

**UTAH JUSTICE REINVESTMENT INITIATIVE**  
**“JRI”**  
**2017 ANNUAL REPORT**

Utah Commission on Criminal and Juvenile Justice

October 2017



## Background

In 2014, Utah was facing many challenges when Governor Herbert called for a *full review of the current corrections system to develop a plan to reduce recidivism, maximize offenders' success in becoming law-abiding citizens, and provide judges with the tools they need to accomplish these goals*. Following the Governor's address, state leaders from all branches of government joined together to request technical assistance from the Public Safety Performance Project of the Pew Charitable Trusts (Pew) and the U.S. Department of Justice (DOJ) as part of the Justice Reinvestment Initiative (JRI).

The Utah Commission on Criminal and Juvenile Justice ("Commission"), with assistance from Pew and DOJ, was tasked with a seven-month comprehensive review and analysis of sentencing and corrections data, evaluating current policies and programs across the state, exploring best practices from other states, and engaging in policy discussions.

The data review revealed Utah's prison population grew by 18 percent between 2004 and 2014, which was six times faster than the national average during the same period. In 2013 a significant number of prison admissions (62%) were for non-violent offenses; and offenders on probation and parole supervision were failing at higher rates than they did ten years ago, which accounted for 46 percent of Utah's prison population in 2014. It was determined that without action or any reforms, the State would need to house an additional 2,700 inmates (a 37% growth) in prison by the year 2034.

Based on these findings, the Commission developed a comprehensive set of evidence-based policy recommendations to reduce recidivism, hold offenders accountable, and control the state's prison growth. If adopted and implemented properly, these proposals were projected to decrease prison growth by 2,551 inmates over the next 20 years and avert \$542 million in corrections spending.

Many of these recommendations were incorporated into House Bill 348 (HB348, 2015 General Session)<sup>1</sup>. The bill passed in both the House and Senate with an overwhelming majority vote. In March 2015, Governor Herbert signed these reforms into law. While a small number of provisions went into effect immediately in May 2015, the bulk of the changes became effective on October 1, 2015.

The Commission recommended that a portion of the savings from averted prison costs be reinvested into expanding treatment options, strengthening community supervision, improving reentry services, and decreasing burdens on local jurisdictions. With over 95 percent of offenders returning to our communities after serving time in prison or jail, JRI focuses on lowering criminogenic risk factors, reducing recidivism, and improving public safety.

In this 2<sup>nd</sup> Annual JRI Report, we examine criminal justice data from the first 21 months of implementing these reforms. The data in the following pages demonstrates, in many cases, that we are headed in the right direction (see also the Appendix for the comprehensive data tracking sheet), though continued review and regular analysis is needed to address any unintended consequences and to ensure decisions are based on data. To encourage this, we have included a series of "Issue Boxes" that point out some areas that have been identified, where the Commission will be following up with shorter reports that will go into greater detail and provide further analysis on these topics.

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<sup>1</sup> All references to "House Bill 348 (HB348)" in the following pages are to the bill in the 2015 General Session.

## Executive Summary

This Second Annual JRI Report includes both new and updated measures, meant to analyze policies in HB348 that may, both directly and indirectly, affect Utah's criminal justice system. It describes policies related to changes in drug possession only penalties, supervision practices, prison admissions and releases, and the increase in funding given to substance use and mental health treatment, while also discussing initial analysis surrounding prison length of stay and a comparison of sentencing guidelines to actual sentencing decisions. It should be emphasized that policies in HB348 are multifaceted and complex, with many still in need of sufficient time before the impact on Utah's criminal justice system can be realized. Though some policies take time to be fully implemented with fidelity, key findings at year two include the following:

- a (continuing) decrease in the percent of drug possession only offenses filed as felony crimes **(p.5)**
- an increase in substance use treatment in residential settings, with the overall number of justice involved clients served for substance use remaining relatively unchanged **(p.12)**
- a significant increase in the number of justice involved clients served for mental health treatment **(p.13)**
- a departure in sentencing guidelines and actual sentencing decisions, with decisions weighing more heavily in favor of prison sentences than guideline recommendations **(p.16-17)**
- a prison population that now meets its HB348 projections, while decreasing the number of drug possession and other nonviolent offenders and focusing resources on more serious and violent offenders **(p.18)**
- an increase in the number of prison admissions from supervision (particularly parole) **(p.19-20)**
- a decrease in the length of stay in prison for nonviolent offenses and revocations **(p.21-22)**
- a similar growth rate in the overall supervision population pre- and post-reform, with changes occurring in its composition **(p.23-25)**
- no evidence of adverse effects on general public safety trends since the reforms have been implemented **(p.27-29)**

While some of these findings may not be attributed to causal effects of HB348, they give insight on changes that are occurring in Utah's criminal justice system before and after the passage of criminal justice reform. The emphasis of future reports will be to evaluate various outcomes through controlled studies, including:

- outcomes for the general supervision population (i.e., recidivism)
- outcome analysis that isolates potential effects of changes in drug possession penalties
- outcomes specific to substance use and mental health treatment (evaluation of new treatment standards)
- cost savings and reinvestment analyses associated with the reform

Several issue boxes throughout the report also identify other topics and challenges that will be addressed in reports to follow, such as expanding treatment capacity and availability across the state, the potential effect of low-level drug crime on future felony cases, disproportionate prison sentences for minority offenders, and offender recidivism and other outcomes.

### Drug Penalty Modifications & Impact

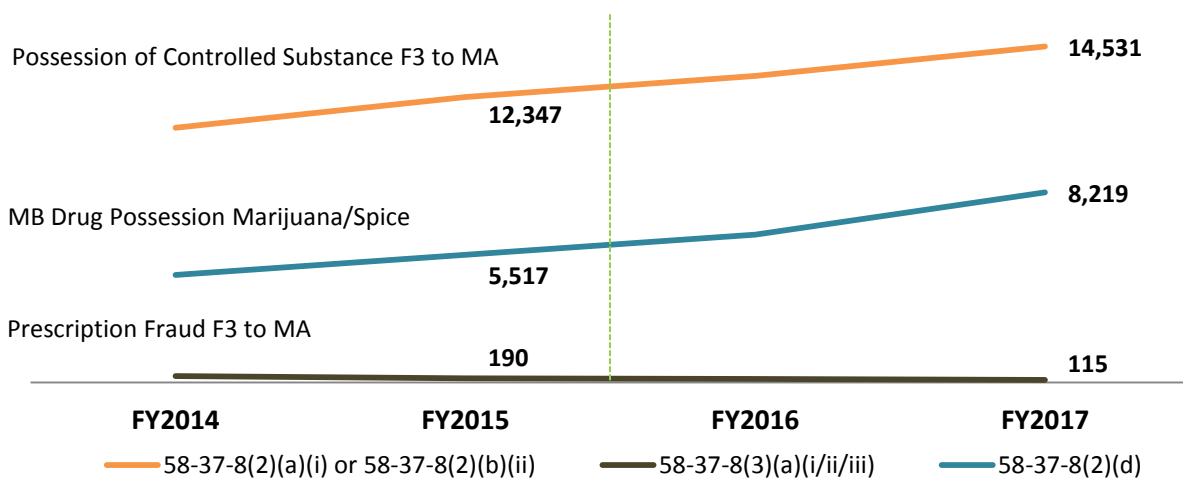
House Bill 348 (HB348) modified the penalties for certain drug possession and prescription fraud statutes. One of the goals of JRI is to decrease the practice of incarcerating drug offenders (and other nonviolent offenders with addiction and mental health issues), and alternatively, provide increased opportunities for substance use and mental health treatment for these offenders. One mechanism to encourage this was to lower penalties for initial drug possession only offenses, taking away the possibility of prison to allow for treatment in the community, along with an increased emphasis on supervising and treating offenders according to criminogenic risk and needs.

PENALTY CHANGES			
Code Section	Description	Old Penalty	New Penalty
58-37-8(1)(b)	Distribution CS	F2 and 1-15 years	F2 and 0-15 years
58-37-8(2)(a)(i) 58-37-8(2)(b)(ii)	Possession CS Schedule I or II Analog	F3	MA on 1 <sup>st</sup> and 2 <sup>nd</sup> conviction F3 on 3 <sup>rd</sup> and subsequent
58-37-8(2)(d)	Possession CS	MB	MB on 1 <sup>st</sup> and 2 <sup>nd</sup> Conviction MA on 3 <sup>rd</sup> Conviction F3 on 4th and subsequent
58-37-8(3)(a)(i)	Manufacture/Distribution CS with False License	F3	MA on 1 <sup>st</sup> and 2 <sup>nd</sup> Conviction F3 on 3 <sup>rd</sup> and subsequent
58-37-8(3)(a)(ii)	Falsely Obtaining/Dispensing Rx	F3	MA on 1 <sup>st</sup> and 2 <sup>nd</sup> Conviction F3 on 3 <sup>rd</sup> and subsequent
58-37-8(3)(a)(iii)	Falsify/Forge/Alter Rx of CS	F3	MA on 1 <sup>st</sup> and 2 <sup>nd</sup> Conviction F3 on 3 <sup>rd</sup> and subsequent
58-37-8(4)(a)(i-ix)	Distribution CS – Drug Free Zone		Time and Distance Changes
58-37-8(6)(a)	Penalty Enhancement		Sep. Criminal Episode Sep. Conviction
Various	Traffic-like Misdemeanors <i>*Does not include drug crimes. *Does not include alcohol crimes.</i>	MA - 1 MB - 14 MB - 1 MC - 295 INF - 1	MB MC Infraction Infraction MC

We examined the court case filing trends using several of these statutes with penalty modifications, including most notably the main possession of controlled substance statute (58-37-8(2)(a)(i)/58-37-8(2)(b)(ii)) that changed from a 3<sup>rd</sup> degree felony (F3) to a class A misdemeanor (MA) on the first two convictions (See Figure 1).

- 58-37-8(2)(a)(i) charges have increased steadily over the past four years, though the rate of increase was steeper between FY2014-15 (pre-JRI) than more recent years (12% vs. 7% and 9%).
- Lately, most of the action has come with the lower level class B (MB) drug possession statute. 58-37-8(2)(d) charges have also been increasing steadily, but with a larger bump in FY2017 (up 28% over FY2016).
- Prescription fraud (58-37-8(3)(a)(i/ii/iii)) charges remain infrequent.

Figure 1. Overall charges filed with specified drug possession and prescription fraud statutes.

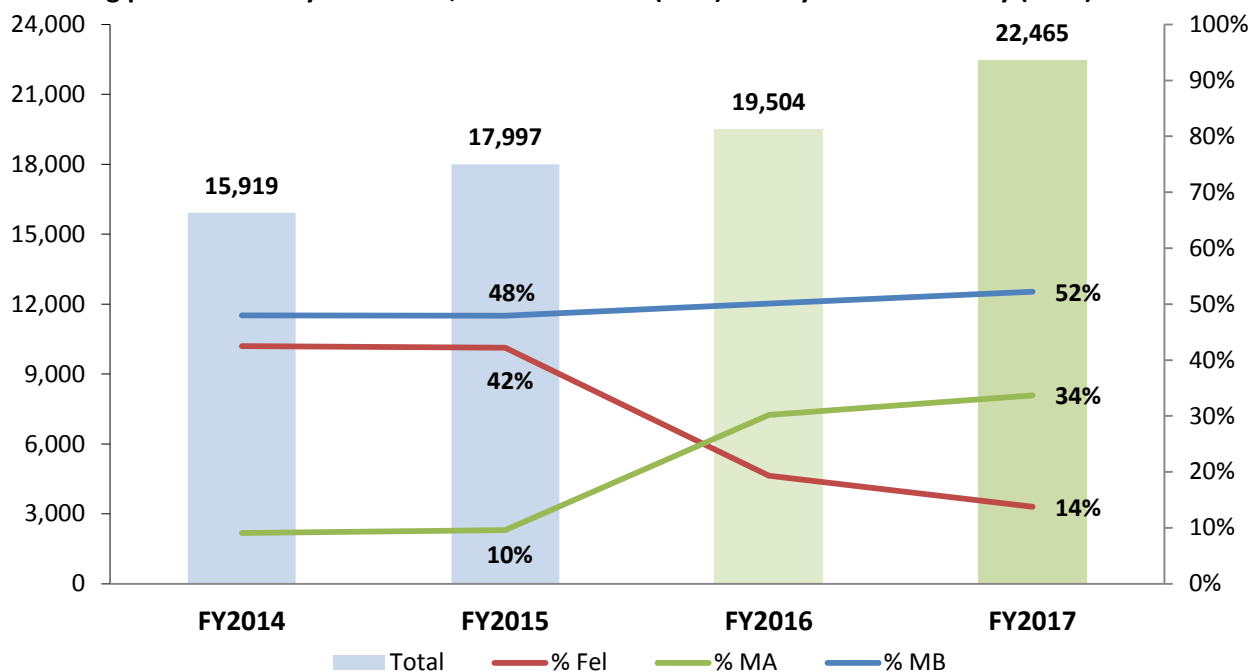


**Felony drug possession only cases continue to decline**

Drug possession only cases are defined as cases where the most serious drug charge filed was drug possession (most drug distribution or possession with intent cases also include drug possession charge(s)). Figure 2 shows the number of overall drug possession cases over time, as well as the percentage by severity level within each year. The level indicated in the figure is the highest severity drug possession charge in that case (does not include drug paraphernalia charges, which are subordinate to drug possession in the hierarchy).

- Overall, drug possession only case filings continue on an upward trend that started well before the implementation of JRI (13% increase between FY2014-15, then 8% and 15% over the next two years).
- As expected, the significant shift between F3 to MA drug possession only cases filed continued into FY2017, with 14% filed as felonies and 34% as MA (compared to 42% felony and 10% MA in FY2015 prior to JRI).
- The bulk of drug possession cases, however, continue to be filed at the MB level, and cases at this level of severity are taking up a more significant share of the overall drug possession cases in FY2017 (52%) than they did previously (48% in FY2015).

**Figure 2. Drug possession only cases filed, total over time (bars) and by level of severity (lines).**



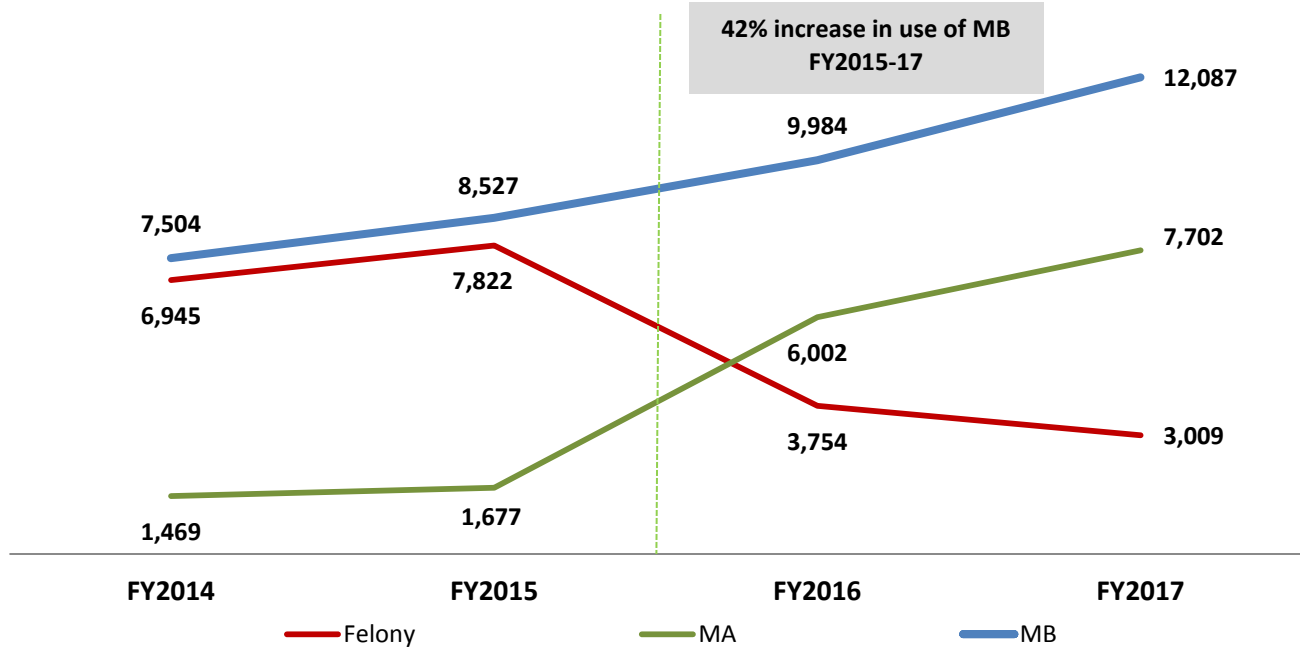
**Lower level (class B misdemeanor) drug charges and cases have risen sharply in recent years**

As indicated above, class B misdemeanor (MB) cases have historically been nearly half of all drug possession only cases, and this has increased in recent years. To expand on this, Figure 3 shows the number of charges filed at each level for the primary statutes with penalty changes discussed above (in Figure 1). Though 58-37-8(2)(a)(i) has carried a 3<sup>rd</sup> degree felony (F3) penalty, it has consistently been used at the MB level in over a quarter of cases where it is charged (27% in FY2014, 25% in FY2015, 28% in FY2016, 28% in FY2017). Figure 4 shows the rates (per 100,000 population) over time for all MB-level drug cases (possession and paraphernalia), compared to more serious drug possession and possession with intent/distribution cases.

