



Utah Commission
on Criminal and
Juvenile Justice

2014

ANNUAL REPORT

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The Utah Commission on Criminal and Juvenile Justice coordinates criminal and juvenile justice policy among the various branches and levels of government. Commission policy is developed and honed by leveraging the expertise of stakeholders in the criminal and juvenile justice systems to ensure that all voices are heard and the best policies are implemented. In addition, the Commission conducts on-going research and seeks to implement justice programming using evidence-based practices. Where possible, the Commission funds these initiatives using grant resources.

CCJJ Update

Grant Overview

In FY 2014, CCJJ distributed \$8,667,185 in 225 grants to state, local and non-profit agencies for critical criminal and juvenile justice initiatives.

Judicial Nominating Commission

During the 2010 General Session CCJJ was given the responsibility to manage nine judicial nominating

commissions throughout the state. When a judicial vacancy exists, the appropriate nominating commission receives applications from individuals interested in serving as a judge, interviews selected applicants and certifies a list of nominees to the Governor who then appoints a judge from the list of nominees. Judicial appointees are subject to Senate confirmation. Over the past fiscal year, these Commissions have examined 413 applications to fill 13 judicial vacancies.

Jail Reimbursement

In 2009, CCJJ was assigned responsibility for management of the state's Jail Reimbursement Program. The jail reimbursement program provides financial compensation to counties for housing inmates sentenced to jail as a condition of felony probation. In FY 2014, the Commission verified 393,964 bed days. The total amount dispersed in FY 2014 by the Division of Finance was \$12,967,100.

Domestic and Sexual Violence

The Office of Domestic and Sexual Violence (ODSV) has provided 13 years of service to victims, agencies, and organizations who work to end domestic violence and rape and sexual assault. The ODSV works to close existing disparities in State and judicial systems by addressing obstacles and recommending

solutions. It also uses a collaborative multi-disciplinary approach to move forward priority issues for these societal problems.

The ODSV currently manages two councils, the Utah Sexual Violence Council and the Utah Domestic Violence Planning Advisory Council, both of which make recommendations to ODSV. The Utah Sexual Violence Council produced a "Resource Manual, Investigating and Prosecuting of Sexual Assaults" for use in response training. The Utah Domestic Violence Planning Advisory Council is currently working on providing training and implementation of domestic violence lethality assessments to all law enforcement agencies, domestic violence offender management, and strengthening sentencing guidelines.

Extraditions

Since 1992, CCJJ has had the responsibility to coordinate out-of-state felony fugitive extraditions for state and local law enforcement agencies. In FY 2014, the Commission spent \$331,157 on 214 extraditions, at an average cost of \$1,547 per extradition. This was up from a previous high of \$1,376 per extradition in FY 2012.

Utah – Justice Assistance Grant

In FY 2014 the U.S. Department of Justice awarded Utah \$1,595,917 in formula grant funding from the Justice Assistance Grant (JAG) program. The Utah JAG formula grant program is administered by CCJJ and allocated to units of state and local government along with private non-profit and faith-based organizations throughout the state. JAG grant awards are limited to criminal justice agencies and criminal justice service providers.

JAG formula funding can be allocated to various criminal justice purpose areas including: Law Enforcement Programs, Prosecution and Courts Programs, Prevention/Education Programs, Corrections and Community Corrections Programs, Drug Treatment and Enforcement Programs, Planning/Evaluation/Technology Improvement Programs and Crime Victim and Witness Programs.

From the FY 2014 JAG award, CCJJ will award grant funding to 93 mostly rural law enforcement agencies (\$717,650), 4 awards will be made in support of evidence based juvenile justice projects designed to prevent delinquency and reduce recidivism (\$328,111). The remaining \$550,156 will be applied to administrative costs, evidence based drug treatment projects, criminal justice technology improvement projects, Naloxone rescue kits, and county performance grants designed to reduce recidivism. Additionally, JAG - SORNA funding will be used to continue supporting the Utah Department of Corrections in their effort to improve Utah's Sex Offender Registry (\$88,139).

Utah State Task Force Grant

The Utah Legislature passed H.B. 91 in 2007 creating the Law Enforcement Operations Account (LEOA). CCJJ is required to grant funds from the LEOA under the State Task Force Grant program (STFG). Grants are awarded to criminal justice service providers in order to address illicit drug use and other crime issues. The first priority of the STFG grant program is to provide

operational support for Utah's established multi-jurisdictional drug and crime task force units. The second priority of STFG funding is the reduction of illegal drug activity through education, prevention, treatment and research programs. In FY 2014, CCJJ awarded \$1,433,673 in STFG grant funding to Utah's 17 multi-jurisdictional drug task force projects.

