



Utah Commission
on Criminal and
Juvenile Justice

2016

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.

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 nominees to the Governor who then appoints a judge from the list of nominees. Judicial appointees are subject to Senate confirmation. In 2016, these Commissions examined 205 applications to fill 11 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 2016, the Commission verified 374,600 bed days. The total amount dispersed in FY 2016 by the Division of Finance was \$14,967,100.

Domestic and Sexual Violence

The Office of Domestic and Sexual Violence (ODSV) has provided 15 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 supported the Violence and Injury Prevention Program at the Utah Department of health on the Cost of Sexual Violence in Utah Report. The Utah Domestic Violence Planning Advisory Council created in 2016 the Domestic Violence Offender Management Group to develop standards for the evaluation, treatment and monitoring of convicted domestic violence offenders and strengthening sentencing guidelines. The ODSV works toward reducing the violence, keeping victims safe and holding offenders accountable.

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 2016, the Commission spent \$314,961 on 207 extraditions, at an average cost of \$1,522 per extradition. This was down from a previous high of \$1,575 per extradition in FY 2015.

CCJJ Update

Grant Overview

In FY 2016 CCJJ had total grant funding of \$8,024,286. Of that, \$7,443,990 (92.8%) was distributed to 134 state, local and nonprofit agencies for criminal and juvenile justice initiatives, and \$580,295.57 (7.2%) was expended in costs to administer the grants.

Judicial Nominating Commission

During the 2010 General Session CCJJ was given the responsibility to

Utah – Justice Assistance Grant

In FY 2016, the U.S. Department of Justice awarded Utah \$1,550,991 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 2016, CCJJ awarded grant funding to 83 mostly rural law enforcement agencies (\$395,081). All other 2016 JAG funding (approximately \$1,000,000) will be used in support of Utah's Justice Reform Initiative (JRI) and to assist indigent defense efforts statewide. JRI is a comprehensive reform effort intended to slow and reduce the growth of the Utah prison population, reduce recidivism, and provide better outcomes for drug offenders through treatment over incarceration. 2016 JAG funding as well as any funding we might receive in 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 2016, CCJJ awarded 30 SAFG Grants for a total of \$2,887,933 (*\$375,000 to drug court programming; \$598,405 to drug task force programming; and \$1,914,528 awarded to 24 state and local law enforcement agencies through a formula award process*). State forfeitures collections in the Criminal Forfeiture Restricted Account (CFRA) declined significantly in FY 2016 (\$1,097,562) when compared to FY 2015 (\$1,497,324) with funds collected dropping -27%.

STFG and SAFG Task Force Results

FY 2016 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: *4,115 drug and gang related arrests (15.3% above the 5yr average); the removal of 19 kilograms*

(kg) of cocaine (-42% below the 5yr average); 139kg of methamphetamine (20% above the 5yr average); 11,397 units of prescription medication (-34% below the 5yr average); 51kg of heroin (5.4% above the 5yr average) and 642kg of marijuana (-4.7% below the 5yr average). The task forces seized \$1.27 million in criminal assets (-32% below the 5yr average); and made 432 public drug education presentations.

Law Enforcement Services Account (LESA)

The Utah Legislature established the Law Enforcement Services Account (LESA) and directed the Commission on Criminal and Juvenile Justice (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 FY2016, CCJJ allocated a total of \$790,295 (this includes a one-time additional appropriation of **\$250,000**) 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 FY 2016: Support of the Ogden Crime Reduction Unit; increased police operations including equipment and O/T in the Salt Lake City area halfway houses (Salt Lake City also used funding for transitional housing for former offenders); and sex offender verification and compliance in West Valley City (West Valley City also used a portion of their LESA award for a traffic enforcement program).

CCJJ Justice Reinvestment Initiative (JRI) Update and HB348 Annual Reporting

Background

JRI

In 2013, Utah's taxpayers spent \$270 million annually on corrections and almost half (46%) of all inmates released from state prisons returned within three years. To address this problem, 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."

Between April and November of 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

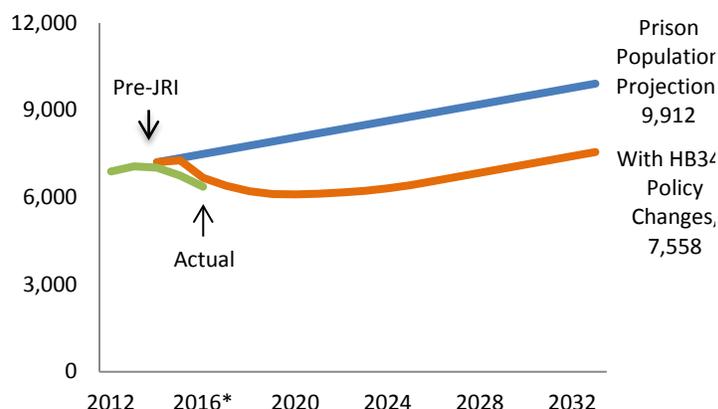
Since its start, significant progress on the implementation of the criminal justice reforms has occurred. Listed below are the key findings of the first JRI annual report which was published in fall of 2016.