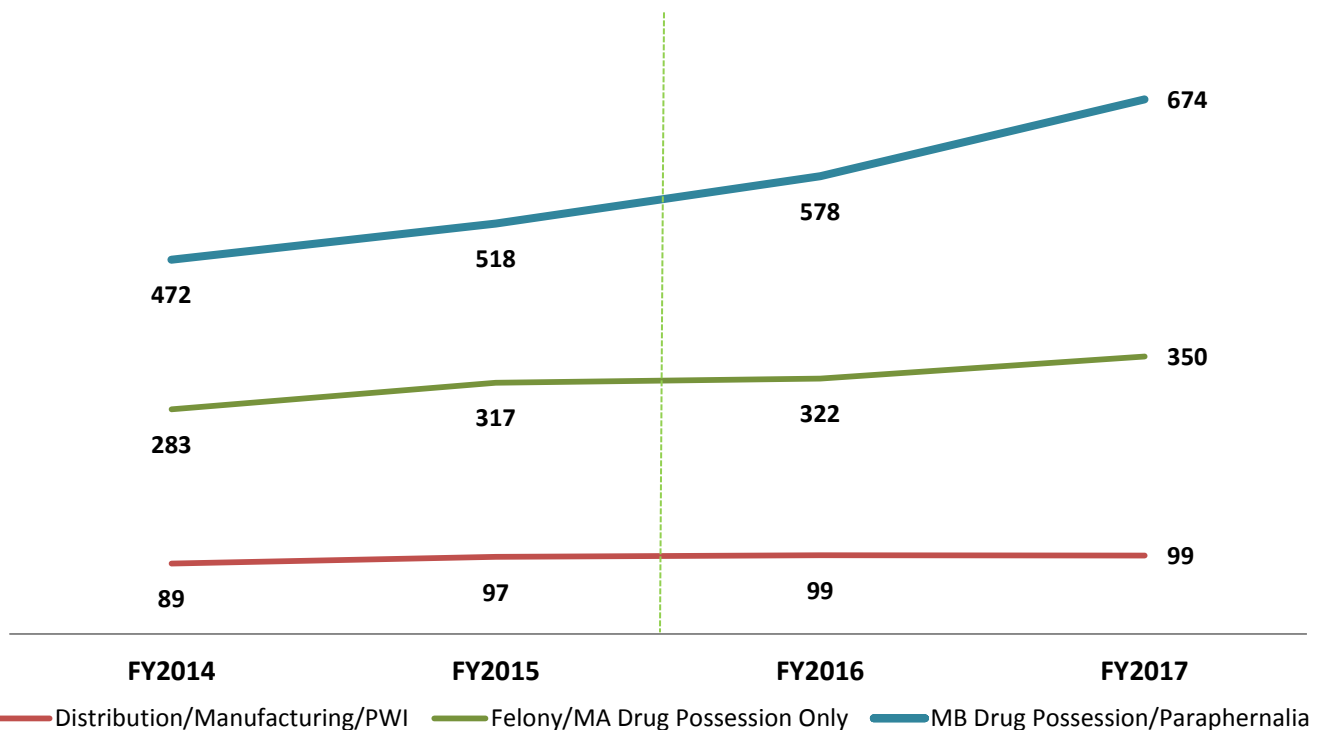
- There has been a 42% increase in charges at the MB level of these main drug possession statutes between FY2015 to FY2017.
- Cases involving MB level drug possession or paraphernalia grew 10% between FY2014-15 and 12% between FY2015-16, then jumped 17% in the most recent year to reach 674 per 100,000 Utahns. This is an increase of over 200 cases per 100,000 Utahns in just four years (43% overall).

- Combining the more serious drug possession only cases (felony and MA), the rate of growth has been much slower. Cases in this category increased more from FY2014 to FY2015 (12%) pre-JRI than they have between FY2015 and FY2017 combined (10%).
- Drug distribution, manufacturing, and possession with intent cases have leveled off after a 10% bump between FY2014 and FY2015, prior to JRI.

**Figure 3. Charges filed by level (felony vs. class A misdemeanor (MA) vs. class B misdemeanor (MB)) over time for the drug statutes in Figure 1.**



**Figure 4. Drug case filing rates (adjusted per 100,000 population) by most serious drug offense.**

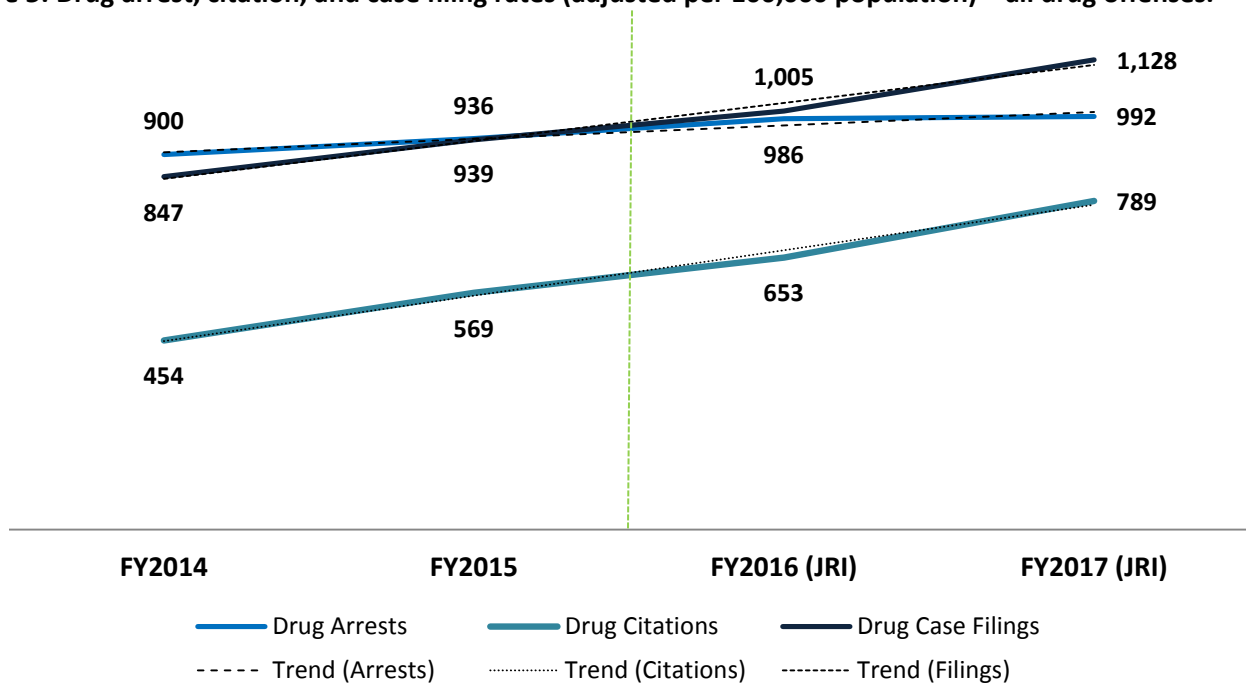


**Use of citations for drug offenses has increased and may be contributing to MB trends**

One factor that may be influencing the rise in class B misdemeanor drug cases is the growing practice of law enforcement issuing citations for low-level drug crime, which is made up mostly of the MB possession and paraphernalia charges seen in Figure 4. Figure 5 shows these citation rates compared to arrests and case filings.

- Drug arrests have increased only 10% over the past four years and appear to have leveled off in the previous two (986 and 992 arrests per 100,000 population in FY2016 and FY2017 respectively).
- Drug citations have increased 74% in the same period, from 454 per 100,000 population in FY2014 to 789 in FY2017. Additionally, these citations grew at a higher rate between FY2014 and FY2015 (25%) than they have since JRI was implemented (15% in FY2016, 21% in FY2017), evidence that this practice predated the criminal justice reforms (one part of which modified drug possession penalties).
- The drug citation numbers also help explain why the drug case filings have recently exceeded (and increased at a higher rate than) drug arrests.

**Figure 5. Drug arrest, citation, and case filing rates (adjusted per 100,000 population) – all drug offenses.**



**Issue Box #1: Misdemeanor Drug Crime, Felony “Bubble,” and Regional Differences**

Several issues related to the drug penalty changes are being explored further, and some of this analysis will be described in a brief report to follow shortly after this annual report. As described in the section above, one of the challenges we are confronting is an unexpected jump in lower-level drug possession and paraphernalia crime, as well as the practice of issuing citations for this type of crime. With the penalty changes adopted in HB348, some drug possession offenses were lowered to misdemeanors for the first two or three convictions, but then can be enhanced back to a felony on subsequent convictions. This policy change raises the question of how this bump in low-level drug arrests, citations, and case filings (especially the class B level drug possession offenses) might impact future felony numbers. Have we reached the point where we will begin to see a sharp increase in felony drug possession cases going forward (a felony “bubble”)? Also, are there regional differences across the State in the impact of these drug penalty changes? Here is one highlight from the analysis:

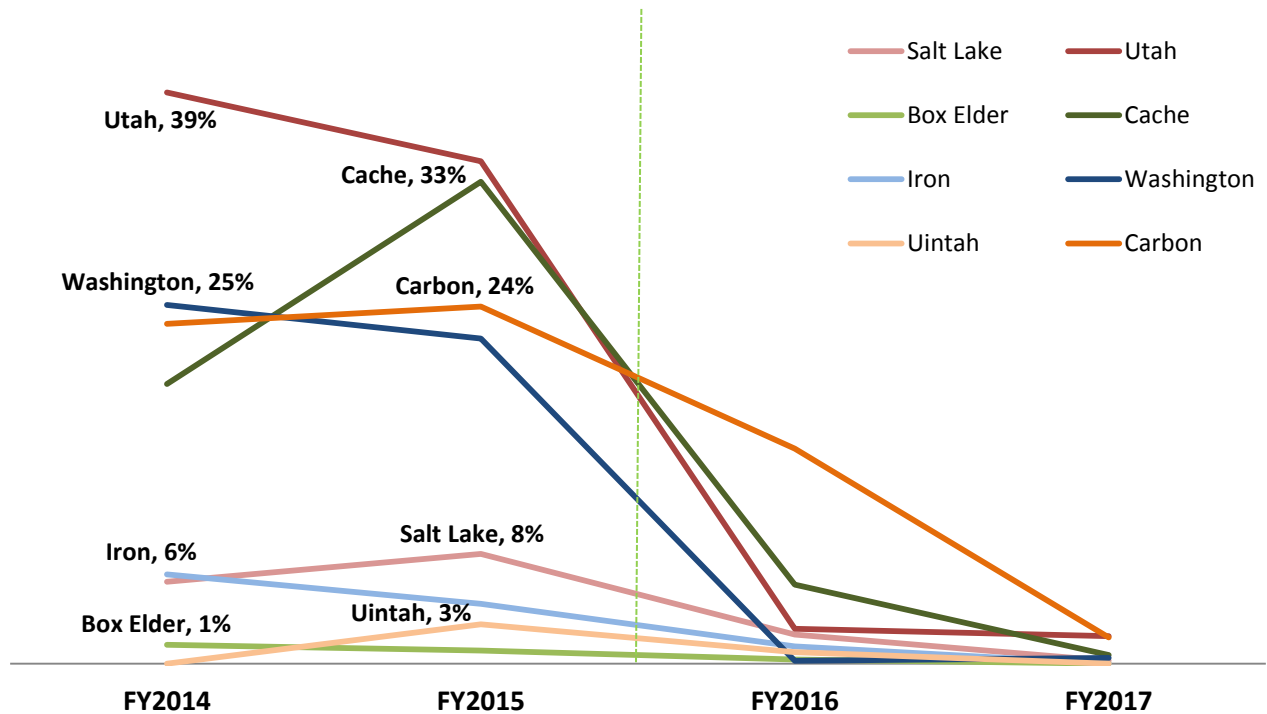
- Of those convicted of drug possession (58-37-8(2)(a)(i)) in the first nine months of 2017, just over a thousand (21%) will be eligible for felony enhancement on a subsequent conviction. It was the first conviction for almost half (47%), while another 32% were already felony qualified on this conviction (43% of these were actually convicted of a felony).

**Use of drug free zone enhancements has decreased and become more standardized across the State**

Another part of the drug penalty modifications was a restriction of the drug free zone enhancement (e.g., time and location combinations) to best target when and where children may be present. The rationale for this was based on perceptions that these enhancements were far too broad, a considerably higher number of drug cases could qualify for enhancement than initially intended, and this left a great deal of discretion (and potential for variability) with prosecutors. This policy change is also another factor that could have contributed indirectly to the recent increase in MB-level drug cases, as a small percentage of the MB cases pre-JRI may have been enhanced to an MA or above due to this practice, and this may have been more likely in some regions of the State.

- Overall, case filings with a drug free zone enhancement have decreased from 13% in FY2015 to 2% in FY2016 and less than 1% in FY2017.
- The more serious drug cases (distribution/manufacturing and possession with intent) were far more likely to be enhanced in the past (34% and 21% respectively in FY2015). Four percent of distribution/manufacturing cases are still filed with a drug free zone enhancement, though like all other types, this is only a fraction of its former usage.
- The use of the drug free zone enhancement prior to JRI varied greatly across the State depending on the county in which the offense may have been committed (see Figure 6). Utah (39% in FY2014), Cache (33% in FY2015), Washington (25% in FY2014), and Carbon (24% in FY2015) counties seemed to exercise this enhancement option at a far greater rate than other counties, even those they border. In contrast to Utah County, Salt Lake County only utilized the drug free zone enhancement in 8% of drug cases at its height in FY2015; Box Elder County’s use (1.3% in FY2014) was much less frequent than Cache; Iron County’s rate (6.1% in FY2014) was much less than Washington; and Uintah County used it far less (2.7% in FY2015) than Carbon.

**Figure 6. Use of drug free zone enhancement by County over time – percent of all drug cases.**



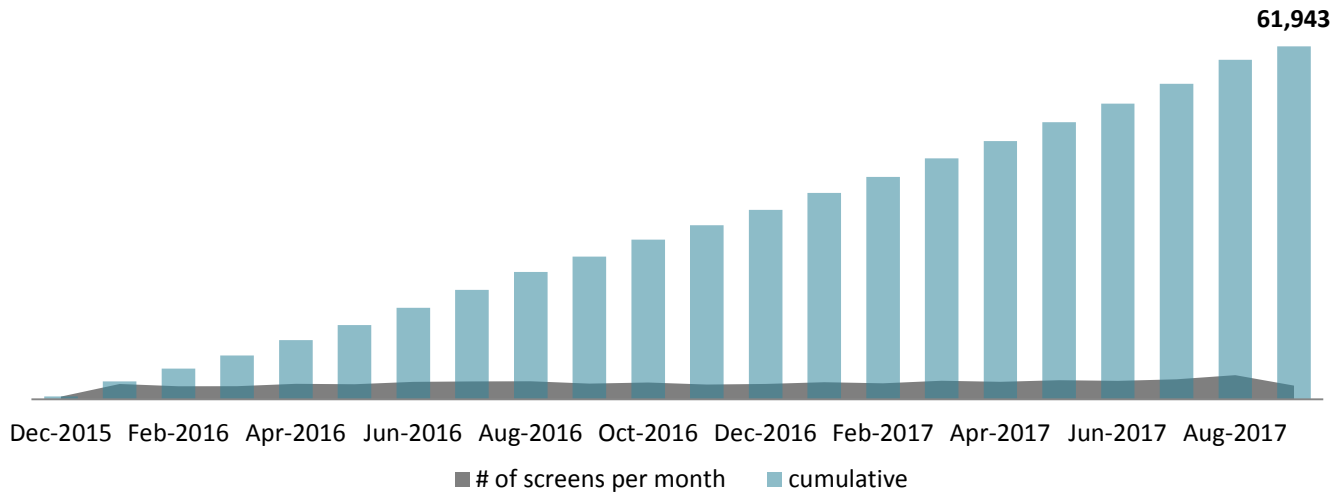


## Establishment of a County Jail Risk and Needs Screening Program

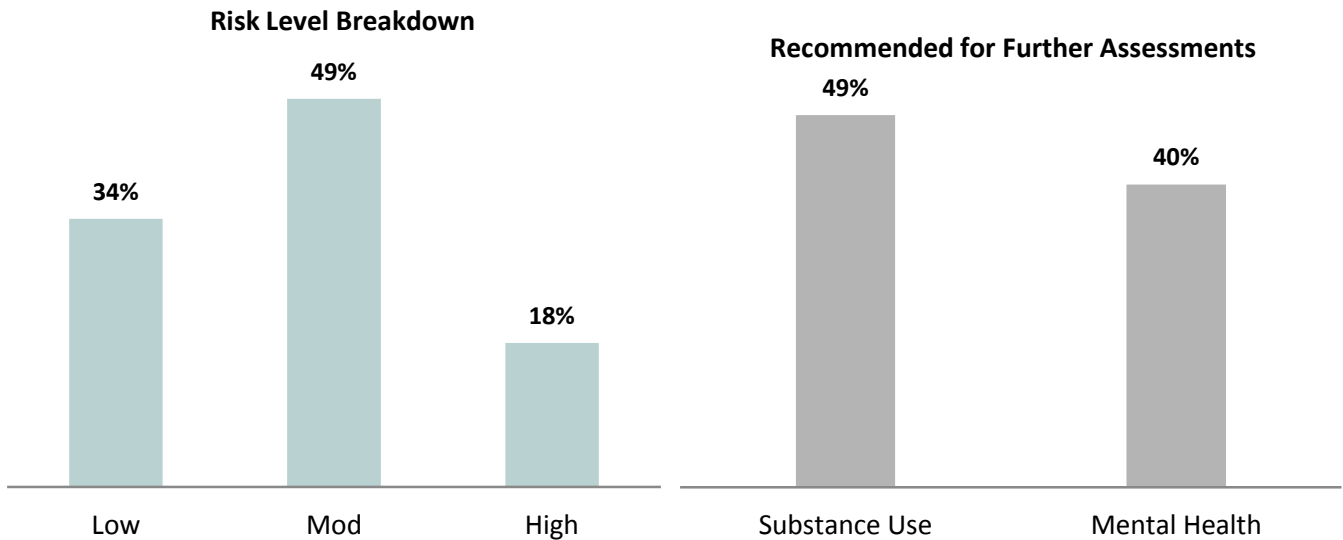
The County Performance Incentive Program (CPIP) is a grant based program intended to enhance services in the jails, a central component of which is the implementation of a statewide risk and needs screening process using validated screening instruments (Level of Service Inventory (LSI-R:SV), the TCU Drug Screen (TCUDS), and the Correctional Mental Health Screen (CMHS) by gender). These screenings serve multiple purposes, and are intended to assist jails with offender management, screen out low risk offenders, and provide an aggregate estimate of substance use and mental health assessment needs for Utah’s criminal justice population. Screening is performed on class B misdemeanors and above and is a voluntary process.

- Close to 62,000 completed screenings have been performed since the implementation of the program (see Figure 7). Nearly 3,000 screens per month were conducted in FY2017.
- To date, these screenings indicate that more than two-thirds of Utah's arrested population is moderate (49%) or high (18%) risk to reoffend, with close to half (49%) needing further assessment for a substance use disorder and 40% needing further mental health assessment (see Figure 8).
- Additionally, roughly one-third of individuals screened as being in need of both a substance use and a mental health assessment (potential co-occurring disorder population).

