

Cost of doing nothing: \$542 million

Utah's prison population has grown by 18 percent since 2004. Without action, the state will need to house an additional 2,700 inmates - a 37 percent growth in the prison population - by 2034.

Utah taxpayers currently spend \$270 million annually on corrections. The relocation of the state prison at Draper is projected to cost more than \$1 billion, with half this cost tied to inmate growth alone.

For all this spending, taxpayers have not been getting a strong public safety return. Almost half (46 percent) of Utah's inmates who are released from state prisons return within three years.

The challenges facing Utah

In April 2014, at the charge of the Governor, Chief Justice, Attorney General, and legislative leaders, the Utah Commission on Criminal and Juvenile Justice (CCJJ) began a seven month policy development process, beginning with a comprehensive review of the state's sentencing and corrections data. CCJJ found:

- **Utah's prison population has grown 18 percent since 2004** – six times faster than the national average during the same period.
- **A significant number of Utah's prison admissions are for nonviolent offenses** – Sixty-two percent of offenders sent directly to prison from court in 2013 were sentenced for nonviolent crimes.
- **Offenders on probation and parole supervision are failing at higher rates than they did 10 years ago** – Revocations from supervision—offenders sent back to prison for a violation of probation or parole—accounted for 46 percent of Utah's prison population in January 2014.
- **Despite research demonstrating the diminishing public safety returns of longer prison sentences, prisoners are spending 18 percent longer in prison than they did 10 years ago** – This growth in time served has occurred across all offense types, including nonviolent offenses.

Policy options in the Commission's report

The Commission recommended a comprehensive policy package that reduces recidivism, controls prison costs, and holds offenders accountable. CCJJ recommends:

- **Focusing prison beds on serious and violent offenders** by revising penalties for drug offenders in order to target chronic felony offenders and drug dealers who sell to minors; revising the sentencing guidelines for some low-level offenders and the criminal history scoring system in order to avoid double counting and to limit factors to those most relevant to the risk of re-offense; establishing graduated revocation caps for technical probation and parole violators; and establishing a standard system of earned time credits for inmates who participate in certain programming.
- **Strengthening probation and parole supervision** by implementing a graduated sanctions and incentives matrix to ensure responses are swift, certain, and proportional; and allowing offenders to earn time off their supervision sentences for engaging in behavior that reduces their risk of committing another crime.
- **Improving and expanding reentry and treatment services** by increasing the availability of mental health and substance abuse treatment services across the state; ensuring quality by establishing statewide standards and certification processes for community-based providers; and implementing transition planning and reentry services for offenders returning to their communities.
- **Supporting local corrections systems** by reclassifying lower-level moving vehicle misdemeanors to focus jail resources on high-level offenders; establishing evidence-based jail treatment standards; increasing services for crime victims; and establishing a performance incentive grant program to provide funding for counties working to reduce recidivism and expand alternatives to prison.
- **Ensuring oversight and accountability** by training criminal justice decision makers on evidence-based practices; and requiring data collection and reporting of key performance measures.

The policy options will NOT:

- decriminalize or legalize the possession, sale, or trafficking of any controlled substance.
- require the resentencing of any offender.
- reduce the effectiveness of drug and other specialty courts.

What is the expected impact of these policy options?

Together, the 18 policy recommendations in the Commission's report will avert 98 percent of the anticipated growth in prison population and will save taxpayers \$542 million dollars over the next 20 years. The CCJJ recommends reinvesting in practices that reduce recidivism and support crime victims.

Partial implementation of the Commission's policy options will mean that the prison population and correctional costs continue to grow. This will leave policy makers with the difficult choice of raising taxes or cutting funding to other key priority areas.

How will these recommendations impact localities?

The CCJJ identified the following policy options and reinvestment priorities to improve public safety and criminal justice systems at the local level:

- **Expand treatment services in the community** to increase substance abuse and mental health treatment capacity for offenders to meet demand for services statewide.
- **Increase resources to reduce recidivism** by creating a grant program for counties to create locally-determined programs and practices that reduce recidivism and expand alternatives to prison.
- **Invest in victim services** to expand the number of victim advocates and services in rural and remote areas of the state.

Background on the Utah Commission for Criminal and Juvenile Justice

From April to November 2014, the Utah Commission on Criminal and Juvenile Justice (CCJJ) conducted a rigorous review of Utah's sentencing and corrections data, evaluated current policies and programs across the state, explored best practices from other states, and engaged in policy discussions. This diverse group of criminal justice stakeholders included representatives from corrections, law enforcement, victim advocacy, the legislature, judiciary, the prosecutorial and defense bars, and community based practitioners.

In his 2014 State of the State address, Governor Herbert called for a "full review of our current 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." Governor Herbert, Chief Justice Matthew Durrant, Senate President Wayne Niederhauser, House Speaker Becky Lockhart, and Attorney General Sean Reyes tasked the Utah Commission on Criminal and Juvenile Justice (CCJJ) with "develop[ing] a package of data-driven policy recommendations that will reduce recidivism and safely control the growth in the state prison population."

The CCJJ held six public hearings across the state and two roundtables of victims, survivors, and victim advocates to identify key priority areas for reform. The Commission submitted a report of its findings and policy options to the Governor and Legislature for consideration and action in the 2015 session.