



Utah Commission  
on Criminal and  
Juvenile Justice

# 2015

# 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 2015, CCJJ distributed \$7,387,565 in 209 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 184 applications to fill 7 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 2015, the Commission verified 442,223 bed days. The total amount dispersed in FY 2015 by the Division of Finance was \$14,967,100.

### 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 2015, the Commission spent \$321,220 on 204 extraditions, at an average cost of \$1,575 per extradition. This was up from a previous high of \$1,547 per extradition in FY 2014.

## Utah – Justice Assistance Grant

In FY 2015, the U.S. Department of Justice awarded Utah \$1,421,840 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 in support of various criminal justice purpose areas including: Law Enforcement Programs; Prosecution and Courts Programs - Including Indigent Defense; Prevention/Education Programs; Corrections and Community Corrections Programs; Drug Treatment and Enforcement Programs; Planning/Evaluation/Technology Improvement Programs; and Crime Victim and Witness Programs.

In 2015, CCJJ awarded grant funding to 78 mostly rural law enforcement agencies (\$228,681). All other 2015 JAG funding (approximately \$1,000,000) will be used in support of Utah's Justice Reinvestment Initiative (JRI). JRI is a comprehensive reform effort intended to enhance public safety, reduce recidivism, and provide better outcomes for drug offenders through treatment over incarceration. 2015 JAG funding as well as any funding we might receive in 2016 and 2017 will be dedicated to JRI. JAG JRI

funding will be used primarily for supervision/transition programs, practices, and/or strategies.

## 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 2015, CCJJ awarded 34 SAFG Grants for a total of \$1,748,278 (*\$399,412 to drug court programming; \$539,392 to drug task force programming, and \$809,474 awarded to 28 state and local law enforcement agencies through a formula award process*). State forfeitures collections in the Criminal Forfeiture Restricted Account (CFRA) declined significantly in FY2015 (\$1,497,324) when compared to FY2014 (\$2,649,593), with funds collected dropping -43.5%. However, the number of forfeiture cases increased in FY2015 vs FY2014.

## STFG and SAFG Task Force Results

FY 2015 State Task Force Grant (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: *4,362 drug and*

*gang-related arrests (31% above the 5yr. average); the removal of 17 kilograms (kg) of cocaine (-47% below the 5yr. average); 161kg of methamphetamine (64% above the 5yr. average); 15,449 units of prescription medication (-9% below the 5yr. average); 55kg of heroin (36% above the 5yr. average) and 1,347kg of marijuana (90% above the 5yr. average). The task forces seized \$1.2 million in criminal assets (-32% below the 5yr. average) and made 431 public drug education presentations.*

## Law Enforcement Services Account (LESA)

The Utah Legislature established the Law Enforcement Services Account (LESA) and directed CCJJ to distribute funds collected in the account "to law enforcement agencies providing services directly to areas with halfway houses or parole violator centers or both." **Utah Code Ann. § 51-9-412(3)(b)**. In FY 2015, CCJJ allocated a total of \$765,405 in LESA funding to the following three jurisdictions: Salt Lake City PD, West Valley City PD and Ogden City PD. Funding was used primarily for the following purposes in FY215: Support of the Ogden Crime Reduction Unit; Increased police operations in the Salt Lake City area halfway houses (personnel and O/T); and Sex offender verification and compliance in West Valley City. West Valley City also purchased some surveillance equipment and paid for office training with LESA funding.

## CCJJ Justice Reinvestment Initiative (JRI) Update and HB348 Implementation

### Background

# JRI

Utah taxpayers spend \$270 million annually on corrections. The relocation of the state prison at Draper was 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, as almost half (46%) of Utah's inmates who are released from state prisons return within three years.

To address this problem, 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 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 resulted in a comprehensive package, including 18 policy recommendations, that reduces recidivism, controls prison costs, and holds offenders accountable. This passed during the 2015 General Legislative Session as HB348.

### Progress of the JRI/HB348 Implementation

Since its start, significant progress on the implementation of the criminal justice reforms has occurred. Listed below are some of the most noteworthy achievements to date:

- Established a JRI Implementation Task Force.
- Revised the criminal history score and length of stay recommendations on the general sentencing matrix for adult offenders.
- Completed guidelines for sanctions and incentives for offenders on probation or parole.
- Conducted at least 25 trainings throughout the state on the new sentencing guidelines.
- Collaborated on treatment standards and certification of treatment programs.
- Collaborated with partner agencies on a list of key performance measures to track.
- Implemented a statewide screening tool in county jails to identify risk and needs of offenders (see box at right).
- Approved grants to 10 counties to reduce recidivism through evidence based practices.

- Collection and calculation of baseline and Q1 (Oct-Dec 2015) performance data is underway.

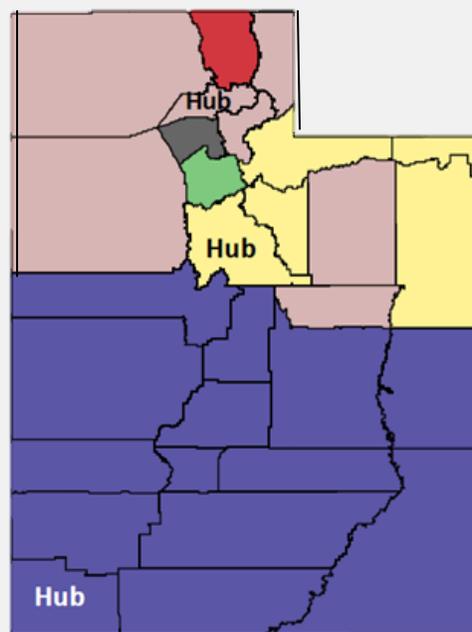
### County Performance Incentive Program (CPIP)

Grant monies were appropriated to CCJJ to allocate funds to county programs that reduce recidivism. The Commission voted to first fund (Priority A) a risk and needs screening (including screening for mental health and substance use) in all county jails. Offenders booked on class B misdemeanors and above are to be screened using a statewide database instrument. The screening instrument will provide a report on each offender that:

1. Identifies the risk to reoffend;
2. Whether further psychological assessment is needed; and
3. Whether further substance use assessment is needed.