**Figure 7. Number of jail screenings performed, cumulative and monthly counts.**



**Figure 8. Risk and needs breakdown for all jail screenings.**

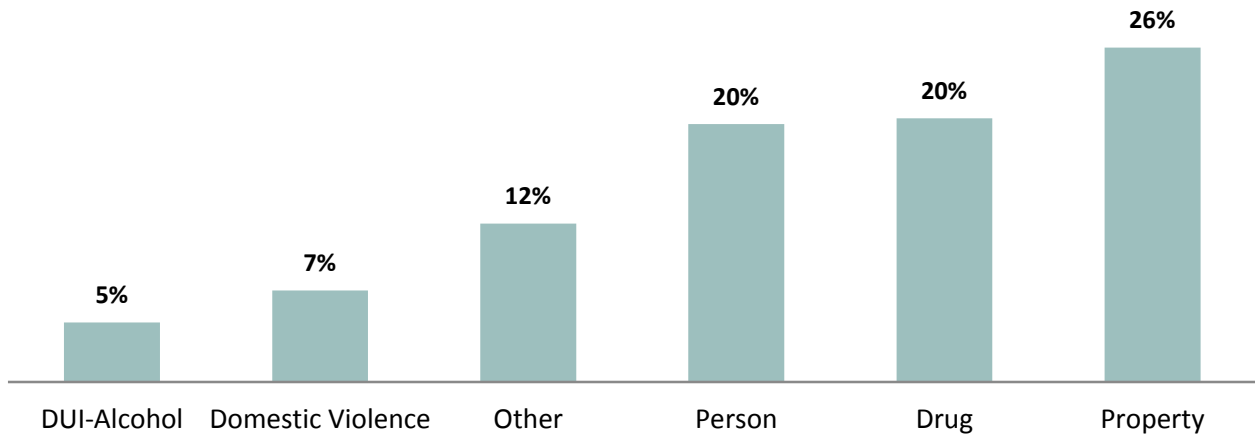


**Jail risk and needs screens are providing valuable information to policymakers and practitioners**

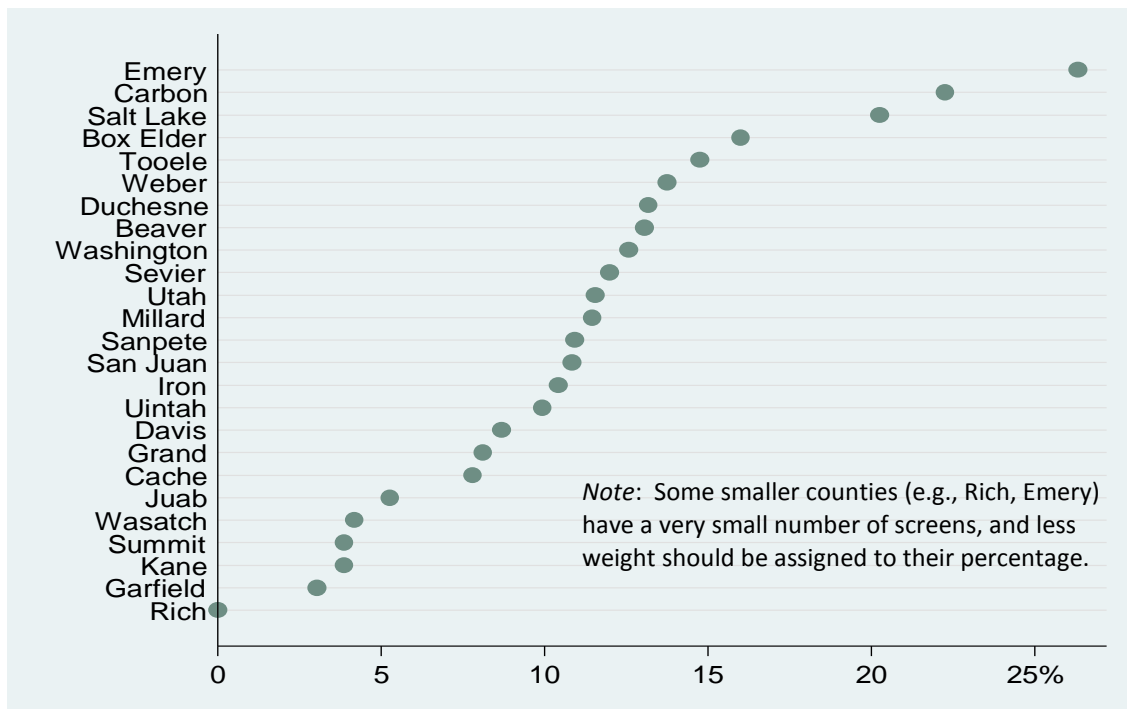
Apart from the overall levels of risk and need in this offender population, the screening database also contains other useful information that can assist in directing policy and resources. As one example, information on the offense type associated with the booking allows for analysis around risk and need levels broken down by offense that can inform decisions about drug court. Individuals arrested for property crimes are somewhat more likely to be high risk and high need regarding substance use than offenders arrested for drug crimes (*see Figure 9 below*). This data suggests that other offenses beyond just drug offenses should be eligible for drug court, and expanding the pool of candidates beyond drug offenders might be good policy. The database also allows for analysis of high risk and need populations by location to see where additional resources might be required (*see Figure 10 below*).

- 26% of property offenders screen high risk and high need for substance use at jail booking, compared to 20% of drug and person offenders.
- The offender population that is high risk and high need for substance use varies across the State, with offenders in certain counties (Carbon, Salt Lake, Box Elder, and Weber) screening higher than average.

**Figure 9. Percent high risk for recidivism and high need (substance use) by offense type.**



**Figure 10. Percent high risk for recidivism and high need (substance use) by county.**



### **Issue Box #2: Validating and Sharing the Jail Screens**

Initial validation efforts are currently underway to ensure that the implementation of the jail screens is effective, and that the selected screening instruments are measuring what they are intended to measure and are adequately predictive of subsequent behavior and full assessment. This includes examining re-arrest rates for the three different risk levels of the LSI-R:SV to ensure that they align with prior expectations (i.e., low risk should have the lowest re-arrest rate, high risk the highest), as well as matching a group of offenders to see if they received full assessments on the LS-RNR and mental health and/or substance use.

Another challenge with this screening program has been getting these scores in the hands of individuals inside and outside the jail who may be making important decisions about the offender. We are making progress on this front, as there is now a connection between the screening database and the Courts, and several counties are using the screens to divert offenders into appropriate programs and/or get them full assessments.

### **Increased Funding for Substance Use and Mental Health Treatment for Offenders**

Expanding treatment capacity and ensuring that providers use evidence based treatment practices are one of the primary goals of Utah's criminal justice reform. HB348 requires all treatment providers receiving state funding to adhere to a specific set of standards, including the certification of treatment providers. The new treatment standards and the certification process ensure that the treatment provided aligns with evidence-based practices (i.e., assessing each individual's criminogenic risk and need levels before placement in treatment), and this is expected to improve recidivism outcomes for offenders receiving treatment. Although outcomes take time to evaluate and will be part of future reports, the principles are supported by prior research. Continuing to increase access to and improve outcomes for both substance use and mental health treatment remain ongoing goals of JRI.

#### **Admissions to substance use treatment are significantly up in the past year for justice involved<sup>2</sup> clients**

As mentioned in the previous section, about half of the screens of arrested offenders indicate need for further assessment for substance use disorder at the time of booking at the county jail. This data implies that a substantial portion of Utah's criminal justice population is in need of substance use treatment. While the number of justice involved clients served for substance use by Utah's local area authorities remained relatively trendless between FY2014 and FY2017, the number of admissions to substance use treatment for all justice-involved individuals experienced an increase (see *Figure 11*).<sup>3</sup> There has also been a shift in clients served at more intensive levels of treatment, most significantly a jump in residential treatment beds (see *Figures 12 & 13*).

- Admissions to substance use treatment for justice involved clients jumped by over 2,000 (21%) to 11,528 in FY2017 from 9,516 in FY2016. Before, admissions had been fairly flat for several years (*Figure 11*).
- While the trend in justice involved clients served has not changed much compared to FY2014 levels (11,315 in FY2014 vs. 11,546 in FY2017), there has been a more modest increase of 9% since FY2015 and 11% from a low in the first year post-JRI (*Figure 11*).
- Importantly, the number of residential clients increased by nearly 300 (23%) between FY2016 and FY2017 (*Figures 12 & 13*). The client increase from pre-JRI FY2015 (29%) was even more significant.
- Also, justice involved detox clients increased 68% from 720 individuals in FY2015 before the reform to over 1,200 in FY2017 (*Figure 12*).
- While outpatient and intensive outpatient (IOP) together constitute the most substantial share of overall treatment, their percentage change pre- and post-reform were the smallest. Still, there has been an increase of 210 justice involved clients (7%) in IOP and over 300 (4%) in outpatient from FY2015 to FY2017 (*Figure 12*).

<sup>2</sup> The justice involved population includes individuals in treatment that also meet at least one of the following criteria: DORA, had an arrest, were compelled to treatment, part of probation and/or parole, and drug court.

<sup>3</sup> Clients served are unduplicated counts that carry over from the previous year, while admission to treatment is measured by level. As an individual is often admitted to more than one level, increases in admissions can exceed clients served.

Figure 11. Number of justice involved clients served and admitted – substance use treatment.

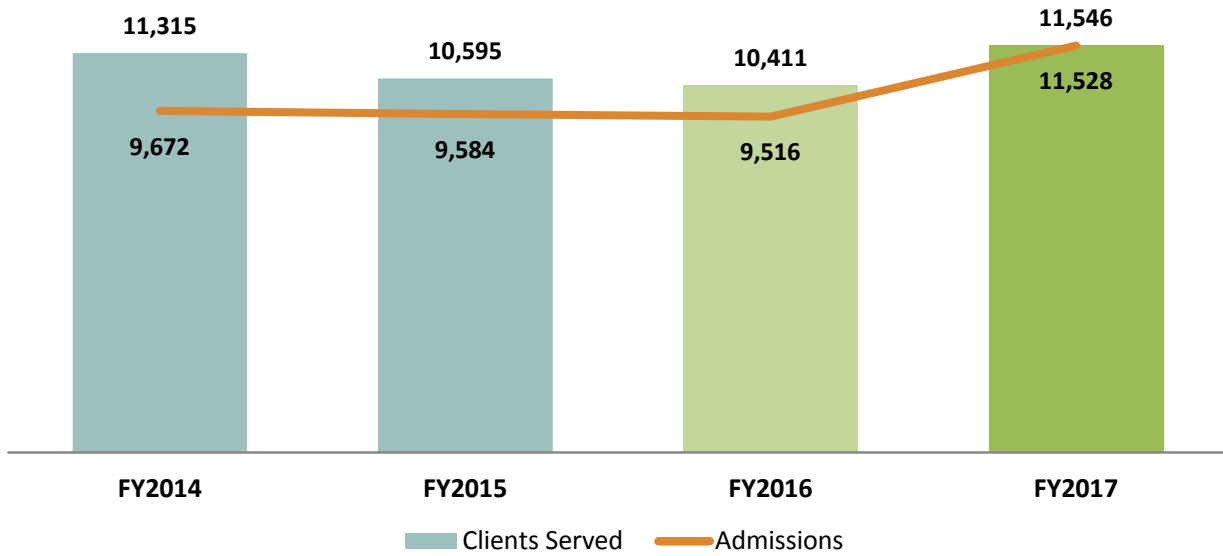


Figure 12. Substance use treatment by level for justice involved clients.

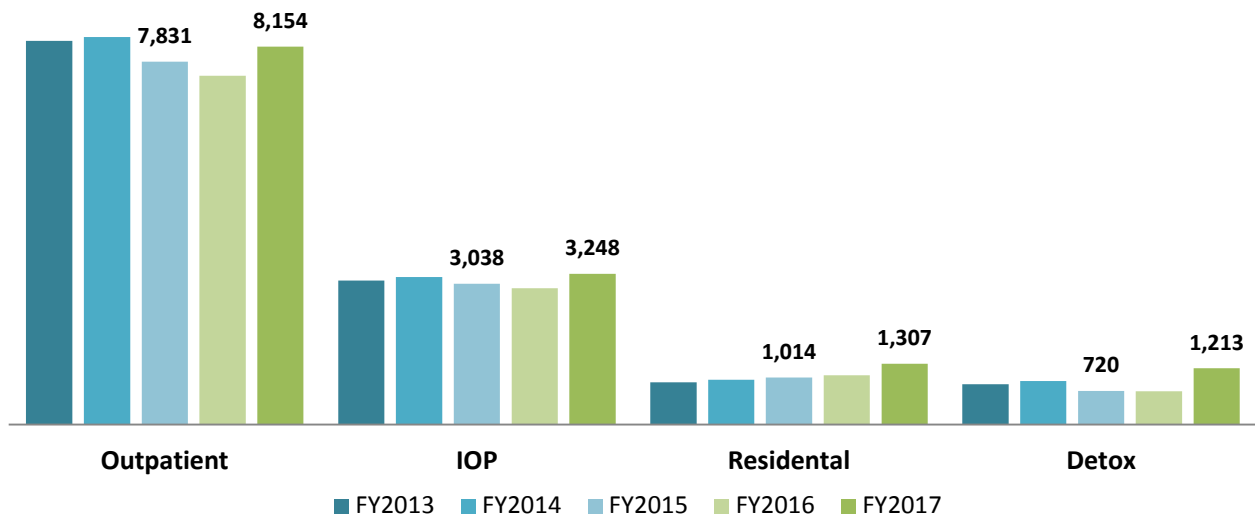
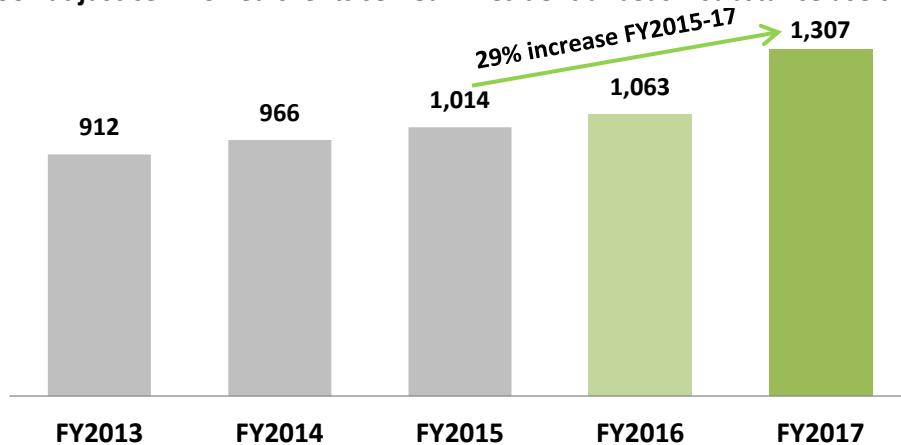


Figure 13. Closer look at justice involved clients served in residential beds – substance use treatment.

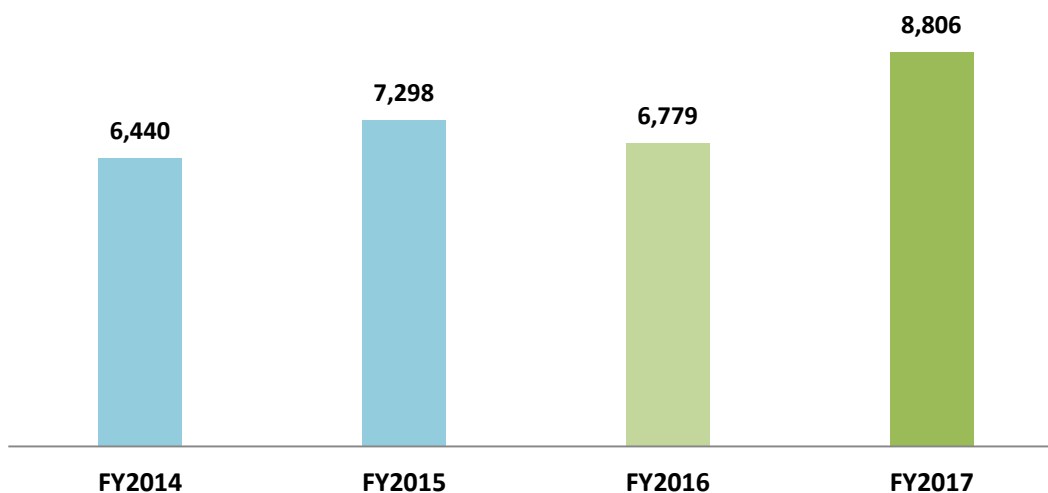


**The justice involved client base for mental health treatment also expanded considerably in FY2017**

Similar to substance use treatment, a significant portion of Utah’s criminal justice population has a mental health treatment need, with 40 percent of arrested offenders screening with a need for a full assessment of mental health when booked into a county jail. The number of justice involved clients receiving mental health treatment has increased since the implementation of JRI. While the number of clients served saw a decrease initially in FY2016, that number rebounded even more significantly in FY2017 (see Figure 14).

- Justice involved clients served in mental health treatment have increased 21% since the implementation of JRI, from 7,298 in FY2015 to 8,806 in FY2017 – an expansion of over 1,500 justice involved clients (Figure 14).
- This increase followed an initial decline of 7% to 6,779 in the first year of the reforms.

**Figure 14. Number of justice involved clients served– mental health treatment.**



**Justice involved treatment numbers varied by local area provider and region**

Utah has thirteen local area authority (LAA) providers across the State that provide and/or contract for substance use and mental health services, with nine operating outside the Wasatch Front. The regular treatment funding from the State, as well as the new JRI funding, is coordinated through the Division of Substance Abuse and Mental Health in the Department of Human Services, both through formula grants and competitive grants starting in FY2018. As might be expected, there is a great deal of variability in the impact of the new treatment funding provided through JRI. Table 1 shows the clients served in substance use and mental health treatment by LAA provider, as well as admissions to substance use treatment (mental health treatment admissions were not available at the time of this report). Providers were also grouped by region, with those outside the Wasatch Front compared to Salt Lake County and the other Wasatch Front providers (Davis, Utah, and Weber).

- For substance use treatment, Salt Lake and many of the providers outside the Wasatch Front saw declines in FY2016 followed by robust increases in FY2017 in admissions and/or clients served. Two exceptions to this pattern were Northeastern and Wasatch, both of which have seen steady gains since JRI started.
- A different pattern is seen in the other providers along the Wasatch Front. Davis, Utah, and Weber all had gains in the first year of JRI followed by reductions in FY2017. In the case of Weber, the declines in the recent year still left them higher than FY2015 in both admissions and clients served.
- For mental health treatment, Salt Lake and most providers outside the Wasatch Front have seen increases in justice involved clients served in both years since the reforms. Salt Lake has expanded their justice involved client base by almost 700 (50%) since FY2015; non-Wasatch Front providers combined have seen expansion by nearly 900 (83%).
- Once again, Davis, Utah, and Weber showed a different pattern, losing justice involved clients in FY2016 before gaining them back (except Weber, which is still down nearly 10% since FY2015).

