

# Group proposes changes to cut Utah prison population in half, save \$250 million

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SALT LAKE CITY — The [American Civil Liberties Union of Utah](#) has recommended justice system changes it says could cut the state prison population in half and save \$250 million by 2025. But the goal could be accomplished only with major moves far beyond those already resulting from the 2015 Justice Reform Initiative, which trimmed penalties for drug-related offenses. According to the group's "Blueprint for Smart Justice" plan, created in conjunction with the [national ACLU](#) and the [Urban Institute](#) and announced Sept. 11, Utah's prison population grew 563 percent between 1980 and 2016. By May 2018, almost 6,500 people were imprisoned in Utah.

The prison population is outstripping the rate of community population growth, even though according to [Utah Department of Public Safety annual data](#) the overall violent and property crime rates are down.

"Without additional reform, the number of people imprisoned in Utah is projected to surpass 7,200 people by 2031," the ACLU report said.

While the JRI made more offenders eligible for parole, it also meant more of them were exposed to potential incarceration due to probation or parole violations, often for technical reasons.

Jason Groth, the Utah ACLU's smart-justice coordinator, said Tuesday that half of imprisonments in 2017 were due to parole violations.

"So this signals we need a little bit more re-entry programming to help people on parole with housing, jobs and transportation so they can become stable members of the community," Groth said. "We should be supporting agencies like [Adult Probation and Parole](#) so they can be providing community support" to parolees.

Recommendations in the report include:

- Reduce penalties or eliminate incarceration for property and public-order crimes.
- Reduce sentencing ranges for nonviolent crimes.
- Increase transparency and accountability in parole board decisions.
- With a Medicaid funding expansion, provide offenders with greater access to mental health and substance abuse treatment services.

- Provide review and assessment of prosecutors' decisions.
- Eliminate incarceration as an option for technical violations of parole or probation.

Also, the ACLU urged repeal of the felony murder rule, which allows people to be charged with murder if another person dies during the commission of certain offenses, such as burglary. It allows someone to be charged with murder even if they did nothing to cause a death.

"Repealing the felony murder rule will avoid sentencing someone to a life sentence for committing a crime that would otherwise carry a sentence of a few years in prison," the report said.

"It's an anachronistic rule ... it's one of those issues of culpability that doesn't sit right with most people," Groth said. "It's one of those things, does the punishment fit the crime?"

As for a Medicaid funding expansion, prosecutors would have more reason to recommend alternatives to incarceration, Groth said.

A prosecutor might now want to recommend an offender for mental health or substance abuse treatment, "but if there's no access to that treatment, that doesn't matter. It's meaningless to have that reform in place."

Another potential change affecting county attorneys would be some sort of review process for prosecutorial decisions.

One route could be an internal integrity unit in a prosecutor's office, providing a way of relatively quickly addressing claims of unfairness.

"But nestled within the prosecutor's office, it would have transparency and accountability issues," he said.

Another option could be an outside review board, perhaps consisting of former judges, attorneys and community members.

"But access to files is a lot harder and it takes longer," Groth said, referring to "innocence project" appeals around the country. "Some of those cases can go on for years."

A major incarceration driver is a legislative penchant to keep passing criminalization bills, Groth said.

During the 2017 legislative session, for instance, Utah lawmakers proposed about 30 bills that meant more prison time, according to an ACLU review.

"This is a bipartisan habit," the review report said. "Lawmakers from both sides of the aisle continuously think up new crimes and devise new or hardened punishments."

Groth said the ACLU hopes the Smart Justice report will be a resource for legislators and the community as the state continues to wrestle with its justice system.

Efforts to contact the Weber and Davis County attorneys and the Utah Sentencing Commission for reaction to the ACLU plan were not immediately successful.