- As anticipated and intended, the overall prison population has continued to decrease and the number of nonviolent, low-level offenders being sent to prison has been reduced significantly (see Figure to the right).
- Probation-focused policies are progressing as expected, with fewer probation revocations, an increase in the rate of successful discharges, and slowed growth of the probation population overall.
- Reclassifying drug possession only penalties from a 3rd degree felony to a class A misdemeanor on the first or second offense has significantly reduced the overall percentage of felony drug offenses.
- Criminal history scoring revisions to the Sentencing Guidelines, recalibrated to better reflect the seriousness of offenders, have resulted in fewer recommendations to prison for 3rd degree felonies.
- Substance use treatment numbers pre-and post-reform remain fairly constant, with treatment for both substance use and mental health being an ongoing area in need of expansion.

The full 2016 HB348/JRI Annual Report can be found here:

[https://justice.utah.gov/JRI/Documents/JusticeReinvestmentInitiative/JRI 2016 Annual Report.pdf](https://justice.utah.gov/JRI/Documents/JusticeReinvestmentInitiative/JRI%202016%20Annual%20Report.pdf)

Utah Prison Population: Projected vs. Actual



JRI Success Story

JRI Treatment Funds: --I myself am glad that it was something that was mentioned, as well as court ordered [treatment], for the fact I may not be standing here today, being able to share my experience upon graduating the program--.

--If I didn't have the help of ... help of teaching me triggers, facts, ways to handle those situations some mental & physical ways as well to utilize in moments of triggers, high anxieties, & other situations, I cannot say where I would be today--.

Coming Soon

Statewide Pre-Trial Risk Screening: A Pre-Trial Risk Screening tool called the Public Safety Assessment-Court (PSA-Court) that will assist judges in determining offender release from jail will soon be implemented statewide. The instrument will accurately, quickly, and efficiently assess the risk that a defendant will engage in violence, commit a new crime, or fail to come back to court.

Offender Hearing Notification System: The Utah Administrative Office of the Courts will soon have the capabilities to electronically notify individuals of their upcoming hearings. Research shows that 65% of failures to appear can be attributed to forgotten court dates. The new system is expected to be up and running in 2017.

CCJJ Juvenile Justice Working Group Report Summary

Based on the success of the research-based JRI initiative in the adult corrections system, stakeholders concluded that a similar data-driven effort could help Utah develop policies that improve outcomes in the juvenile justice system. A similar cross-agency effort, headed by the leaders of Executive, Legislative, and Judicial branches will be critical in a State where juvenile reoffending remained high despite the investment of more than \$50 million to incarcerate youth in FY 2014.

In 2016, Governor Gary Herbert, Chief Justice Matthew Durrant, Senate President Wayne Niederhauser, and House Speaker Gregory Hughes established the inter-branch **Utah Juvenile Justice Working Group** and asked members to develop policy recommendations that met three goals: 1) Promote public safety and hold juvenile offenders accountable; 2) Control costs; and 3) Improve recidivism and other outcomes for youth, families, and communities.

From June through November 2016, the Working Group, with technical assistance from The Pew Charitable Trusts and the Crime and Justice Institute at CRJ, completed a data-driven assessment of the Utah juvenile justice system. The assessment began with an exhaustive review of quantitative information from Utah's courts and juvenile corrections system. It also included stakeholder feedback from three surveys and more than 30 roundtable discussions with prosecutors, judges, victims, youth, probation officers, defense attorneys, and others connected to the juvenile justice system. After combing through the Utah data, the Working Group then examined research on what works to reduce reoffending along with effective policies and practices used in other states. Major findings from this review included:

- A lack of statewide standards leads to inconsistent responses and disparate outcomes throughout the system.
- Most youth who enter the system are low-level offenders.
- Youth who have never committed a felony make up a large portion of out-of-home placements, potentially increasing their risk to reoffend.
- Youth remain stalled in the system for long periods due to court-ordered conditions such as financial obligations.
- Affordable, accessible services that effectively hold youth accountable and keep families intact are largely unavailable to the courts across the State.
- Out-of-home placement costs up to 17 times more than community supervision, but results in similar rates of re-offending.
- Most youth do not receive legal representation throughout the duration of the court process, even when their liberty is at stake.