**Table 1. Justice Involved Clients by Local Area and Region.**

Provider/Region	Overall Substance Use Treatment						Mental Health Treatment		
	Clients Served			Admissions			Clients Served		
	FY15	FY16	FY17	FY15	FY16	FY17	FY15	FY16	FY17
Bear River	823	834	769	449	485	468	255	296	337
Central	345	325	372	176	204	249	64	67	94
Four Corners	422	472	538	313	277	295	164	156	231
Northeastern	255	301	389	182	202	227	177	203	235
San Juan	61	55	62	54	31	37	34	48	61
Southwest	530	491	455	502	451	462	108	155	173
Summit	228	196	225	130	99	148	23	178	293
Tooele	366	251	265	172	147	179	132	203	398
Wasatch	87	95	126	60	79	99	88	59	94
<b>Non-Wasatch Front</b>	<b>3,117</b>	<b>3,020</b>	<b>3,201</b>	<b>2,038</b>	<b>1,975</b>	<b>2,164</b>	<b>1,045</b>	<b>1,365</b>	<b>1,916</b>
<b>%Change (Prior FY)</b>		<b>-3.1%</b>	<b>6.0%</b>		<b>-3.1%</b>	<b>9.6%</b>		<b>30.6%</b>	<b>40.4%</b>
Davis	905	912	867	936	870	802	1,273	1,151	1,296
Utah	626	765	710	866	974	774	2,046	1,281	2,200
Weber	1,117	1,272	1,247	903	991	954	1,757	1,595	1,585
<b>Non-SL Wasatch Front</b>	<b>2,648</b>	<b>2,949</b>	<b>2,824</b>	<b>2,705</b>	<b>2,835</b>	<b>2,530</b>	<b>5,076</b>	<b>4,027</b>	<b>5,081</b>
<b>%Change (Prior FY)</b>		<b>11.4%</b>	<b>-4.2%</b>		<b>4.8%</b>	<b>-10.8%</b>		<b>-20.7%</b>	<b>26.2%</b>
<b>Salt Lake County</b>	<b>4,849</b>	<b>4,539</b>	<b>5,635</b>	<b>4,830</b>	<b>4,706</b>	<b>6,834</b>	<b>1,342</b>	<b>1,518</b>	<b>2,018</b>
<b>%Change (Prior FY)</b>		<b>-6.4%</b>	<b>24.1%</b>		<b>-2.6%</b>	<b>45.2%</b>		<b>13.1%</b>	<b>32.9%</b>
<b>Statewide</b>	<b>10,595</b>	<b>10,411</b>	<b>11,546</b>	<b>9,573</b>	<b>9,516</b>	<b>11,528</b>	<b>7,298</b>	<b>6,779</b>	<b>8,806</b>
<b>%Change (Prior FY)</b>		<b>-1.7%</b>	<b>10.9%</b>		<b>-0.6%</b>	<b>21.1%</b>		<b>-7.1%</b>	<b>29.9%</b>

**Issue Box #3: Building Treatment Capacity Across the State**

We have asked the Division of Substance Abuse and Mental Health to help us better understand the treatment capacity across the State, and the ability of JRI treatment dollars and other sources of funding to significantly impact the capacity of public and private providers, both regarding treatment beds/slots and staff/therapists. This effort will involve working with the local area authorities, as well as representatives from private providers, to determine historical capacity levels and develop measures to track capacity (beds/slots, staff and therapist FTE, therapist caseloads) going forward. Additional analysis will look at how the justice involved client base compares to the overall client base for both substance use and mental health treatment to determine whether total capacity has been expanded, or if the justice involved base is now taking up a higher share of the overall.

One challenge raised by the Division is the increasing difficulty local area authorities confront in attracting and hiring qualified therapists, as salaries for these individuals are higher in other sectors and demand is high. This problem exists in all areas, though may be an even more significant challenge outside the Wasatch Front. Additionally, they have seen an overall increase in the price of treatment beds as demand for services has increased. If costs (more competitive salaries to attract therapists, cost of treatment beds) continue to rise, additional funding may not expand capacity and cover as many new justice involved clients as anticipated. We will continue to monitor these challenges with our partners on the Implementation Task Force.

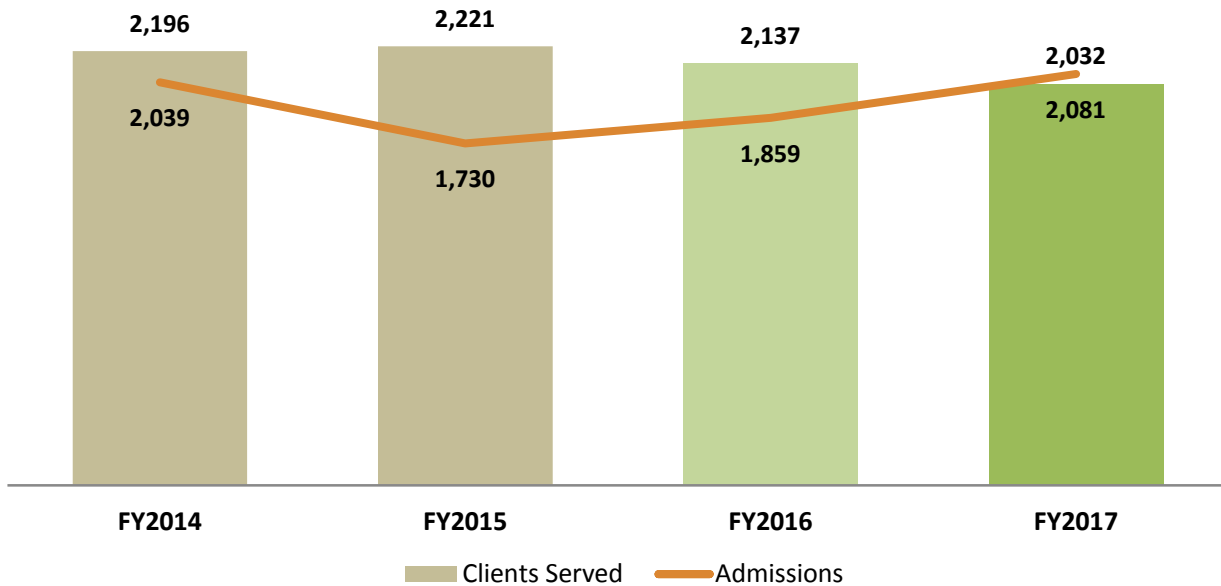
An additional challenge that will be explored is the potential impact of increased funding for the Treatment Resource Centers (TRCs), operated regionally out of the Department of Corrections, on referrals and the nature of the work of local area authority providers. As part of this, we will look at additional activities providers may be engaging in, including evidence-based program development, assessments, and earlier intervention.

**Admissions to Drug Court are on the rise, though the number of clients served in FY2017 is at a low point**

HB348 made direct changes regarding eligibility to Utah’s drug courts. The bill states that “acceptance of an offender into a drug court shall be based on a risk and needs assessment, without regard to the nature of the offense” (78A-5-201(6)(b)). This change is supported by data from the jail screening program discussed earlier, which showed that property offenders were more likely to be high risk and high need for substance use than drug offenders (p. 10). Since the implementation of JRI, the overall number of clients being admitted to drug courts has remained relatively unchanged from FY2014 levels, though admissions have been rising in the past two years (see *Figure 15*). Clients served in recent years, however, have declined somewhat. There has been variation across individual drug courts (see *Table 2*), and it has been theorized that the drug courts that adapted more quickly to the new eligibility criteria have done better than those that were slower to adapt to the changes.

- The trends for Drug Court admissions and total clients served have been going in opposite directions since the implementation of JRI – while total admissions are up 20% from 1,730 in FY2015 to 2,081 in FY2017, total clients served in Drug Courts have declined almost 9% from 2,221 in FY2015 to 2,032 in FY2017.
- Looking at the entire four-year period including FY2014, however, the trend in both numbers is much more flat (*Figure 15*).
- Much of the statewide decrease in Drug Court clients served over the past four years is accounted for by Salt Lake County alone (*Table 2*). Non-Wasatch Front and Davis/Utah/Weber Drug Courts, on the other hand, are serving as many or more clients on average in FY2017 than in FY2015 pre-JRI.
- With a few exceptions, most Drug Courts statewide had more admissions in FY2017 than FY2015.

**Figure 15. Number of admissions and clients served – Drug Court specific.**



Provider/Region	Clients Served			Admissions		
	FY15	FY16	FY17	FY15	FY16	FY17
Bear River	89	82	90	41	40	54
Central	84	80	87	34	33	45
Four Corners	41	16	57	6	0	63
Northeastern	25	39	49	13	20	27
San Juan	15	18	17	15	7	5
Southwest	222	234	227	249	243	250
Summit	27	21	30	13	8	24
Tooele	89	72	92	33	41	63
Wasatch	26	19	21	20	19	24
<b>Non-Wasatch Front</b>	<b>618</b>	<b>581</b>	<b>670</b>	<b>424</b>	<b>411</b>	<b>555</b>
<b>%Change (Prior FY)</b>		<b>-6.0%</b>	<b>15.3%</b>		<b>-3.1%</b>	<b>35.0%</b>
Davis	263	271	270	230	209	238
Utah	161	189	186	243	230	221
Weber	305	321	305	239	216	235
<b>Non-SL Wasatch Front</b>	<b>729</b>	<b>781</b>	<b>761</b>	<b>712</b>	<b>655</b>	<b>694</b>
<b>%Change (Prior FY)</b>		<b>7.1%</b>	<b>-2.6%</b>		<b>-8.0%</b>	<b>6.0%</b>
<b>Salt Lake County</b>	<b>875</b>	<b>775</b>	<b>602</b>	<b>594</b>	<b>793</b>	<b>832</b>
<b>%Change (Prior FY)</b>		<b>-11.4%</b>	<b>-22.3%</b>		<b>33.5%</b>	<b>4.9%</b>
<b>Statewide</b>	<b>2,221</b>	<b>2,137</b>	<b>2,032</b>	<b>1,730</b>	<b>1,859</b>	<b>2,081</b>
<b>%Change (Prior FY)</b>		<b>-3.8%</b>	<b>-4.9%</b>		<b>7.5%</b>	<b>11.9%</b>

## Significant Changes to Sentencing Guidelines and Criminal History Scoring

The Sentencing Guidelines underwent extensive changes in 2015 as JRI was being implemented (continued in the 2016 Guidelines), including significant changes to criminal history scoring (the 2017 Guidelines include additional revisions that will be reported on next year). As a result, the number of offenders that fall into the highest criminal history category has decreased. Before these changes, 20 percent of offenders who received a pre-sentence investigation (PSI) fell into this category; after, this has declined to less than 5 percent. As Guideline placement is a function of the offender's criminal history and offense type, these revisions altered placement on the general sentencing matrix. More specifically, the 2015-16 Guidelines reduced the average offender's likelihood of falling in the region of imprisonment while increasing the possibility of falling in the area of straight probation.

### New Guidelines have shifted placement on matrix for felony offenders, but not necessarily decision making

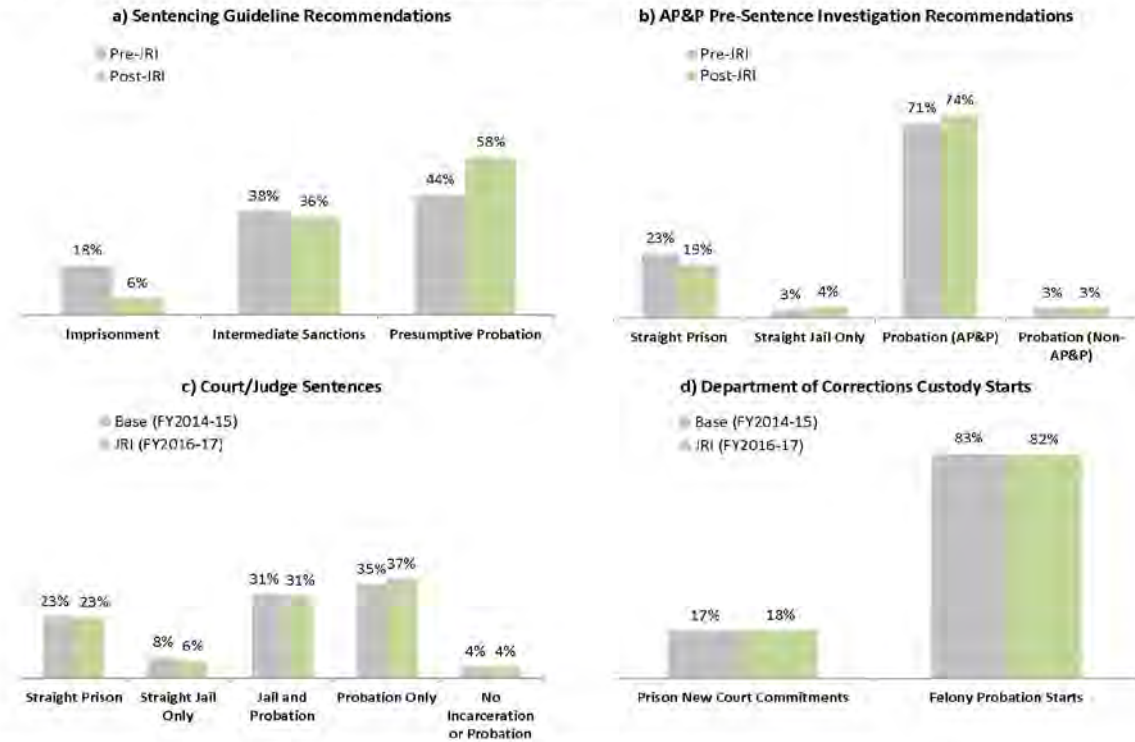
While the new sentencing guidelines changed placement on the sentencing matrix for felony offenders, this did not seem to translate into actual decision-making.<sup>4</sup> Agent recommendations, judge sentencing, and ultimate custody in Corrections did not change much as a share of total felony cases (see Figure 16 a-d).

- Placement on the sentencing matrix for prison recommendations decreased from 18% to 6% with the new guidelines, while probation recommendations increased from 44% to 58%.
- In contrast, prior to the changes, around 23% of offenders were recommended for prison by agents in pre-sentence reports, which only reduced to 19% with the 2015-16 guidelines. A similar percentage point change occurred for probation recommendations, which increased from 71% to 74%.
- Judges sentenced felony offenders to prison 23% of the time in both periods, and a somewhat higher share of felony offenders (18% vs. 17%) are new court commitments to prison in the Department of Corrections.

<sup>4</sup> The changes in prison recommendations by agents have occurred primarily among the offenders with 3<sup>rd</sup> degree felonies.



Figure 16 . Sentencing Guidelines, Presentence Recommendations, Sentences, and Custody Status - Felony Offenders

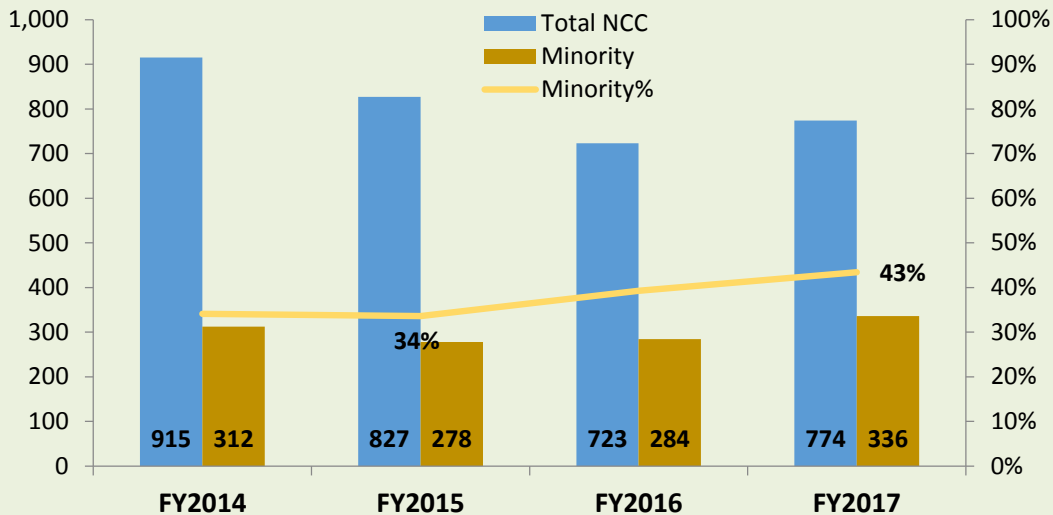


Note: Sentencing Guideline Recommendations, AP&P PSI Recommendations, and Custody Starts data from Department of Corrections O-Track database; Court Sentence data from Administrative Office of the Courts CORIS database; \*Pre-JRI period in first two figures uses October 1, 2014-September 30, 2015 period.

### Issue Box #4: Disproportionate Prison Sentences for Minority Offenders

Another issue that has arisen from careful analysis of the data is that higher percentages of offenders admitted to prison on new commitments from the Court (NCC - not parole or probation violations) are racial/ethnic minorities since the implementation of the JRI reforms and new sentencing guidelines. This data point was initially raised in our first annual report, though we now plan to conduct more research into the issue, including analyzing sentencing guideline placement and presentence recommendations for minority and white offenders and controlling for other factors. These findings will be released as a follow up issue brief to this report.

- While the number of minority NCC admissions has not changed to a significant extent, they now make up 43% of all NCCs after holding reasonably stable at around 34% of these admissions prior to the reforms.



### Focus Prison Beds on Serious and Violent Offenders

One of the goals of JRI was to reduce prison growth by focusing prison beds mostly for violent and high risk offenders. Utah’s prison population began to decrease just prior to the implementation of JRI, though it continued its downward decline at a higher rate initially post-JRI (see Figure 17) until a slight increase in the last two quarters of FY2017. Additionally, most of the decrease in the prison population over the past few years has been due to fewer drug and other nonviolent offenders being incarcerated (see Figure 18). Because of this pattern, the prison population has in recent months reached its HB348 projection line.

#### The prison population is lower and contains a higher proportion of violent offenders

- Utah’s actual prison population (average 2017 to date) is 18% less than projected without reforms.
- Due to slight growth in the most recent two quarters (see below), the prison population has now reached its HB348 projection line (Figure 17).
- In FY2015, the average prison population was constituted of 60% violent offenders and 40% nonviolent offenders. In FY2017, violent offenders now make up 68% percent of the population compared to 32% nonviolent – a relative decrease of 20% nonviolent offenders over that period (Figure 18).
- Additionally, drug possession only offenders now make up only 2% of the prison population, down from 5% in FY2015.

Figure 17. Utah prison population – actual vs. projected with and without HB348.