Utah State Asset Forfeiture Grant (SAFG)

In 2004 the Utah Legislature passed Senate Bill 175 making federal and state asset forfeiture funding available for use in criminal justice service projects. CCJJ developed the State Asset Forfeiture Grant (SAFG) program as a means of evaluating and distributing state forfeiture funds. SAFG grants are awarded to governmental agencies that provide criminal justice services. In FY 2014, CCJJ awarded 31 SAFG Grants for a total of \$2,217,777 (\$351,309 to drug court programming, \$417,789 to drug task force programming, \$700,000 to support the Utah Crime Victims Reparation fund, and \$729,747 awarded to twenty-five state and local law enforcement agencies through a formula award process). State forfeitures collections in the Criminal Forfeiture Restricted Account (CFRA) remain strong with an increase of approximately 1.5% in FY 2014 when compared to FY 2013 CFRA collections.

JAG and STFG Results

FY 2014 STFG and SAFG grants were used to assist 17 multi-jurisdictional drug and crime task force projects serving 27 of Utah's 29 counties. Last year, Utah's task force projects produced the following results: *3,329 drug and gang related arrests (9 % above the 5yr. average); the removal of 6 kilograms (kg) of cocaine (-80% below the 5yr. average); 71kg. of methamphetamine (-9% below the 5yr. average); 34,003 units of prescription medication (109% above the 5yr. average); 105kg. of heroin (242% above the 5yr. average) and 435kg. of marijuana (-25% below*

the 5yr. average). The task forces seized \$2.6 million in criminal assets (40% above the 5yr. average) and made 385 public drug education presentations.

Utah Sexual Exploitation of Children Prevention Grant

In 2006, the Utah Legislature approved House Bill 170 - *Prosecution and Prevention of Child Pornography Offenses Amendments*. H.B. 170 established a one-time, \$1 million grant program to be administered by CCJJ. H.B.170 directs CCJJ to, "allocate and administer grants...for approved education programs to help prevent the sexual exploitation of children."

In FY 2014, CCJJ maintained support for one internet safety project is operating with SECP grant funding of \$95,000 awarded in fiscal year 2014, \$195,000 awarded in fiscal year 2011 and \$338,800 awarded in fiscal year 2010. The recipient agency, Utah Education Network (UEN), used SECP funding to develop a comprehensive internet safety program and website know as NetSafeUtah - www.netsafeutah.org

In FY 2014, UEN provided direct NetSafe training to 20,486 K-12 students (ages 5-18), teachers and parents (167,466 since FY2008) using SECP grant funding:

NetSafe Utah Training Delivery Methods - NetSafe Utah

presentations continue to reach statewide. Groups trained this fiscal year included those attending the Region V UACT Conference and the PTA personnel representing the Welfare and Safety Commission in their local PTA organizations as well as schools throughout the state. The primary method for educating students, teachers, parents and others regarding Internet safety is face to face presentations; however, NetSafe Utah also offers an online class to teachers in addition to providing downloadable Internet safety content resources to anyone. Unless specified otherwise, all training is conducted in person by a trained trainer.

CCJJ Justice Reinvestment Initiative (JRI) Work and Recommendations

Background

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

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."

From April to November 2014, with the help of the Pew Charitable Trusts, 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. CCJJ also held six public hearings across the state and two roundtables of victims, survivors, and victim advocates to identify key priority areas for reform. Some of the findings included:

- **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** – Revocation from supervision—being 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 Recommendations

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 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; revising penalties for drug offenders in order to target chronic felony offenders and drug dealers who sell to minors; 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.

Expected Impact

Together, the 18 policy recommendations in the Commission's report will avert nearly all 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. Only partially implementing 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.

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

- **Expand treatment services** to increase community 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.

Next Steps

The Commission submitted a report of its findings and policy options to the Governor and Legislature for consideration and action in the 2015 session. The full report can be found at www.justice.utah.gov.

2014 Utah Crime Survey

CCJJ periodically conducts a statewide survey assessing victimization in the previous year and over the lifetime, as well as various attitudes and perceptions about crime.

The latest version of this survey (sixth overall) was conducted in 2014, and assessed crimes that were experienced in 2013. The 2014 survey (sample N = 2,000) continued the use of diverse methods of data collection (online, cell phone) along with the traditional sampling of landline telephones.