Implementing a statewide risk and needs screening tool will also provide legislators with an aggregate estimate of mental health and substance use treatment needs in the State.

In collaboration with Utah sheriffs, screenings will be performed in six jails, with Salt Lake County Jail, Davis County Jail, and Cache County Jail independently screening their own bookings. Three other jails (Washington, Weber, and Utah) have agreed to act as Hub Screening Jails, and will provide video conference screenings for satellite jails. The figure below shows the six screening jails, along with the satellite counties for each hub.



## Technology Update

Over the past couple of years, the Department of Public Safety (DPS) in a cooperative effort with CCJJ has been upgrading the Utah Criminal Justice Information System (UCJIS) application to modernize and provide new functionality and enhancements to law enforcement and other agencies. This year, CCJJ has also been able to help the Utah Prosecution Council obtain a Case Management System, as well as assist the Research team to better integrate agency data to track offender recidivism. To help facilitate these programs, CCJJ will be using money from several awarded federal grants:

### FY 2015 NICS Act Record Improvement Program (NARIP)

**UPC Case Management System:** This grant is made available through the U.S. Department of Justice. The program furthers the Department's mission by improving the records available to the National Instant Criminal Background Check System (NICS). This is accomplished by helping eligible states to improve the completeness, automation and transmittal of records to state and federal systems.

\$500,000 from this award will be used for the purchase of a third-party vendor case management software program for county and municipal prosecutor offices. Such a Program will allow prosecutor offices to electronically share information and documents with each other but will also provide for direct, cost saving communication with the district courts.

Currently, prosecutor offices are using outdated and limited software programs that do not meet the needs of prosecutors throughout the state. These systems do not allow for the sharing of electronic information between offices or filing documents with the court. Prosecutor offices are required to electronically file (e-file) all documents with the district courts.

Having a uniform case management system in prosecutor offices will allow for the exchange of the following types of information regarding defendants: names and aliases, charges filed, dismissal, acquittal or convictions, sentencing orders, compliance with probation (i.e., non/payment of fines, non/completion of treatment (substance abuse, mental health, domestic violence, etc.), probation violations, protective orders issued, etc.). Sharing this information will help reduce recidivism by identifying repeat offenders and not allowing them to slip through the cracks in the system.

**Web front System rewrite portion of the UCJIS:** \$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, the Interstate Identification Index (III), and other criminal justice-related systems.

### FY 2015 State Justice Statistics (SJS) Grant

**Independent Recidivism Database Tool:** Up to \$60,000 from this grant will be used toward the creation of an independent database tool for the purpose of recidivism tracking that pulls information from several databases housed in State criminal justice agencies. This database would track cohorts of adult and juvenile offenders over time and give CCJJ and partner agencies direct and timely access to specific long-term recidivism data, both in general and for a variety of different types of offenders and offense categories. This would allow

greater access to important information that can be used to track trends in recidivism outcomes, allow identification of various subgroups of offenders who may be at greater risk for recidivism, and provide more precise probability inputs for CCJJ's cost-benefit model. The creation of an independent database would enable this to be done on an ongoing basis (i.e., new cohorts pulled every 5 years, outcome data updated on an annual basis) in a much more efficient manner than might be done by independent researchers requesting, merging, and analyzing large data sets.

Additionally, these data integration efforts are part of a larger push for greater data sharing across the system and associated agencies to assist in both 1) the processing and treatment of offender populations, and 2) the tracking of key system-wide performance measures in evaluating the implementation of criminal justice reform efforts (see p.3).

## 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

The research team's efforts in 2015 were almost solely dedicated to assisting with the implementation of the JRI reforms, most significantly the development of a plan and performance measures to track the progress of these reform efforts and their implementation.

### Utah Criminal Justice Center

CCJJ coordinated 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:

- A review of brief risk screening instruments validated for use in correctional settings.
- A systematic review of out-of-home placement (group care and foster care) in reducing recidivism for adjudicated juvenile offenders.
- Continued assistance with the development of AP&P's response and incentive matrix for offender supervision.
- Continued data quality assessment for evaluation of Utah's mental health courts.

In addition to the projects listed above, CCJJ also contracted with UCJC to continue their Correctional Program Checklist (CPC) evaluation efforts with 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, and UCJC provides ongoing technical assistance to these programs in bringing their efforts more in line with best 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.



### Utah Commission on Criminal and Juvenile Justice 2015 Membership

**Senator Stuart Adams**  
*Utah State Senate*

**Camille Anthony**  
*Chair, USAAV Council*

**Judith Atherton, Chair**  
*Citizen Representative*

**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*

**Keith Squires**  
*Commissioner of Public Safety*

**Peter Stirba**  
*Utah Sentencing Commission*

**James Swink**  
*Utah Council on Victims of Crime*

**Doug Thomas**  
*Division of Substance Abuse and Mental Health*

**Sheriff Jim Tracy**  
*Utah Sheriffs Association*