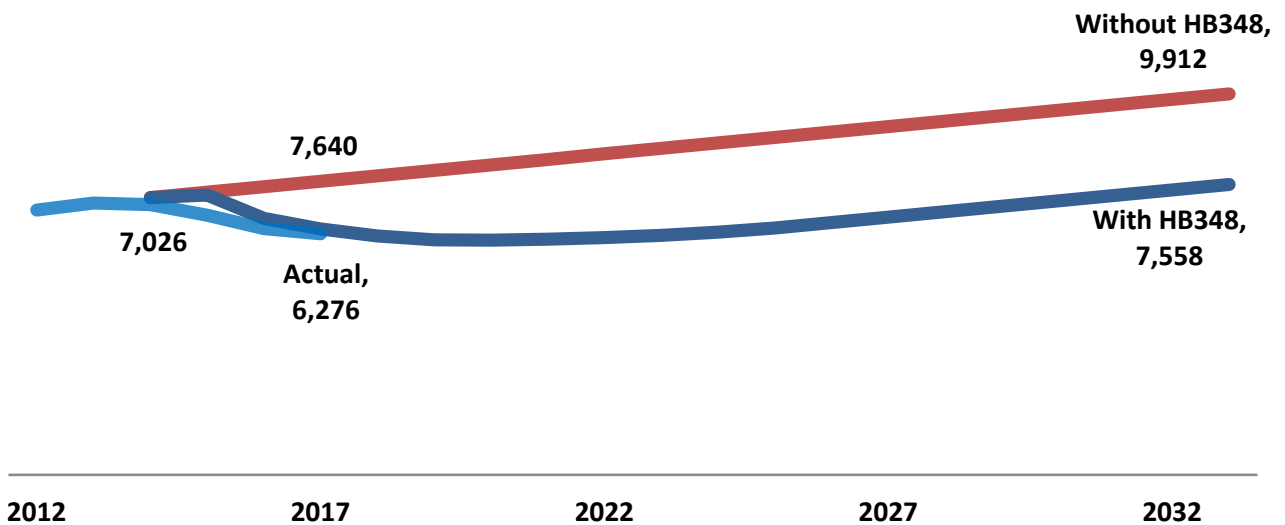
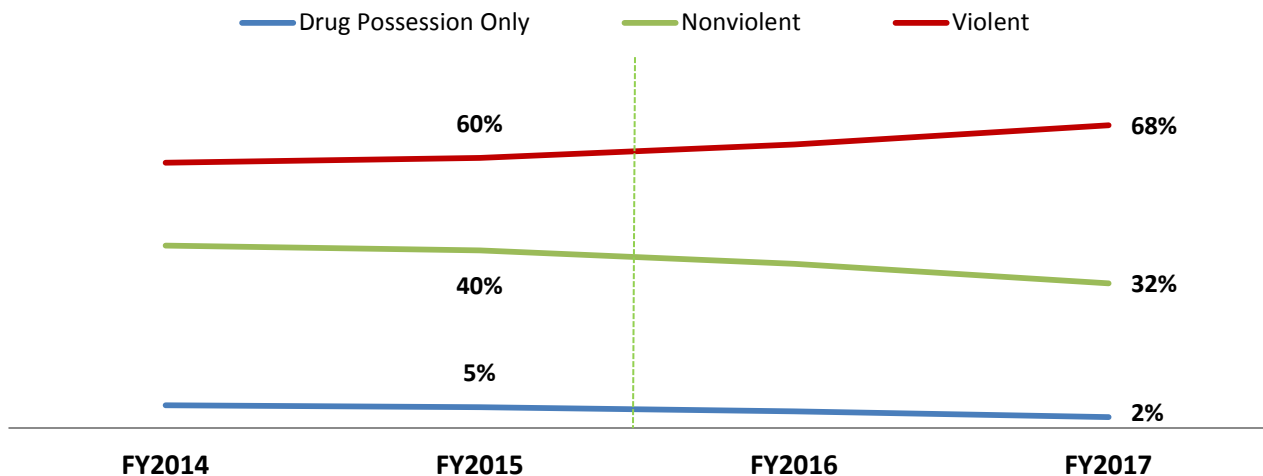


Figure 18. Proportion of prison population that is violent vs. nonviolent (and drug possession only).

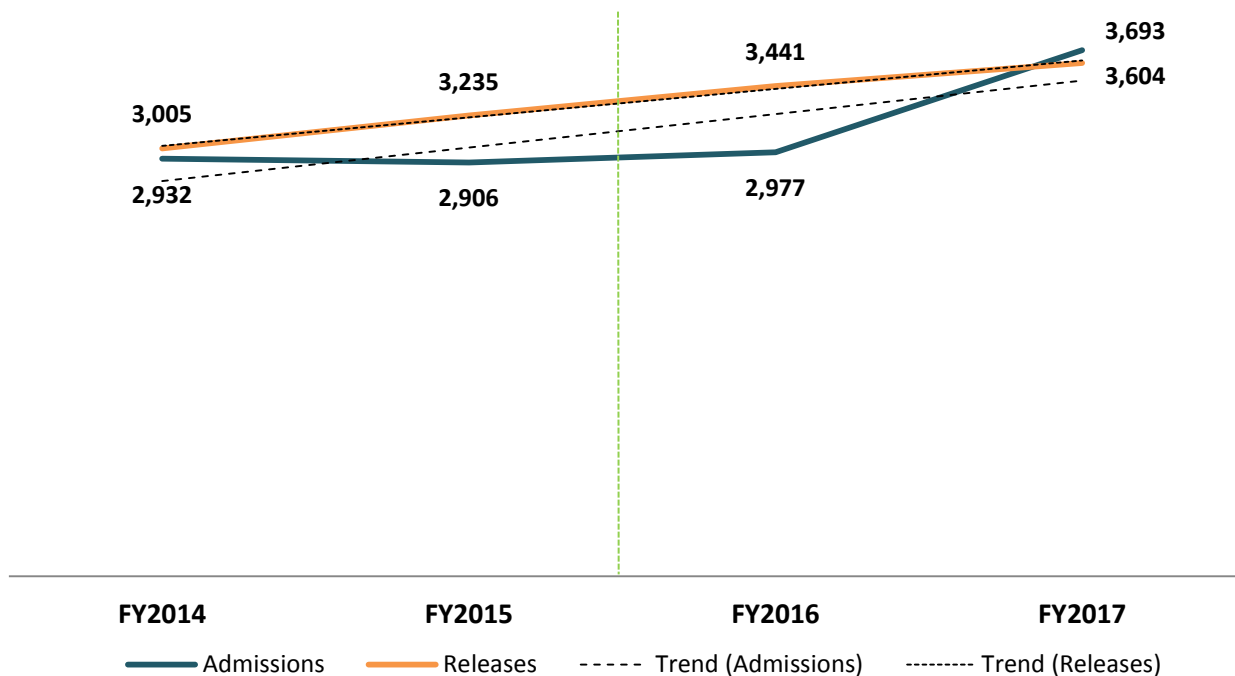


**Prison admissions exceeded releases in FY2017**

While the prison population remains far lower on average in FY2017 than it has been in years, there was a slight uptick in the most recent two quarters. Part of this recent increase can be explained by the interplay between admissions and releases at the prison. When admissions exceeded releases, as they did prior to FY2014 and have begun to do toward the end of FY2017 (see Figure 19), the prison population will begin to increase. Releases have been steadily increasing and had exceeded admissions from FY2014-16. This pattern is part of why the prison population had been decreasing over the past few years; but, it can also be a sign that there is an increasing number of short-term admissions that get released quickly.

- On the one hand, the number of releases has been steadily increasing at a fairly constant rate. Releases are up 11% from FY2015 (3,235) to FY2017 (3,604).
- On the other hand, we see a large bump in admissions from 2,977 in FY2016 to 3,693 in FY2017, a 24% increase after remaining relatively flat for the previous three years.

**Figure 19. Prison admissions vs. releases over time.**

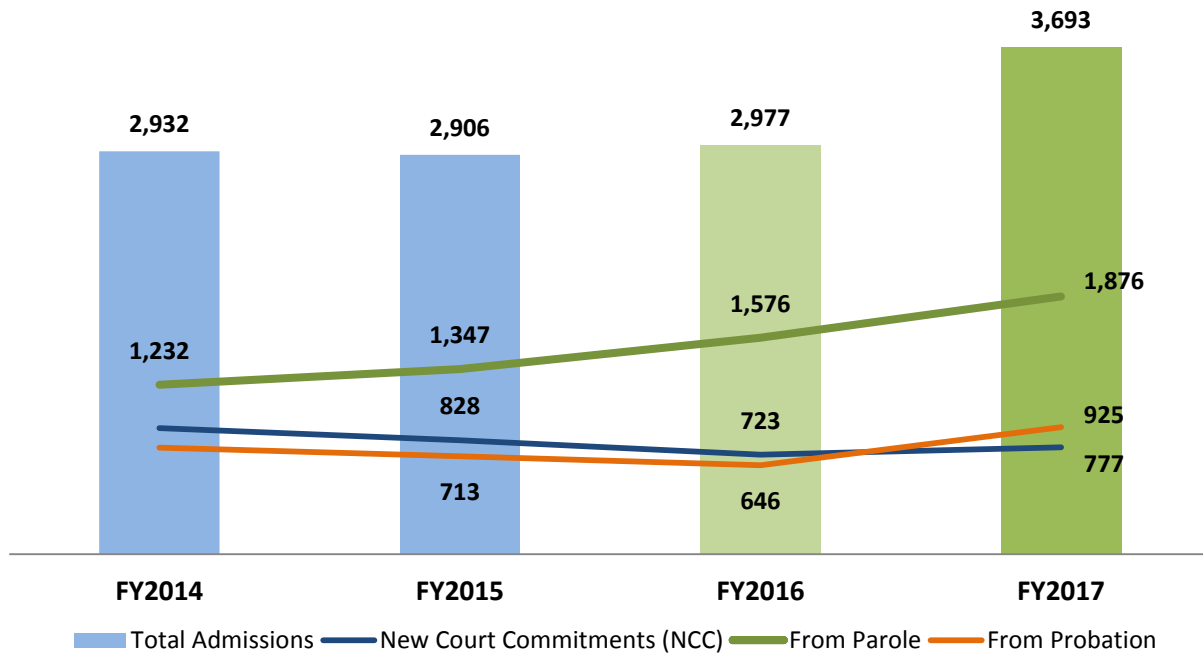


**More than half of new prison admissions were previously on parole**

When looking at an increase in prison admissions, it is important to examine the type of admission: 1) a new commitment directly from the Court; 2) a return to prison for a parolee due to technical violation(s) or a potential new crime while on parole; or 3) a probationer having the original prison sentence invoked due to a technical violation(s) or a potential new crime while on probation. It is clear that as prison admissions have bumped up in FY2017, the vast majority of this increase is accounted for by offenders previously on parole (see Figure 20).

- Admissions from parole have been increasing, though the rate has accelerated in recent years up to 1,876 in FY2017 compared to 1,347 in FY2015 (a 39% jump in two years).
- Admissions from probation are much lower compared to parole and had been decreasing in the prior three years before rising 43% to 925 in FY2017 (from a previous low of 646 in FY2016).
- New court commitments (NCCs) have also been decreasing over the period and remained relatively flat at 777 in FY2017 (up slightly from a low of 723 in FY2016). NCCs for drug possession and other nonviolent offenses are down sharply from before the reforms.

Figure 20. Prison admissions by type of admission.

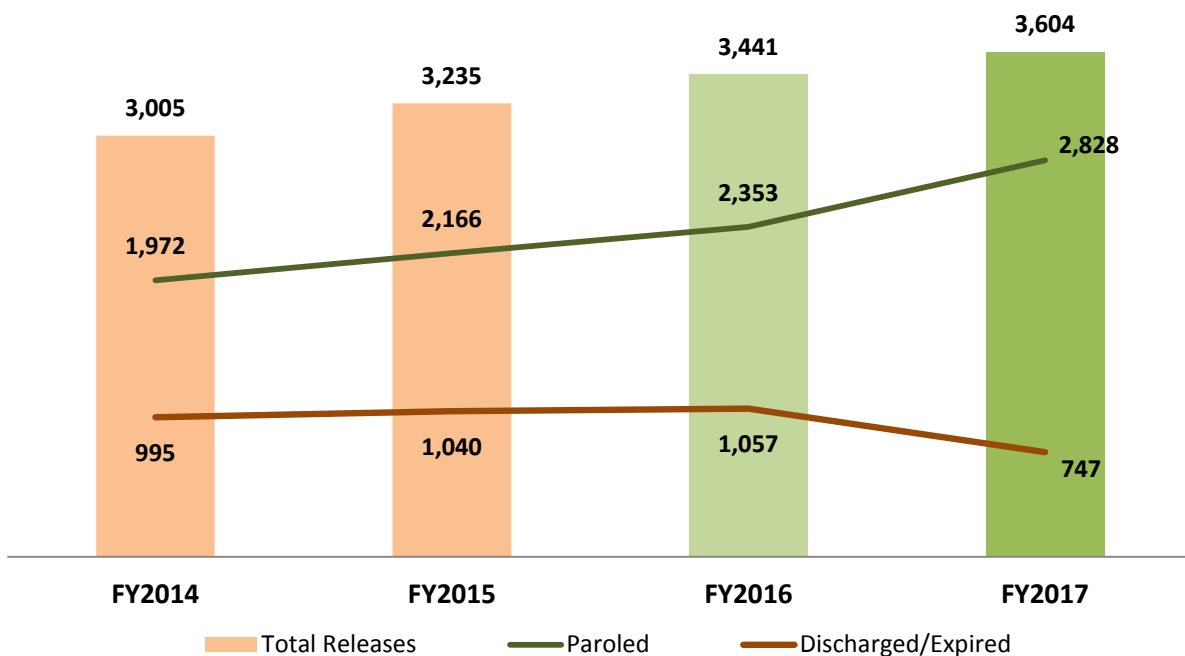


**Fewer offenders are being terminated at release, and more are being released to parole**

As the number of releases from prison has increased, more offenders are being released to parole supervision and fewer are being terminated at release (discharged or released on expired sentences). Many offenders who return to prison from parole are being re-paroled multiple times (see parole starts section below). Along with the increase in admissions from parole, this provides further evidence of an increasing number of short-term stays on parole violations followed by returns to parole.

- The number of parole releases jumped almost 500 (20%) from 2,353 in FY2016 to 2,828 in FY2017; releases decreased 29% from a high of 1,057 in FY2016 to only 747 in the past year (Figure 21).

Figure 21. Prison releases by type of release

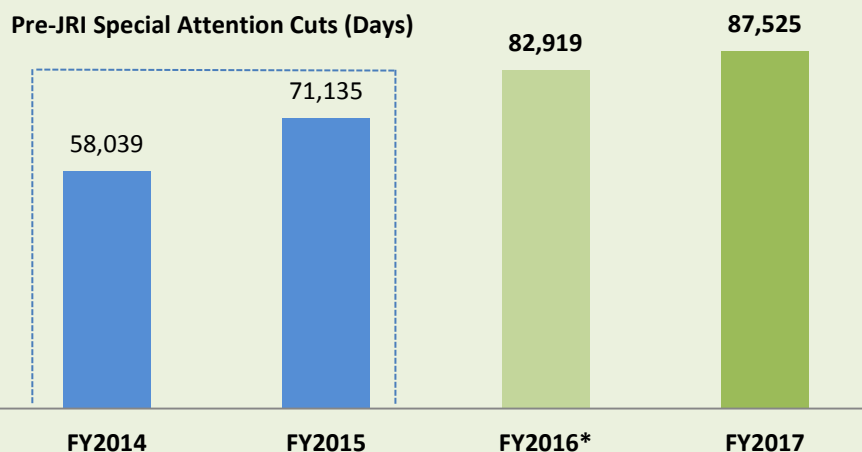


### Issue Box #5: Earned Time Credits and Prison Length of Stay

Another issue that bears further analysis is prison length of stay. The longer offenders stay in prison, the more likely the population will accumulate and increase over time. With short lengths of stay, especially for parole and probation revocations, admissions can be up without affecting overall prison population numbers too much. Several parts of HB348 addressed prison lengths of stay, including earned time credits and caps on parole and probation revocations, and we report some initial analysis here and save others for a follow-up report.

#### Offenders in prison continue to earn time credits for completing programs related to their case action plans (CAP)

- The earned time credit program differs from the pre-JRI special attention time cuts, though the Board of Pardons & Parole still grants discretionary time cuts in addition to the mandatory cuts with the reforms.



\* Only includes 9 months (program started Oct 2015)

#### Prison length of stay – Method of preliminary analysis

Another factor that drives the prison population numbers is length of stay. If offenders are spending less time in prison for similar offenses than they used to, that clears out additional space over time (i.e., for more violent offenders, or for parole and probation violators). While it is still early to examine the effects of the JRI reforms on length of stay, we attempted to make comparisons to a baseline period with a comparable window of release as offenders admitted to prison since JRI.

To do this, we restricted the window of admission/release for certain types of offenses in the baseline period to between October 1, 2013, and June 30, 2015 (prior to full implementation of JRI). The corresponding JRI period included all offenders admitted and released on the same offenses between October 1, 2015, and June 30, 2017. We were particularly interested in the following:

- Offenders who were admitted to prison on a technical violation of parole or probation only (no new offense). HB348 placed caps on the time that parolees and probationers could spend incarcerated on their first and subsequent technical revocations, with a graduated increase in time on subsequent incarcerations. Thus, we expected to see a decline in length of stay on these offenses.
- Offenders who were admitted to prison on a new court commitment for several categories of nonviolent (mostly F3) offenses, including drug possession only, other drug (including distribution/manufacturing and possession with intent), property crimes, and DUI and other serious driving offenses (excludes more violent offenses like vehicular homicide). First, JRI emphasizes dealing with drug possession and other nonviolent offenders differently than more serious and violent offenders, so we may expect a decrease in incarceration lengths for such offenses due to other parts of the initiative. These new options include the potential to earn time credits for completing important programs related to the offenders’ case action plan while in prison. Second, since these offenses generally have lower sentences, we should be more likely to see some change this early into the reforms.