Victimization rates were down in the 2014 survey overall, and for most crime categories and specific crimes. As in past surveys, the 2014 survey asked respondents if they were victims of various property (motor vehicle theft, auto burglary, vandalism, burglary, larceny, and the special category of identity theft), person (robbery, assault, threats of violence, and the special category of stalking), and sexual (rape and other sexual assault) crimes. Overall, 46.5% of respondents

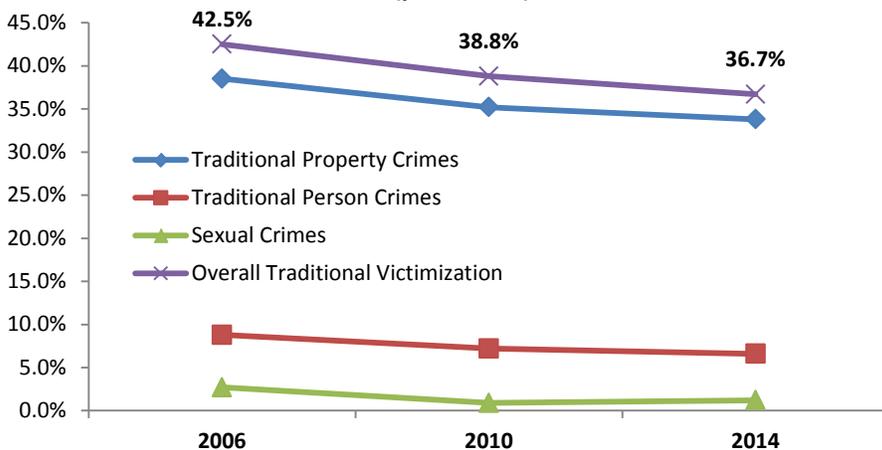
experienced at least one of the crimes listed in the previous year (down from 51.0% in 2010); 33.8% experienced at least one of the traditional property crimes in the previous year (down from 35.2% in 2010); 6.6% experienced at least one of the traditional person crimes (down from 7.2% in 2010); and 1.2% experienced a sexual crime (similar to 0.9% in 2010).

The only specific crime that increased significantly from the previous survey in rate was identity theft (29.2%, up from 21.5% in 2010 and 14.1% in 2006). Almost half (44.5%) of Utahns surveyed have now experienced some form of identity theft in their lifetime.

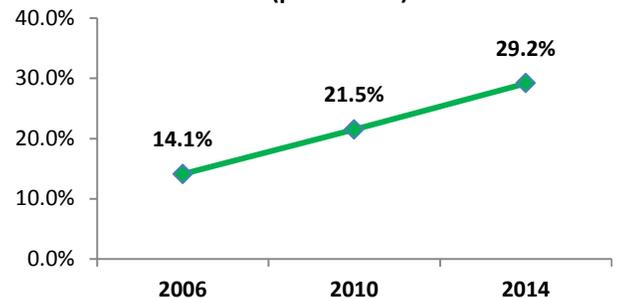
Rates of reporting crimes to police increased in the 2014 survey, though still only 55.4% of victims reported at least one crime they experienced in the previous year, and only 43.5% of the total incidents were reported.

The full report, with these and other findings, can be found at www.justice.utah.gov.

Trends in victimization for traditional crime categories (prevalence)



Trend in identity theft victimization (prevalence)



Law Enforcement Support Account

The 2010 Legislature passed SB217 which required that CCJJ administer an account used for increased law enforcement in municipalities with halfway houses run by the Utah Department of Corrections. The total allocation for FY 2014 was \$576,454.

Technology Update

Over the next few years the Department of Public Safety (DPS) in a cooperative effort with the Utah Commission on Criminal and Juvenile Justice (CCJJ) will rewrite the Utah Criminal Justice Information System (UCJIS) application to modernize and provide new functionality and enhancements to law enforcement and other agencies. To help facilitate these upgrades CCJJ will be using money from several awarded federal grants:

2014 National Criminal History Improvement Program (NCHIP)

This grant is to help states improve the accuracy, utility, and interstate accessibility of criminal history records and enhancing records of protective orders involving domestic violence and stalking, sex offender records, automated identification systems and other state systems supporting national records systems and their use for criminal history background checks \$660,000 from this grant will be used to fund the Web front System rewrite portion of the UCJIS. The UCJIS web front application is used by all Utah criminal justice agencies and authorized civil agencies to access Utah and national criminal justice systems. Rewriting the web front will allow BCI to continue to research Criminal History records, allow the entry, modification and cancellation of NICS Index records, and allow gun-check related transactions to be processed. This affects the quality, completeness and accessibility of Criminal History and NICS gun checks. In addition, rewriting the web front will allow the Utah criminal justice community to continue to access Utah Criminal

History, III and other criminal justice-related systems.

JAG Technology Grant

UCJIS LET Reporting System

Project: The Law Enforcement Transparency bill passed during the 2014 legislative session (S.B. 185) requires all Utah police agencies to provide details on reportable forcible entry incidents. In an effort to streamline the task of incident reporting, CCJJ partnered with the Utah Department of Public Safety to develop the Law Enforcement Transparency (LET) incident reporting interface as part of the Utah Criminal Justice Information System (UCJIS). CCJJ directed \$50,000 in Justice Assistance Grant (JAG) funding toward the development of the UCJIS/LET interface.