The following policy recommendations were proposed:

1. Reinvest in effective early interventions to improve outcomes, strengthen families, and keep lower-level youth out of the juvenile justice system.
2. Expand and create statewide standards for non-judicial adjustments to hold lower-level youth accountable, increase fairness, and reduce reoffending.
3. Reinvest in a continuum of community-based alternatives to detention in every judicial district and focus pre-adjudication detention on youth who pose a public safety risk.
4. Ensure that all youth receive legal counsel at every stage of the court process and that the State collaborates with counties to certify that legal representation meets high standards across Utah.
5. Establish timelines to improve fairness and increase the swiftness of responses from the system.
6. Expand investment into evidence-based programs in the community so that every judicial district in the State has access to high-quality options proven to strengthen families and reduce reoffending for youth living at home.
7. Adopt performance-based contracting to ensure the results and accountability we expect from our system.
8. Increase the use of structured decision making to respond uniformly and ensure that the right youth receive the right level of supervision and services for the right amount of time.
9. Expand training in order to increase consistency in the use of evidence-based practices and to reduce racial disparities.
10. Establish enhanced inter-branch oversight to inform decision-making and ensure the success and sustainability of reforms.
11. Promote individualized dispositions, reduce unnecessary, control-oriented probation conditions, and tailor therapeutic conditions to address a youth's assessed risks and needs.
12. Tailor eligibility for removal from the home to focus State resources on youth who pose the highest risk to public safety.
13. Maximize the impact of supervision and deliver evidence-based interventions in the most effective period of time.

Full report link: <https://justice.utah.gov/Documents/CCJJ/Justice Policy/Research/Final Report/Utah JJ Final Report.pdf>

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 2016 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 the FY 2016 NARIP award will be added to the \$500,000 previously awarded from the FY 2015 NARIP grant in order to complete 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.

FY 2016 National Criminal History Improvement Program (NCHIP)

The National Criminal History Improvement Program (NCHIP) continues the U.S. Department of Justice's efforts, initiated by the FBI in 1924, to build an accurate and useful national system of criminal records. Availability of complete computerized criminal records is vital for criminal investigations, prosecutorial charging, sentencing decisions, correctional supervision and release, and background checks for those applying for licenses, handgun purchases, and work involving the safety and well-being of children, the elderly, and the disabled. Administered by BJS, NCHIP is an umbrella program to assist states in meeting evolving requirements concerning criminal histories and related records, such as protective orders and prohibiting mental health information. The program began in 1995 and has provided over \$632 million to states and U.S. territories for these purposes to date.

The Utah NCHIP grant funding request aims to improve public safety in Utah by enhancing the quality, completeness, and accessibility of criminal history record information. With FY 2016 funding, Utah will fund the following three projects:

1: Disposition Research & Training of Local Law Enforcement/Court Personnel:

Continuation of the ongoing effort to research dispositions and maintain or improve the current 85 percent felony disposition reporting rate in Utah.

2: Upgrade Utah's AFIS system to include advanced automated biometric identification capabilities:

Utah is seeking additional NCHIP funding to help purchase APFIS Systems and upgrade existing machines to provide palm capture (and other biometric) capabilities. Criminal history records can be enhanced with the addition of biometric capabilities including: photo, irises, scars, mark, tattoos, etc.

3: Develop, in conjunction with the Administrative Office of the Courts (AOC), a new Probable Cause System similar to the existing eWarrants system that allows electronic notification service:

An automated Probable Cause system would be developed to provide a consistent manner for law enforcement to submit PC statements to the Courts and to receive the responses in a timely manner. Implementing this probable cause system would work in conjunction with Utah's new eWarrants system thus bringing speed and efficiency to the probable cause issuance process. A second component of the Probable Cause Electronic Notice System project will be to use NCHIP funding to help the Utah Department of Public Safety and the Utah Administrative Office of the Courts to be able to receive **Automated Pretrial Screening** reports that are performed by the 26 county jails throughout Utah.

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 2016 were almost solely dedicated to assisting with the implementation of the JRI reforms, most significantly the tracking of established performance measures to assess the progress of these reform efforts and their implementation, and the completion of the first JRI Annual Report (see p.3 above).

SJS Grants

As the Utah Statistical Analysis Center (SAC), the CCJJ Research team is eligible annually to apply for the State Justice Statistics (SJS) grant program through the Bureau of Justice Statistics (BJS). The scope of the projects funded through this program has shifted recently to emphasize expanding SACs core capacity to access and analyze important criminal justice data. During 2016, we continued to work on a technology project that was funded in Fall 2015, which attempts to integrate data from our key criminal justice agencies and develop dashboards for JRI performance measures and recidivism. More recently, a new project to evaluate the State's mental health courts, in collaboration with UCJC, was funded in Fall 2016 and will start in 2017.

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 2016 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

Rick Schwermer
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