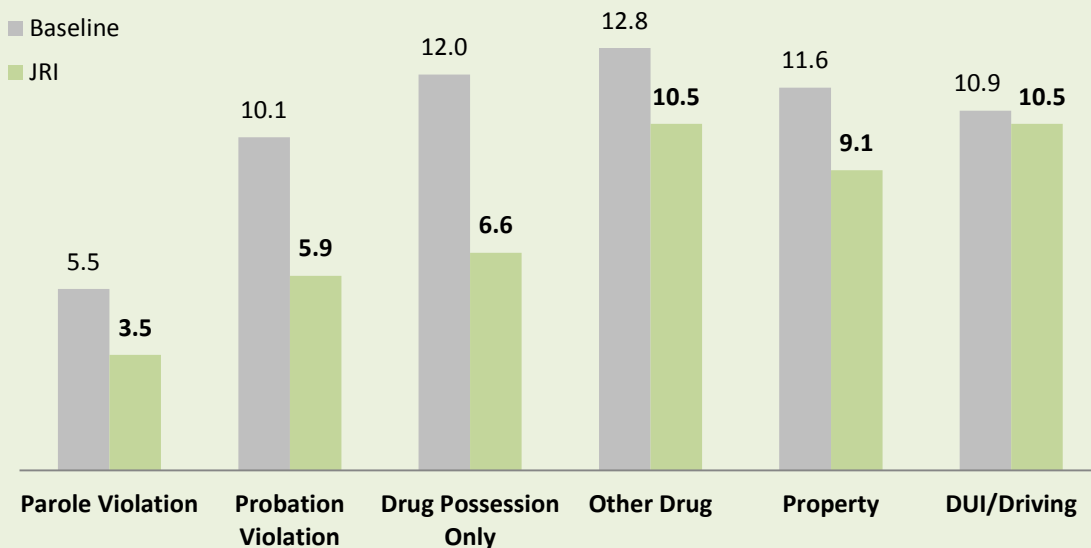
**Issue Box #5: Prison Length of Stay (continued)**

**Prison length of stay has declined for parole and probation violators, and similarly across most non-violent offenses on new court commitments**

Offenders are spending less time in prison on average for parole and probation technical violations, drug possession only offenses, and, to a lesser extent, property offenses. More serious drug offenders and DUI/driving offenders did not see as sharp (if any) decrease. It should also be noted that the overall number of parole violators in prison that met the criteria for the analysis was significantly greater in the JRI group.

- **Parole violators** in the JRI group spent an average of 3.5 months in prison compared to 5.5 months in the baseline group. This falls within the range of the caps of 60/90/120 days on first, second, and third/subsequent revocations recommended in HB348.
  - The baseline group included 1,038 violators, while the JRI group included 1,656 – an increase of 618 (60%) between comparable periods.
- **Probation violators** in the JRI group also saw a decrease in length of stay at 5.9 months compared to 10.1 months in the baseline group. This average, however, greatly exceeds the recommended caps of 30/60/90 days, so further investigation may be needed into the judicial decisions on these probation revocations and whether the guidelines are adequate. Of course, judges have the option of reinstating the previously suspended prison sentence for felony probationers.
  - The probation violator numbers increased to a much lesser extent than the parole numbers, from 234 in the baseline group to 305 in the JRI group.
- The baseline **drug possession only offenders** stayed in prison a year on average, while the JRI group stayed almost half as long at 6.6 months.
- **Property offenders** stayed 2.5 months shorter in the JRI period (9.1 months on average) compared to the baseline group (11.6 months).
- The average length of stay for other drug offenders dropped from 12.8 months in the baseline period to 10.5, while the average for DUI/driving offenders stayed relatively stable (10.9 vs. 10.5 months).

**Length of stay in prison (months) by offense type and time period (baseline vs. JRI):**



## Strengthen Parole and Probation Supervision

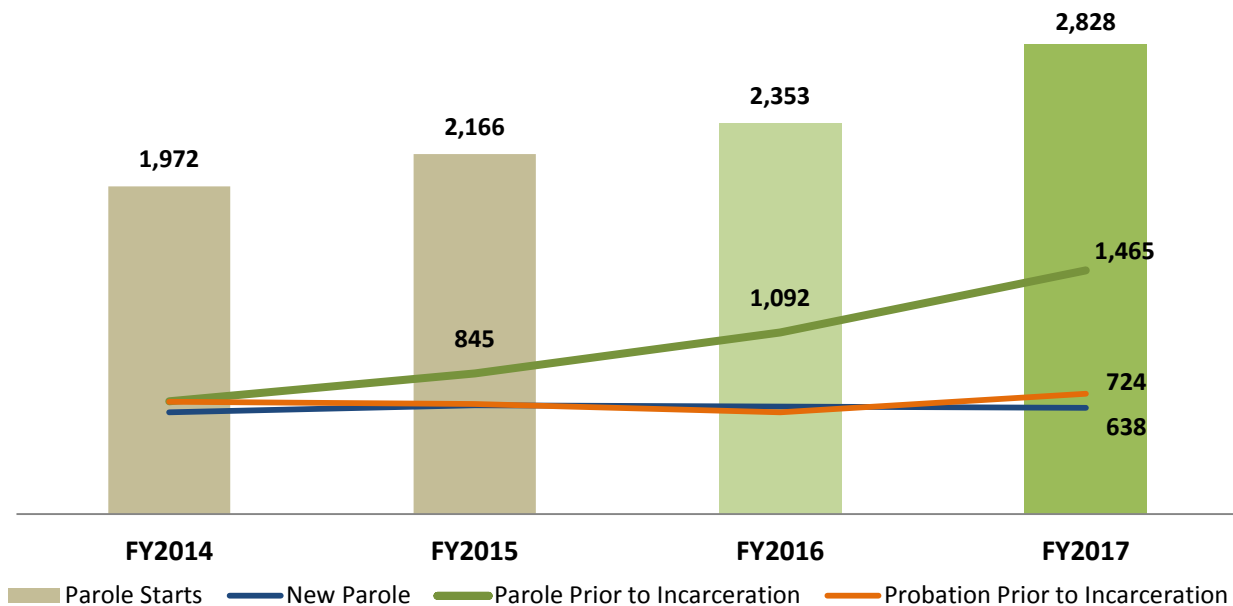
Similar to other states, a large percentage of Utah’s parole population historically returns to prison within 36 months of release. Because the size of the overall supervision population far outweighs the size of the incarcerated population, increasing success rates on both probation and parole were priorities in HB348. Prior to the reforms, several inconsistencies regarding supervision practices were identified, including regional disparities in the number of technical violations it took for an average offender to be revoked to prison. The policies in HB348 aim to standardize these practices across the state and to incentivize offenders to adhere to their supervision plans. This occurs through multiple mechanisms, including the use of a response and incentive matrix (RIM) and the earned compliance credits (ECC) program, where offenders can “earn” time off their supervision term by adhering to their case actions plans and supervision conditions. Furthermore, guidelines around supervising various risk levels were implemented as well as increased planning and support through the introduction of transitional agents to help guide offenders during the very critical time period of prison release.

### More offenders are re-starting parole after a previous parole revocation

Looking at parole initiation (“starts”) by category illuminates some issues discussed earlier with prison admissions and releases. Historically, equal numbers of offenders were starting parole after serving a new sentence in prison, a sentence for a prior violation of parole, or a sentence for a prior violation of probation. In recent years, and especially the previous year, this has begun to be skewed much more in favor of prior parole incarcerations.

- Just four years ago, in FY2014, the number of parole starts in the three different categories was relatively even: 612 (31%) were starting a new parole, 679 (34%) were re-starting parole, and 675 (34%) were starting parole after a previous probation violation.
- In FY2017, parole starts following an incarceration from parole have jumped to more than twice those in the other two categories. More than half of parole starts (1,465, or 52%) are now re-starting parole after being incarcerated while on parole (directly preceding the current prison stay).
- In contrast, the other two categories have stayed fairly steady, with a slight uptick in prior probation incarcerations. While the numbers are stable, the new paroles (23%) and prior probation (26%) now make up a much smaller proportion of the starts than they previously did.
- It is important to note that the rise in parole starts from a prior parole incarceration have been increasing steadily over the past few years, rising 24% from 679 in FY2014 to 845 in FY2015, then 29% to 1,092 in FY2016, and finally an additional 34% to 1,465 in FY2017.

Figure 22. Parole starts (initiation of a new supervision period) by nature of parole.

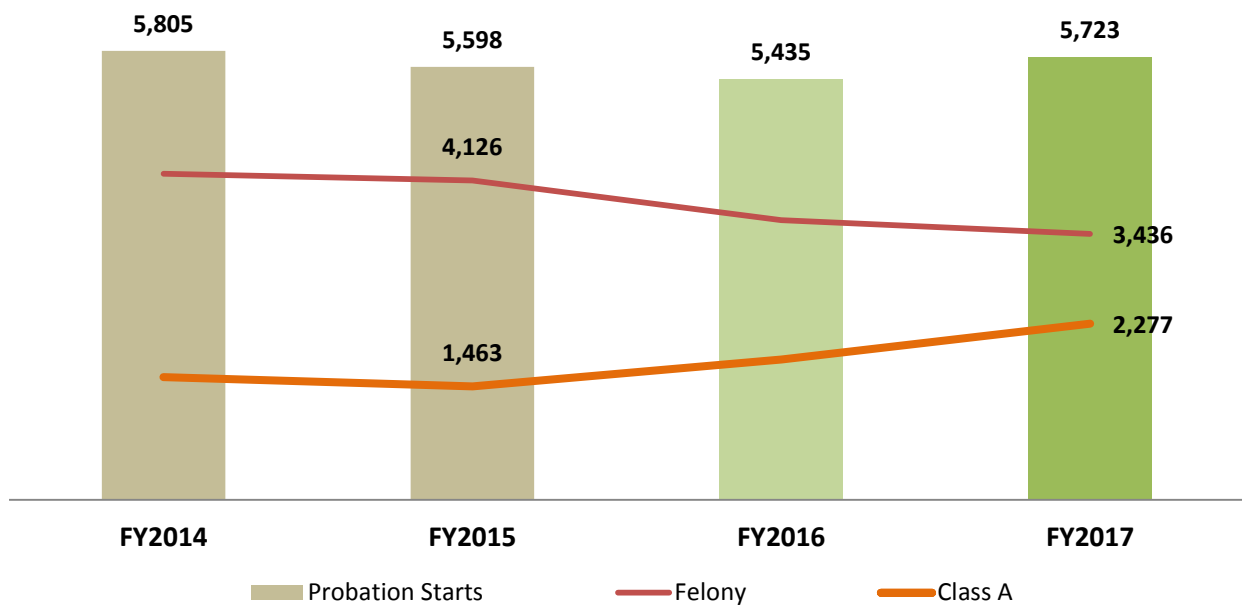


**An increasing number of offenders are starting probation at the Class A level**

Overall probation initiation (“starts”) has been fairly stable over the past four years. Most of the change in probation has come internally, with a shift to more Class A supervision by AP&P and a corresponding dip in felony probation (*see Figure 23*). It should be noted that AP&P has agreed to accept more Class A probationers following implementation of JRI, as long as they score moderate, high, or intensive risk on the LS-RNR (or LSI screen).

- Felony probation starts have decreased 17% from 4,126 in FY2015 to 3,436 in FY2017, while Class A probation starts have increased 56% from 1,463 in FY2015 to 2,277. The decrease of 690 felony probation starts closely corresponds to the increase of 814 Class A probation starts.
- In FY2015, felony probation starts made up almost three-quarters (74%) of overall probation starts; in FY2017, this proportion decreased to 60%.

**Figure 23. Probation starts (initiation of a new supervision period) by level of probation.**

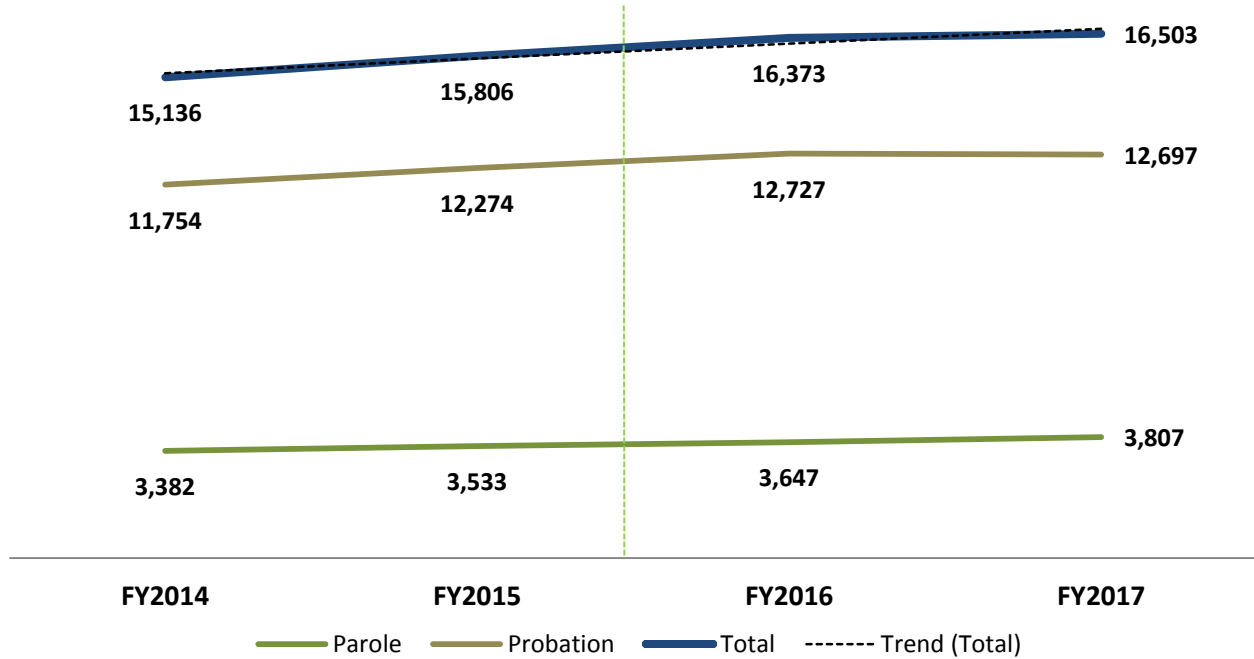


**Growth in the population that Adult Probation & Parole is supervising has slowed**

- The average yearly supervision population overall has flattened out in FY2017 at 16,503 after small increases from FY2014-15 and FY2015-16 (*see Figure 24*).
- This pattern is mostly due to a slight decrease in the probation population in FY2017, down to 12,697 from 12,727 in FY2016.
- The parole population has been increasing over the four years examined, with another 4% bump up to 3,807 in FY2017.



Figure 24. Adult Probation & Parole (AP&P) average yearly supervision population, overall and by type.

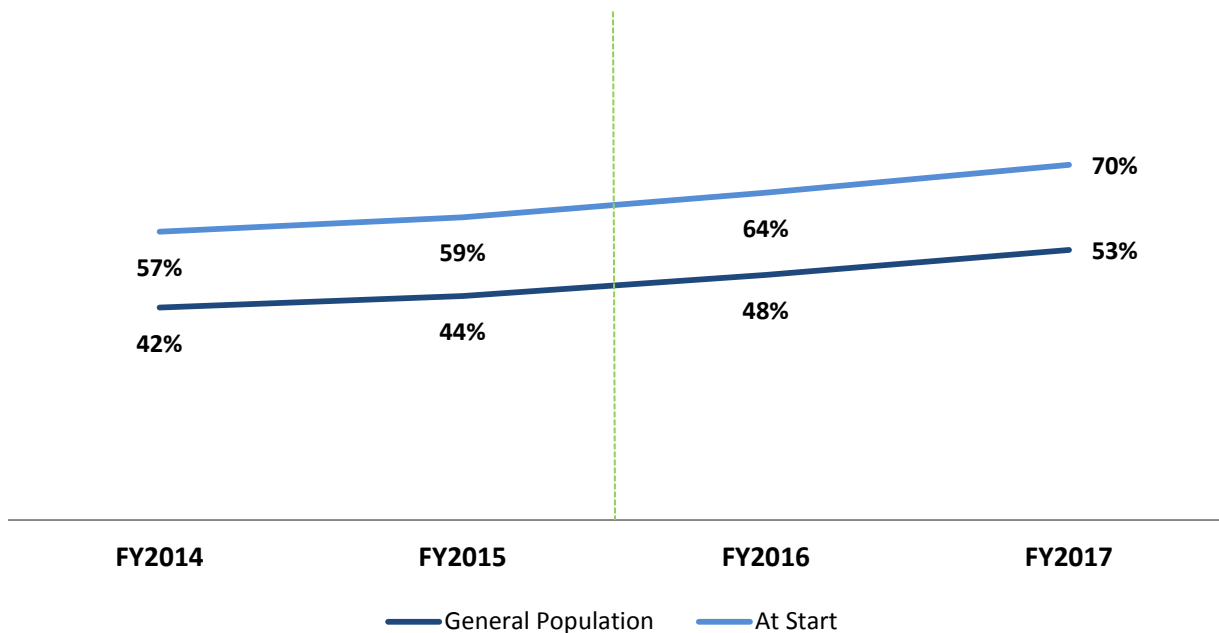


**At the same time, the supervision population is shifting to a higher level of risk overall**

While the supervision population has stabilized somewhat, the proportion of high risk offenders (based on risk to re-offend on the LS-RNR) has been on the increase (see Figure 25). The difference observed between levels at supervision start and the general population highlights the programming, treatment, and other interventions that Adult Probation and Parole conducts to reduce offenders’ risk levels while they are on supervision.

- Overall, more than half of offenders under supervision (53%) meet the criteria for the high or intensive risk categories.
- Even more (70%) meet the same criteria at the start of their supervision periods, up from 59% in FY2015.

Figure 25. Percent of supervision who are high/intensive risk to recidivate (LS-RNR) – at start and general.

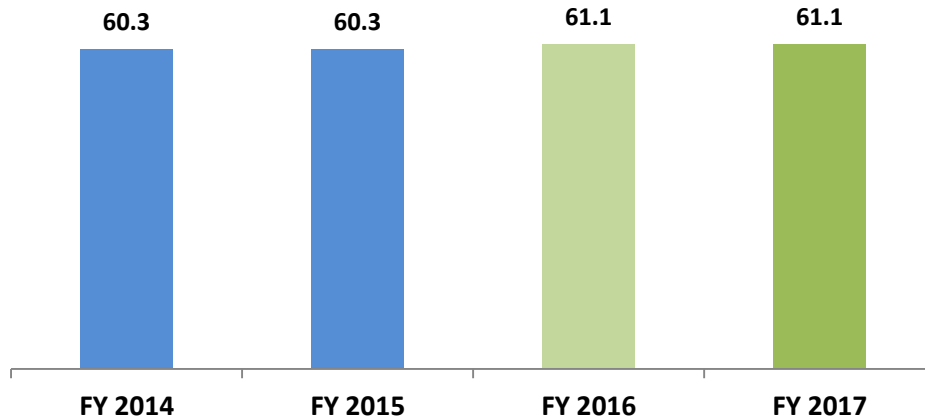


**Caseloads have remained fairly stable, even as agents are asked to do more with offenders**

Offenders are now more likely to be supervised according to an individualized Case Action Plan (CAP) based on risk and needs, motivational interviewing, and a new Response and Incentives Matrix (RIM) for addressing negative and positive behaviors, among other evidence-based practices. Despite this extra work, and the fact that supervision populations are higher risk to reoffend on average, agent caseloads have not decreased.

