (with certain exceptions) for nonviolent offenders at their Sentencing Guideline date

Policy Options Under Consideration

#3: *Parole Technical Violations*

Focus prison beds on serious and violent offenders by:

- 1) Using swift, certain and proportional lengths of stay for technical revocation of parole revocations

Policy Options Under Consideration

#4: *Increase Successful Transitions*

Reduce recidivism and improve parolees' prospects for success by:

- 1) Instituting collaborative transition planning for offenders being released from prison
- 2) Reinvesting in transition services for high-risk offenders
- 3) Reinvesting in halfway house capacity

Next Steps

Examine:

- Release options for aging prisoners and prisoners with serious mental health disorders.
- Framework and guidelines for departures from the Sentencing Guidelines.
- Training for Hearing Officers and Parole Board members.
- Data collection and outcome tracking

TREATMENT & SUPERVISION

Treatment and Supervision Subgroup Members

- Rollin Cook, Chair
- Camille Anthony
- Rob Lund
- Doug Thomas
- Susan Burke
- Rep. Eric Hutchings
- Spencer Larsen
- John King

Policy Options Under Consideration

#1: *Graduated Sanctions & Incentives*

Reduce recidivism and increase success rates on probation and parole:

- 1) Authorize the Sentencing Commission to create a graduated sanctions and incentives matrix using swift, certain, and proportional responses
- 2) Authorize AP&P to use the matrix when responding to technical violations of supervision

Policy Options Under Consideration

#2: *Earned Compliance Credit*

Reduce caseloads, focus resources on high-risk offenders, and incentivize compliance with supervision case plans by:

- 1) Establishing a system of earned compliance credits that allow probationers and parolees to earn time off their supervision *if* the offender is compliant with the conditions of his/her supervision

Policy Options Under Consideration

#3: *Evidence-Based Treatment Standards*

Ensure treatment for offenders adheres to evidence-based principles proven to reduce recidivism by:

- 1) Authorizing a single organization or agency to establish statewide treatment standards
- 2) Establishing a certification process to ensure the use and sustainability of evidence-based correctional practices for treatment providers
- 3) Establishing performance measures and oversight

Policy Options Under Consideration

#4: *Improve Re-Entry Support*

Ensure treatment is focused on addressing an offender's criminogenic needs and is consistent with best practice for criminal justice involved persons by:

- 1) Establishing standards for recovery and reentry support with performance measures and oversight

Next Steps

Continue clarifying details and reaching consensus on policy options under consideration

Consider:

- Treatment & Supervision reinvestment options
- Reentry planning
- Performance incentive funding