Utah Office for Victims of Crime

The Utah Office for Victims of Crime has partnered with the Bureau of Criminal Investigation (BCI) to provide limited restitution information through the Utah Criminal Justice Information System (UCJIS). Agencies, with access, across the state of Utah will be able to access UOVC restitution information. A brief snapshot of what UOVC has paid, court ordered amounts, along with the amount paid by the offender, and the date the payment was made to UOVC is just some of the information that can be accessed. The project should be complete and ready for launch in the coming months.

CCJJ Research

Our research team works with various state agencies and the University of Utah to coordinate and conduct research and evaluation projects on topics, programs, and policies that are a priority to the Commission. We have a collaborative research relationship with the University of Utah Criminal Justice Center (UCJC), as well as other researchers at the University (e.g., Department of Economics).

Research Team Projects

In 2014, we completed an evaluation of the efficacy of the Employment Placement Project (EPP), which was implemented in 2009 by the Utah Department of Corrections and funded through grant funds provided by CCJJ. EPP was designed to provide offenders with enhanced job readiness workshops and to collaborate directly with potential employers. The results of the evaluation showed that EPP had an impact on both employment and recidivism. More specifically, EPP participants were more likely to have stable employment post release in comparison to non-EPP participants (43.6% vs. 37.8%). As for recidivism, EPP demonstrated a significant reduction, though this effect was, in large part, driven by late program participants who had already "survived" the highly sensitive period that occurs after release. When their contribution was discounted, the program showed a diminished reduction in recidivism (45.6% vs. 49.9%) with only moderate statistical support. The main recommendations from the evaluation included that EPP target offenders early upon release and avoid mixing offenders of various risk levels. This project involved collaboration between CCJJ, Utah Department of Corrections, Utah Department of Workforce Services, Utah State Office of Education, and the Economics Department at the University of Utah.

Building off of this project, our research team is currently working on an analysis of the impact of fines and fees on supervision outcomes. Understanding the extent to which labor market attachment reduces recidivism and the impact of court mandated payments is of paramount importance, especially given that prior research has shown that offenders have reduced labor force opportunities and that the majority of offenders have large financial obligations. This research will utilize much of the ground work that was put in place during the evaluation of EPP, but will also require data exchanges from additional agencies such as the Office

of Debt Collections. This data will provide new insight into a typical offender's financial situation in Utah, and will be utilized in the statistical models that will be developed in predicting return to prison.

Other research projects that have begun in 2014 that will continue into 2015 include an analysis of the impact of multijurisdictional drug task forces on crime in the local areas they cover.

Utah Criminal Justice Center

Each year, CCJJ coordinates a multi-agency research contract with the UCJC to support projects of interest to the participating agencies (CCJJ, Department of Corrections, Courts, and Juvenile Justice Services). The following projects were completed:

- Continuation of the Prisoner Reentry Project, with an analysis of re-incarceration and desistance in a cohort of Utah parolees.
- An analysis of the determinants of length of stay in Utah's juvenile secure care facilities.
- Assistance with the development of Utah's incentive and response matrix for offender supervision.
- Data quality assessment for a future evaluation of Utah's mental health courts.

In addition to the projects listed above, CCJJ also contracted with UCJC to conduct Correctional Program Checklist (CPC) evaluations on Department of Corrections (UDC) programs in the prison and several county jails. The CPC evaluates the degree to which programs are implemented properly and adhere to evidence-based practices.

Ongoing Assistance

The CCJJ research team also provides ongoing research assistance to other related commissions and groups, including the Sentencing Commission, UBJJ, USAAV, and the Office of Domestic and Sexual Violence. In 2014, this included help with CCJJ's Justice Reinvestment Initiative (JRI) in collaboration with Pew (see p.3 above).



Utah Commission on Criminal and Juvenile Justice 2014 Membership

Senator Stuart Adams
Utah State Senate

Camille Anthony
Chair, USAAV Council

Spencer Austin
Office of the Utah Attorney General

Dan Becker
State Court Administrator

Susan Burke
Division of Juvenile Justice Services

Kathleen Christy
Public Education Representative

Rollin Cook
Utah Department of Corrections

Sim Gill
Statewide Association of Prosecutors

Representative Eric Hutchings
Utah House of Representatives

Chief John King
Utah Chiefs of Police Association

Spencer Larsen
Utah Board of Juvenile Justice

Judge Elizabeth Lindsley
Utah Juvenile Court

Judge Thomas Low
Chief Justice Designee

Rob Lund
U.S. Attorney's Office

Angela Micklos
Chair, Board of Pardons and Parole

Mark Moffat
Utah State Bar Representative

Stan Parrish, Chair
Citizen Representative

Keith Squires
Commissioner of Public Safety

James Swink
Utah Council on Victims of Crime

Doug Thomas
Division of Substance Abuse and Mental Health

Sheriff Jim Tracy
Utah Sheriffs Association

Carlene Walker
Utah Sentencing Commission