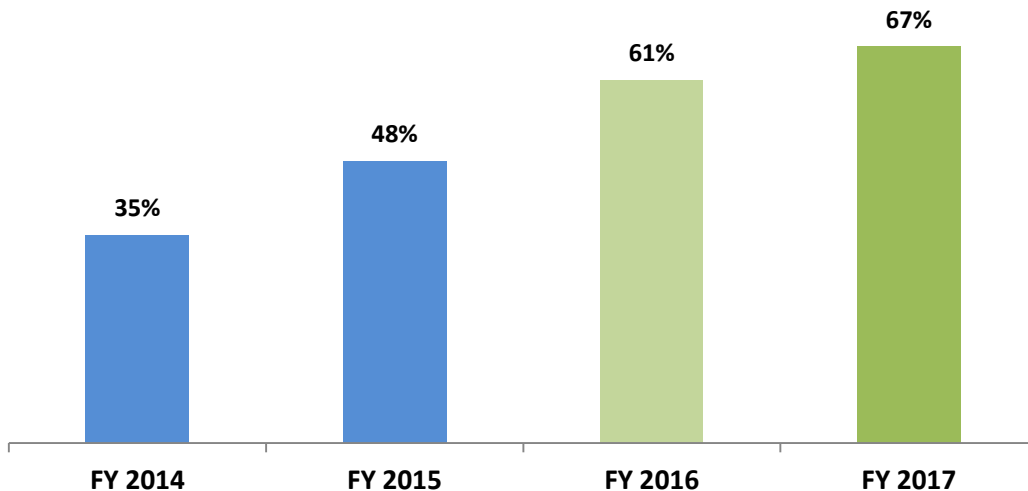
- AP&P agent caseloads have remained stable before and after JRI, though the average agent is supervising an extra offender since the reforms (*Figure 26*).

**Figure 26. Average Adult Probation & Parole (AP&P) caseloads – probation and parole.**



- CAPs are also being initiated for parolees and probationers in a more timely fashion than before the reforms; two-thirds of offenders (67%) starting supervision now have a CAP initiated within 90 days of start, compared to only a third (35%) in FY2014 and less than half (48%) in FY2015 (*Figure 27*). For parolees in particular, more offenders now have a CAP when they are released from prison due to the work of transition agents.

**Figure 27. Percent of probationers and parolees who have a case action plan (CAP) initiated within 90 days of the start of supervision.**



**Issue Box #6: Recidivism and Other Offender Outcomes**

A final (and critical) issue we will be exploring in more depth in a follow-up report is offender recidivism and other supervision outcomes. As with the length of stay analysis outlined in Box #5, it is still relatively early for this type of analysis with the reforms only just reaching two years. But, from some of the other data discussed above, it is clear that parolees, in particular, seem to be returning to prison earlier and at a higher rate recently. We are currently working on 1-year recidivism analyses for both parolees and probationers before and after JRI that will take risk, offense, and history into consideration. Some outcomes that will be compared include:

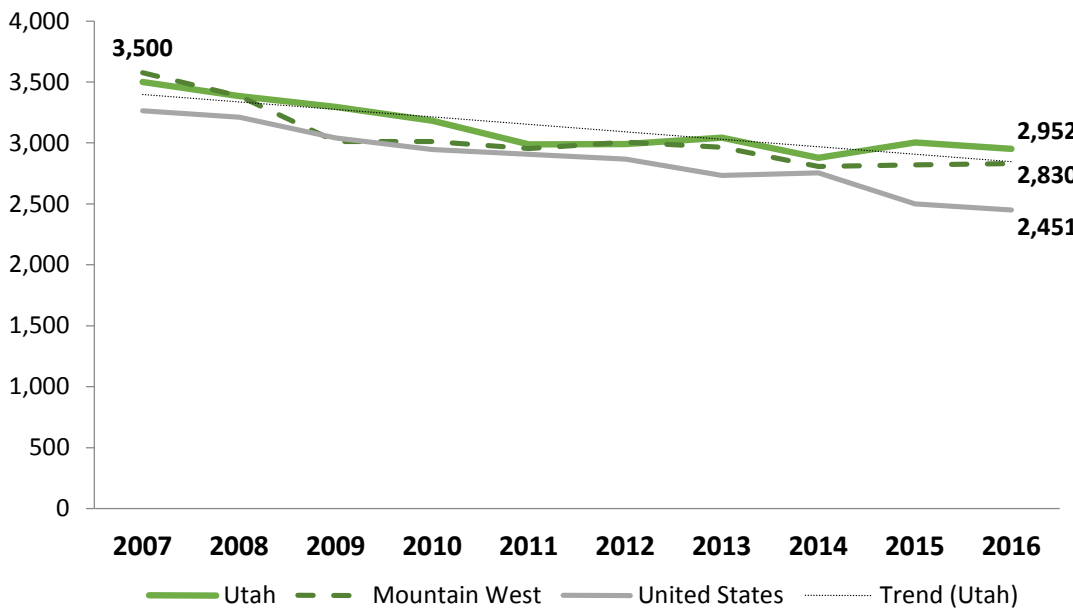
- Rates of success/failure at one year, and time to recidivism for those that return to prison or otherwise fail.
- Number of incarcerations in the first year.
- Time spent incarcerated vs. out in the community in the first year post-release or probation start.
- New felonies in the first year.
- Number and types of violations that lead to revocation and/or return to prison.

**General Public Safety Trends: Crime Reports, Arrests, and General Court Case Filings**

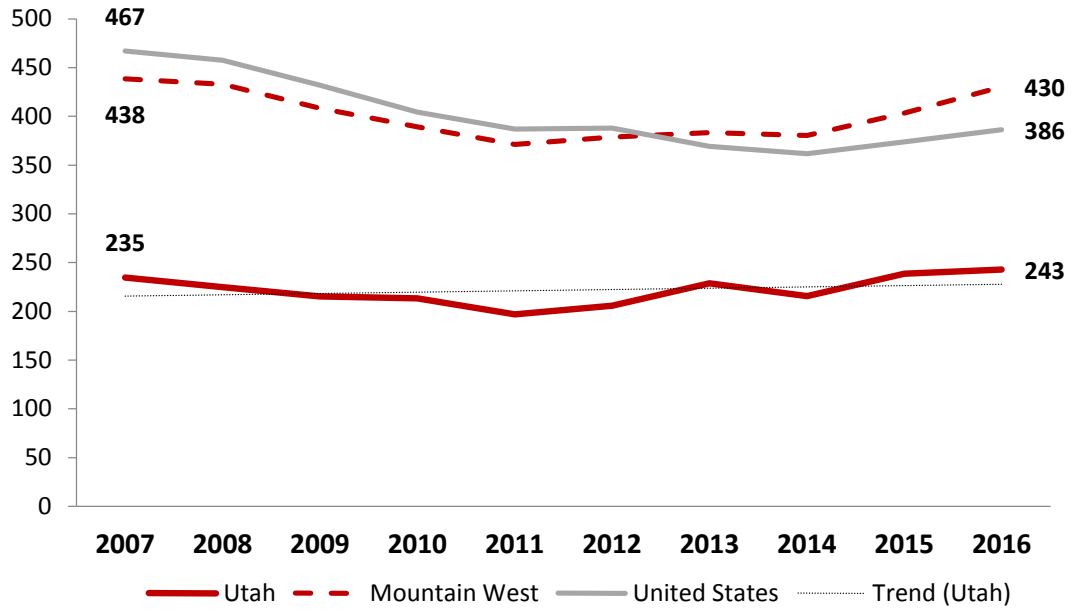
In this last section, we present data on general trends in public safety according to several indicators, including crime rates (FBI Uniform Crime Reports; *Figures 28-29*), law enforcement arrests (*Figure 30*), and Court case filings (*Figure 31*). These numbers are population-adjusted rates (per 100,000 population) and are broken down by the main categories of property and violent crimes (arrests and case filings are further broken down by drug-related offenses). It should be noted that there are no direct policies in HB348 thought to affect these rates directly, and they are provided here to simply shed light on the system-wide changes occurring as part of justice reform.

- Property crime has been decreasing over the past ten years, though Utah’s rate has stabilized more recently and remains higher than national and regional (Mountain West) rates.
- Violent crime rates have been fairly stable in Utah over the past ten years, though it has been increasing in the past few years (less than 2% increase in 2016). Utah’s rates remain far below national and regional rates.

**Figure 28. Property crime rates in Utah vs. national and regional rates – FBI Uniform Crime Reports 2007-16.**

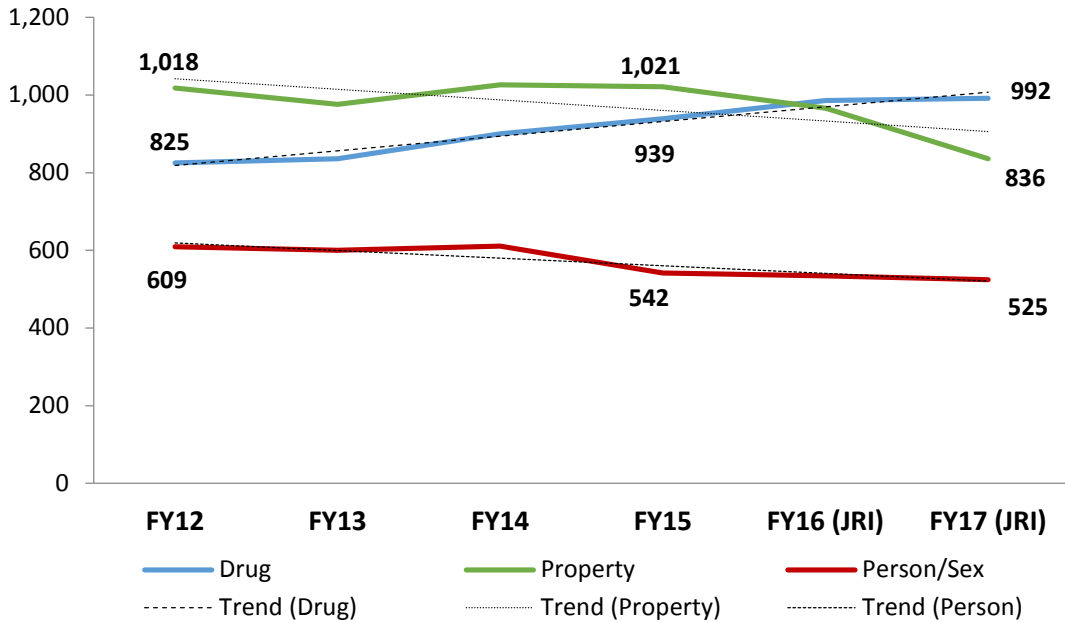


**Figure 29. Violent crime rates in Utah vs. national and regional rates – FBI Uniform Crime Reports 2007-16.**



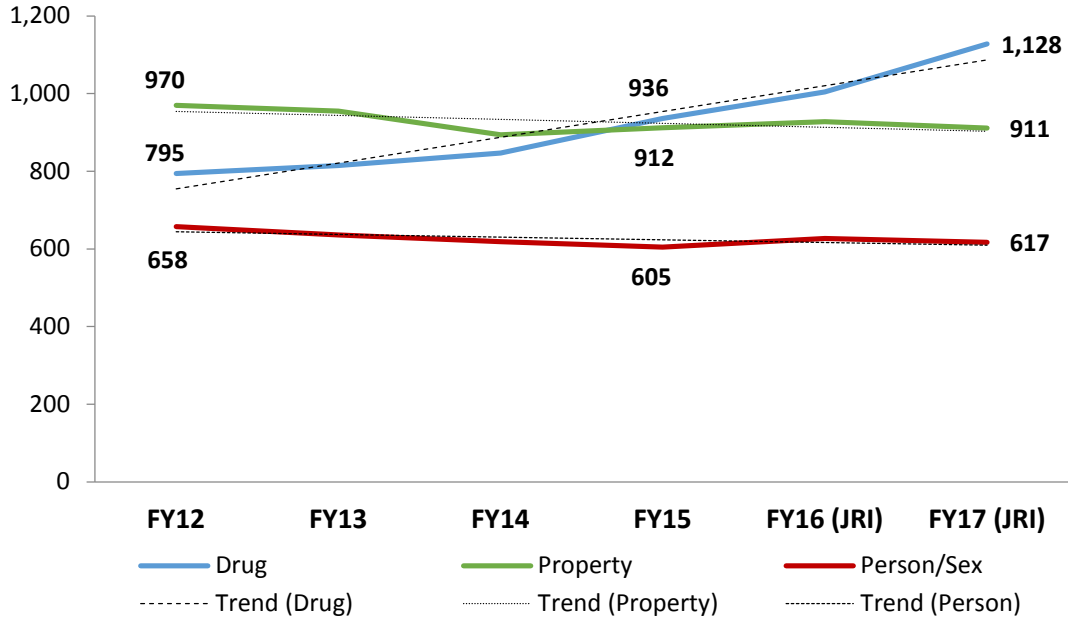
- Arrest rates have decreased sharply for property crimes in recent years, down 18% from 1,021 arrests per 100,000 Utahns in FY2015 to 836 in FY2017.
- Violent crime arrest rates have been on a slower long-term decrease, with the rate in FY2017 (525 arrests per 100,000 Utahns) down 14% since FY2012 and 3% since FY2015.
- As shown earlier in the report, arrests for drug-related offenses have been steadily rising, up 20% over the six-year period (14% during the pre-JRI FY2012-15 period, an additional 6% between FY2015-17).

**Figure 30. Law enforcement arrest rates for property, violent, and drug related offenses – Utah Bureau of Criminal Identification (BCI).**



- Compared to arrest rates, case filing rates in the Courts have been more stable for property and violent offenses, especially in the past several years.
- Case filing rates for drug-related offenses, however, have increased at a much steeper rate than arrests. This issue was explored earlier in the report, and much of the difference can be accounted for by the recent increased use of citations for drug-related offenses.

**Figure 31. Case filing rates in District and justice courts for property, violent, and drug related offenses – Utah Administrative Office of the Courts (AOC).**



## Conclusions

This Second Annual Justice Reinvestment Report analyzed policies in HB348 that both directly and indirectly affect Utah's criminal justice system. These policies include changes in certain drug penalties, supervision practices, and sentencing guidelines. Reform policies also include the implementation of an earned time credits program aimed at reducing prison lengths of stay and a risk and needs screening database in the county jails. Initial effects of increased funding given to the area of offender substance use and mental health treatment were reflected upon as well.

At year two of the reform, initial findings indicate a decrease in the length of stay in prison for supervision revocations and nonviolent offenses, a prison population with fewer nonviolent offenders that now meets its pre-implementation projections, a similar growth rate in the overall supervision population, and an increase in admissions to substance use and mental health treatment. On the other hand, prison admissions from supervision (particularly parole) are up sharply in the most recent year, and preliminary analyses of sentencing practices suggested that there is a departure in sentencing guidelines and actual sentencing decisions, with decisions weighing more heavily in favor of prison sentences than the guidelines recommends. It should be noted that because controlled outcome analyses take time to conduct, causal effects were not part of this current report.

As we continue to follow the reform, we will focus on evaluating various outcomes through controlled studies (i.e., controlling for risk and other demographic and offense characteristics). These studies include outcomes for the general supervision population, as well as isolating potential effects of changes in drug possession penalties and outcomes specific to the area of treatment.

## Appendix





Key JRI Quarterly Performance Measures - Full FY2017 Update (Through June 2017)

Source	Measure	FY2014		FY2015		FY2016					FY2017					Base AvgQ	JRI AvgQ	%ΔBase*	Trend		
		AvgQ	Annual	AvgQ	Annual	Q1	Q2	Q3	Q4	AvgQ*	Annual	Q1	Q2	Q3	Q4					AvgQ	Annual
DOC-DIO	Prison Population (Snapshot)	7,065.3		6,888.5		6,672	6,529	6,424	6,271	6,408.0	6,254	6,211	6,296	6,344	6,276.3		6,943.0	6,332.7	-8.8%		
	% Nonviolent	40.5%		39.4%		37.7%	36.8%	35.3%	33.8%	35.3%	33.1%	31.8%	31.8%	32.1%	32.2%		39.7%	33.5%	-15.5%		
	% Drug Possession Only	5.1%		4.6%		4.2%	4.1%	3.3%	3.0%	3.4%	2.7%	2.3%	2.1%	2.1%	2.3%		4.8%	2.8%	-41.4%		
DOC-DIO	Prison Admissions	730.8	2,923	722.0	2,888	758	606	824	760	730.0	2,948	886	792	979	959	904.0	3,616	729.9	829.4	13.6%	
	New Court Commitments (NCC)	228.8	915	206.8	827	191	173	165	194	177.3	723	196	183	199	196	193.5	774	214.8	186.6	-13.1%	
	From Parole	308.0	1,232	337.0	1,348	381	312	513	373	399.3	1,579	485	405	529	500	479.8	1,919	329.0	445.3	35.3%	
	From Probation	194.0	776	178.3	713	186	121	146	193	153.3	646	205	204	251	263	230.8	923	186.1	197.6	6.2%	
	<b>NCC Only - Most Serious Offense:</b>																				
	All Drug Offenses	50.0	200	46.5	186	33	29	32	25	28.7	119	28	16	35	39	29.5	118	46.6	29.1	-37.4%	
	Drug Possession Only	24.3	97	19.3	77	15	2	5	8	5.0	30	6	5	5	8	6.0	24	21.0	5.6	-73.5%	
	Other Drug	25.8	103	27.3	109	18	27	27	17	23.7	89	22	11	30	31	23.5	94	25.6	23.6	-7.8%	
	Property	63.0	252	51.5	206	46	40	32	47	39.7	165	39	41	43	27	37.5	150	56.0	38.4	-31.4%	
	Nonviolent	139.0	556	116.5	466	96	88	76	92	85.3	352	93	77	97	88	88.8	355	124.2	87.3	-29.7%	
	Violent	89.5	358	89.8	359	95	86	89	102	92.3	372	103	103	101	108	103.8	415	90.2	98.9	9.6%	
DOC-DIO	% CAP Initiated w/in 120 Days of Admission	98.0%	98.0%	93.0%	93.0%	94.9%	97.5%	98.2%	97.0%	97.6%	97.6%	97.9%	97.4%	98.2%	97.8%	97.8%	97.8%	95.4%	97.7%	2.4%	
DOC/BOPP	Earned Time Credits (Prison)	**	**	**	**	**															
	Total Offenders Receiving Mandatory Time Cuts						248	192	206	215.3	646	112	157	145	155	142.3	569		173.6		
	Mandatory Credit (Total Days)						26,700	21,123	22,578	23,467.0	70,401	12,605	16,850	15,322	16,277	15,263.5	61,054		18,779.3		
	Mandatory Credit (Mean Days)						107.7	110.0	109.6	109.0	109.0	112.5	107.3	105.7	105.0	107.3	107.3		108.2		
	Total Offenders Receiving Discretionary Time Cuts						38	61	66	55.0	165	90	62	58	56	66.5	266		61.6		
	Discretionary Credit (Total Days)						3,049	4,231	6,211	4,497.0	13,491	13,880	5,009	4,454	4,087	6,857.5	27,430		5,845.9		
	Discretionary Credit (Mean Days)						80.2	69.4	94.1	81.8	81.8	154.2	80.8	76.8	73.0	103.1	103.1		94.9		
	Offenders Receiving Forfeitures						2	1	6	3.0	9	1	4	1	4	2.5	10		2.7		
	Total Incarceration Days Cut Less Forfeitures	14,509.8	58,039	17,783.8	71,135	23,649	29,623	25,228	28,068	27,639.7	106,568	26,359	21,481	19,762	19,923	21,881.3	87,525	16,980.3	24,349.1	43.4%	
DOC-DIO	Prison Releases	751.3	3,005	808.8	3,235	808	750	954	929	877.7	3,441	898	851	911	944	901.0	3,604	783.1	891.0	13.8%	
	Net (Admissions - Releases)	-20.5	-82	-86.8	-347	-50	-144	-130	-169	-147.7	-493	-12	-59	68	15	3.0	12	-53.2	-61.6	15.7%	
DOC-AP&P	Supervision Population (Snapshot)	15,224.0		15,882.0		16,449	16,362	16,314	16,388	16,354.7		16,382	16,599	16,541	16,459	16,495.3		15,652.6	16,435.0	5.0%	
	% High/Intensive Risk	41.6%		43.9%		44.7%	47.4%	49.6%	51.6%	49.5%		52.2%	52.8%	53.0%	53.7%	52.9%		43.0%	51.5%	19.8%	
	Probation	11,812.0		12,332.0		12,809	12,699	12,749	12,676	12,708.0		12,634	12,741	12,750	12,632	12,689.3		12,153.9	12,697.3	4.5%	
	% Low Risk	19.5%		17.4%		16.6%	14.2%	13.0%	12.2%	13.1%		12.1%	12.4%	12.3%	12.0%	12.2%		18.2%	12.6%	-30.9%	
	Felony	9,100.5		9,594.8		9,875	9,714	9,661	9,515	9,630.0		9,386	9,276	9,203	8,979	9,211.0		9,406.2	9,390.6	-0.2%	
	Class A	2,022.3		2,041.5		2,241	2,281	2,377	2,459	2,372.3		2,528	2,735	2,833	2,926	2,755.5		2,055.1	2,591.3	26.1%	
	Parole	3,409.5		3,547.5		3,640	3,663	3,565	3,712	3,646.7		3,748	3,858	3,791	3,827	3,806.0		3,496.4	3,737.7	6.9%	
DOC-AP&P	AP&P Agent Average Caseload	60.3	60.3	60.3	60.3	59.2	61.2	62.1	61.8	61.7	61.1	62.2	59.9	60.9	61.5	61.1	61.1	60.2	61.4	2.0%	
DOC-AP&P	Supervision Starts	2,066.5	8,266	2,064.5	8,258	2,035	1,939	2,175	2,167	2,093.7	8,316	2,135	2,138	2,382	2,405	2,265.0	9,060	2,062.1	2,191.6	6.3%	
	Probation	1,451.3	5,805	1,399.5	5,598	1,369	1,302	1,405	1,359	1,355.3	5,435	1,320	1,340	1,543	1,520	1,430.8	5,723	1,419.1	1,398.4	-1.5%	
	Felony	1,053.8	4,215	1,031.5	4,126	922	900	921	871	897.3	3,614	842	792	929	873	859.0	3,436	1,029.2	875.4	-14.9%	
	Class A	395.8	1,583	365.8	1,463	444	401	481	488	456.7	1,814	477	546	611	643	569.3	2,277	387.8	521.0	34.4%	
	Parole	493.0	1,972	541.5	2,166	545	512	630	666	602.7	2,353	669	675	720	764	707.0	2,828	520.3	662.3	27.3%	
DOC-AP&P	% CAP Initiated w/in 90 Days of Prob/Par Start	34.9%	34.9%	47.5%	47.5%	57.3%	63.3%	62.6%	61.1%	62.3%	61.1%	64.6%	64.2%	69.2%	68.7%	66.7%	66.7%	43.0%	64.8%	50.8%	
DOC-AP&P	Successful Supervision Discharges																				
	Probation	758.5	3,034	725.8	2,903	715	1,042	905	838	928.3	3,500	794	648	874	903	804.8	3,219	739.1	857.7	16.0%	
	Rate	53.8%	53.8%	55.0%	55.0%	57.3%	70.6%	64.0%	56.5%	63.7%	62.3%	55.6%	50.8%	55.7%	52.8%	53.8%	53.8%	54.7%	58.0%	6.0%	
	Parole	119.3	477	138.8	555	145	166	188	120	158.0	619	145	129	207	174	163.8	655	130.8	161.3	23.3%	
	Rate	26.9%	26.9%	28.2%	28.2%	26.5%	33.0%	26.1%	23.1%	27.4%	27.0%	22.1%	22.7%	26.4%	24.4%	24.1%	24.1%	27.4%	25.4%	-7.4%	
DOC-AP&P	Supervision Matrix Incentives& Sanctions (RIM)	**	**	**	**	**															
	Total Offenders with Incentives and/or Sanctions																				
	Total Offenders Receiving >= 1 Incentive																				
	Total Incentives Awarded												4,230	6,254	4,258						
	Mean Incentives/Offender Receiving																				
	Offenders Receiving Incentive-No Sanction																				
	Total Offenders Receiving >= 1 Sanction																				
	Total Sanction Responses												3,992	10,366	9,571						
	Mean Sanctions/Offender Receiving																				
	Offenders Receiving Sanction-No Incentive																				
	Offenders Receiving Mix of Incentives AND Sanctions																				
	Early Termination Incentives Granted												72	69	13						
	Jail Sanctions Imposed (1-3 Days)												72	133	222						
DOC-AP&P	Board Warrants Issued for Parole Violations	340.0	1,360	400.0	1,600	443	414	503	392	436.3	1,752	518	388	554	507	491.8	1,967	378.1	468.0	23.8%	
	% of parole population (snapshot)	10.0%	10.0%	11.8%	11.8%	12.2%	11.3%	14.1%	10.6%	12.0%	12.5%	13.8%	10.1%	14.6%	13.2%	12.9%	12.9%	10.8%	12.5%	15.8%	
		B1		B2		B3				JRI1						JRI2		B	JRI		

\*Comparisons between JRI and baseline use the quarterly average (AvgQ). Exceptions to this include measures where only annual numbers are available (e.g., arrest rates). Additionally, the AvgQ for FY16 only includes the JRI quarters (Q2-4).

\*\*Numbers are not available prior to JRI implementation (new data/program). For prison earned time credits, the pre-JRI numbers are for special attention time cuts (not equivalent to JRI mandatory time cut requirements).

Key JRI Quarterly Performance Measures - Full FY2017 Update (Through June 2017)

Source	Measure	FY2014		FY2015		FY2016					FY2017					Base AvgQ	JRI AvgQ	%ΔBase*	Trend					
		AvgQ	Annual	AvgQ	Annual	Q1	Q2	Q3*	Q4	AvgQ*	Annual	Q1	Q2	Q3	Q4					AvgQ	Annual			
Courts	Case Filings	Total Non-Traffic		27,170.8	108,683	27,537.0	110,148	28,132	25,111	26,679	27,187	26,325.7	107,109	28,132	25,940	26,567	28,132	27,192.8	108,771	27,440.3	26,821.1	-2.3%		
		District Court	8,857.3	35,429	9,391.8	37,567	9,723	8,941	10,136	9,814	9,630.3	38,614	10,154	9,488	10,507	10,498	10,161.8	40,647	9,191.0	9,934.0	8.1%			
		Justice Court	18,313.5	73,254	18,145.3	72,581	18,409	16,170	16,543	17,373	16,695.3	68,495	18,683	16,452	16,060	17,634	17,207.3	68,829	18,249.3	16,987.9	-6.9%			
		Overall Drug	6,149.8	24,599	6,888.5	27,554	6,757	7,093	8,335	7,914	7,780.7	30,099	7,960	8,015	9,119	9,326	8,605.0	34,420	6,545.6	8,251.7	26.1%			
		%Non-Traffic	22.6%	22.6%	25.0%	25.0%	24.0%	28.2%	31.2%	29.1%	29.6%	28.1%	28.3%	30.9%	34.3%	33.2%	31.6%	31.6%	23.9%	30.8%	30.8%	29.0%		
		Drug-Free Zone	783.3	3,133	880.3	3,521	387	81	65	76	74.0	609	68	58	90	84	75.0	300	782.3	74.6	-90.5%			
		Drug Possession Only	3,979.8	15,919	4,499.3	17,997	4,332	4,595	5,420	5,157	5,057.3	19,504	5,088	5,239	5,945	6,193	5,616.3	22,465	4,249.8	5,376.7	26.5%			
		Felony	1,692.5	6,770	1,899.3	7,597	1,883	590	681	607	626.0	3,761	722	699	817	861	774.8	3,099	1,805.6	711.0	-60.6%			
		%Felony	42.5%	42.5%	42.2%	42.2%	43.5%	12.8%	12.6%	11.8%	12.4%	19.3%	14.2%	13.3%	13.7%	13.9%	13.8%	13.8%	42.5%	13.2%	-68.9%			
		MA	363.8	1,455	433.8	1,735	420	1,512	2,034	1,927	1,824.3	5,893	1,792	1,784	1,934	2,063	1,893.3	7,573	401.1	1,863.7	364.6%			
		%MA	9.1%	9.1%	9.6%	9.6%	9.7%	32.9%	37.5%	37.4%	36.1%	30.2%	35.2%	34.1%	32.5%	33.3%	33.7%	33.7%	9.4%	34.7%	267.3%			
		MB	1,910.8	7,643	2,153.0	8,612	2,015	2,488	2,684	2,590	2,587.3	9,777	2,546	2,736	3,176	3,262	2,930.0	11,720	2,030.0	2,783.1	37.1%			
		%MB	48.0%	48.0%	47.9%	47.9%	46.5%	54.1%	49.5%	50.2%	51.2%	50.1%	50.0%	52.2%	53.4%	52.7%	52.2%	52.2%	47.8%	51.8%	8.4%			
		Drug Paraphernalia	1,522.0	6,088	1,666.5	6,666	1,783	1,814	2,032	1,970	1,938.7	7,599	2,066	2,090	2,395	2,371	2,230.5	8,922	1,615.2	2,105.4	30.3%			
		Drug Possession w/Intent	395.5	1,582	435.8	1,743	378	441	530	494	488.3	1,843	489	440	496	466	472.8	1,891	411.4	479.4	16.5%			
		Drug Distribution/Manufacturing	248.3	993	280.5	1,122	258	239	347	288	291.3	1,132	312	238	280	294	281.0	1,124	263.7	285.4	8.3%			
		Person/Sex	4,490.8	17,963	4,450.0	17,800	4,984	4,375	4,605	4,808	4,596.0	18,772	5,096	4,524	4,531	4,675	4,706.5	18,826	4,527.4	4,659.1	2.9%			
		Felony	917.8	3,671	998.0	3,992	1,160	1,102	1,202	1,226	1,176.7	4,690	1,312	1,153	1,279	1,282	1,256.5	5,026	980.3	1,222.3	24.7%			
		Property	6,490.8	25,963	6,710.5	26,842	6,855	6,380	7,545	7,020	6,981.7	27,800	6,889	6,804	7,034	7,068	6,948.8	27,795	6,628.9	6,962.9	5.0%			
		Felony	1,974.8	7,899	2,017.3	8,069	1,953	1,857	2,184	2,186	2,075.7	8,180	2,210	2,080	2,494	2,147	2,232.8	8,931	1,991.2	2,165.4	8.7%			
		Traffic-General	106,159.0	424,636	97,471.3	389,885	93,432	86,262	93,325	88,212	89,266.3	361,231	89,479	79,632	90,664	96,148	88,980.8	355,923	100,883.7	89,103.1	-11.7%			
		MB	11,981.3	47,925	10,124.5	40,498	2,325	2,064	2,148	2,093	2,101.7	8,630	2,111	1,851	2,029	2,081	2,018.0	8,072	10,083.1	2,053.9	-79.6%			
		MC	87,391.8	349,567	78,687.0	314,748	58,947	51,463	58,032	31,952	47,149.0	200,394	13,902	12,959	14,390	14,295	13,886.5	55,546	80,362.4	28,141.9	-65.0%			
		IN	6,561.3	26,245	8,433.5	33,734	31,888	32,500	32,956	53,958	39,804.7	151,302	73,230	64,627	73,988	79,536	72,845.3	291,381	10,207.4	58,685.0	474.9%			
		DPS-BCI	Arrests	Total	24,236.8	96,947	23,687.8	94,751	24,520	19,696	22,297	22,709	21,567.3	89,222	23,561	19,049	22,378	22,891	21,969.8	87,879	24,024.2	21,797.3	-9.3%	
		Rate (per 10,000 pop)		333.9	333.9	321.8	24,520	19,696	22,297	22,709	21,567.3	89,222	23,561	19,049	22,378	22,891	21,969.8	87,879	24,024.2	21,797.3	-9.3%			
		Drug		6,534.0	26,136	6,908.8	27,635	7,624	6,817	7,811	7,290	7,306.0	29,542	7,481	6,164	7,860	8,749	7,563.5	30,254	6,821.7	7,453.1	9.3%		
Rate	90.0	90.0		93.9	93.9	7,624	6,817	7,811	7,290	7,306.0	29,542	7,481	6,164	7,860	8,749	7,563.5	30,254	6,821.7	7,453.1	9.3%				
Property	7,452.8	29,811		7,516.0	30,064	8,437	6,622	7,106	6,771	6,833.0	28,936	6,636	5,530	6,317	7,013	6,374.0	25,496	7,590.2	6,570.7	-13.4%				
Rate	102.7	102.7	102.1	102.1	8,437	6,622	7,106	6,771	6,833.0	28,936	6,636	5,530	6,317	7,013	6,374.0	25,496	7,590.2	6,570.7	-13.4%					
Person/Sex	4,433.8	17,735	3,986.5	15,946	4,396	3,642	3,738	4,242	3,874.0	16,018	4,481	3,526	3,810	4,188	4,001.3	16,005	4,230.8	3,946.7	-6.7%					
Rate	61.1	61.1	54.2	54.2	4,396	3,642	3,738	4,242	3,874.0	16,018	4,481	3,526	3,810	4,188	4,001.3	16,005	4,230.8	3,946.7	-6.7%					
DSAMH	Admissions	Justice-Involved SA Total	2,418.0	9,672	2,396.0	9,584	2,448	2,315	2,433	2,320	2,356.0	9,516	2,801	2,735	2,640	3,352	2,725.3	11,528	2,411.6	2,540.7	5.4%			
Drug Court		509.8	2,039	432.5	1,730	483	486	471	419	458.7	1,859	501	480	567	533	516.0	2,081	472.4	487.3	3.2%				
	Clients Served	Justice-Involved SA Total		11,315		10,595	4,890	4,992	5,859	6,712	10,411	5,032	5,456	6,213	6,880		11,546							
Drug Court			2,196		2,221	1,114	1,131	1,298	1,471		2,137	873	985	1,192	1,391		2,032							
	Successful Completion of Treatment Episode (%)	Justice-Involved SA Total	54.0%	54.0%	53.0%	53.0%					51.1%	51.1%				47.3%	47.3%							
Drug Court		57.8%	57.8%	56.3%	56.3%						54.0%	54.0%				46.9%	46.9%							
	Number of Certified Treatment Sites (N)	Public (cumulative)	**	**	**	**					27					38								
Private (cumulative)											66					115								
Justice-Involved Served by Certified Providers																								
% of Justice-Involved Total																								
Counties/DOC	County Jail Reimbursement Days (COP)		98,499.8	393,999	111,055.8	444,223	104,574	90,968	88,334	90,724	90,008.7	374,600	94,142	95,269	91,584	95,099	94,023.5	376,094	104,755.1	92,302.9	-11.9%			
	County Jail MA Days (Non-Reimbursed)																							
	County Jail Contracting (Average Daily Pop)		1,609.7	1,610	1,596.8	1,597	1,599	1,599	1,576	1,576	1,583.5	1,584	1,593	1,590	1,561	1,496	1,560.2	1,560	1,602.7	1,582.4	-1.3%			
CCJ/Counties	County Jail Offender Screening (CPIP)		**	**	**	**	**																	
	Total Completed Screens							466	7,227	8,365	5,352.7	16,058	9,005	8,179	9,009	9,604	8,949.3	35,797		8,564.8				
	%Low Risk (LSIR-SV)							26.3%	31.9%	36.2%	34.1%	34.1%	34.1%	33.1%	33.1%	33.8%	33.5%		33.7%					
	%Mod Risk (LSIR-SV)							53.4%	50.0%	48.3%	49.2%	49.2%	49.6%	48.9%	48.1%	47.2%	48.5%		48.7%					
	%High Risk (LSIR-SV)							20.3%	18.1%	15.5%	16.7%	16.7%	16.4%	18.0%	18.7%	19.0%	18.0%		17.7%					
	%Substance Use Referral (TCUD)							87.5%	64.7%	44.2%	53.0%	53.0%	46.8%	49.1%	50.2%	50.5%	49.2%		50.9%					
	%Psych Assessment Referral (CMHS)							51.1%	44.7%	37.5%	41.0%	41.0%	39.0%	41.4%	39.2%	40.2%	40.0%		40.3%					
			B1		B2		B3			JRI1					JRI2		B	JRI						

\*Comparisons between JRI and baseline use the quarterly average (AvgQ). Exceptions to this include measures where only annual numbers are available (e.g., arrest rates). Additionally, the AvgQ for FY16 only includes the JRI quarters (Q2-4).

\*\*Numbers are not available prior to JRI implementation (new data/program)





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