

# Intermediate Sanctions (FY 2000)

## Recommendations of Utah Sentencing Commission



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New alternative punishments which would address, among other things, Utah's unprecedented growth and strain on prison space. These budget recommendations include the following:

- Community Correction Center
- Day Reporting Centers
- Privatized Presentence Investigations
- Drug Court
- Substance Abuse Programs
- Work Camp Expansions
- Home Detention & Tracking Services
- Electronic Monitoring

The majority of these have been included in the Governor's Budget Recommendations for FY 2000. The Utah Sentencing Commission provides the following innovative policy recommendations and reports concerning sentencing in both the adult and juvenile justice systems.

Concerned with the unprecedented growth in corrections and with the intent to provide a variety of sentencing options in addition to prison, the Sentencing Commission has recently completed the second year of its extensive study on intermediate sanctions. The study entails both the adult and juvenile justice systems.

The Sentencing Commission recommends expanding existing intermediate sanctions and building upon current approaches rather than developing new ones. The following recommendations entail the second stage of what is anticipated to be ongoing recommendations from the Sentencing Commission concerning intermediate sanctions.

### Day Reporting Centers

The best way to control prison population growth is through the establishment of intermediate sanctions programs which provide an alternative to incarceration for qualified offenders. Day reporting centers combine many features of other innovative corrections programs, e.g., increased supervision, electronically monitored curfews, random drug testing, along with an emphasis on mobilizing community services and resources, all in a non-residential setting. In a day reporting program, offenders are required to report to the center every day for treatment, job counseling, supervision, etc., while still living in their own homes and maintaining their jobs and family lives. This kind of daily interaction creates a supervision option that allows Corrections to manage offenders in the community cost-effectively with minimum risk to the public.

Day reporting centers are directed to probationers and parolees who are experiencing supervision instability. Without a program such as this, offenders are often sent to prison as a result of their violation of parole or probation conditions. The following are two specific day reporting centers recommended in order of priority:

#### 1) Davis County Day Reporting Program Full Year Funding

Part year funding was received last year to open a Day Reporting Program in Davis County. The requested funding would allow this program to continue through all of FY 2000.

#### 2) Day Reporting Programs in Provo & West Valley

Day Reporting Programs have proven successful in keeping some offenders out of prison after a parole or probation violation, producing significant savings. If funding is received it will provide part-year operation for two new Day Reporting Centers in Provo and West Valley City.

#### Half-Way House for Probationers

There exists no half-way house south of Salt Lake County and there is no half-way house specifically for probationers. Such an alternative is consistently requested and is expected to have a direct impact on sentencing and corrections costs. Judges regularly look for genuine intensive probation options. A key to success in sentencing is matching the appropriate offender with the appropriate sanction. A half-way house for probationers, with its accompanying residential placement and continuum of programming, provides a lacking intermediate step between regular probation and prison. A 50 bed community correctional center could house approximately 100 offenders per year. Corrections recommends a privatized facility with a focus on substance abusers. It is anticipated that such an alternative punishment would reduce the increasing number of substance abusers going to prison, which, in turn reserves more of the valuable and expensive prison beds for more dangerous offenders.

Utah's prison population is changing. Many more lower level offenders are sentenced to prison than in the recent past. Three times as many third degree felons are going to prison now than in 1988. Providing a customized community sanction for these offenders would divert many away from prison, freeing up space for more violent offenders and slowing tremendous growth.

#### 3) Probation Community Corrections Center (CCC)

Corrections has added very few community beds over the last 13 years. With the Northern Utah CCC, 68 additional beds were added to the total number of community correctional center beds. One effect of lack of beds over the last 13 years has been that a larger proportion of the CCC beds have been

occupied by parolees just coming out of prison.

Lack of space for probationers has forced judges to sentence an increasing number of border-line cases to prison. A major step in reducing growth in the prison population would be to increase the availability of these programs for probationers. The requested funding would allow Corrections to contract with a private provider for a CCC for probationers.

#### **Privatizing Presentencing Investigations**

This effort frees up Corrections staff to be in the field having more contacts with probationers and parolees. Additional contacts translate into smaller work loads, more intensive supervision, and consequently more meaningful probation and parole. Some offenders are imprisoned due to the current overcrowding on probation work loads. At times, judges are concerned that if a particular offender is sentenced to intensive probation as an alternative to prison, supervision may not be adequate due to the large probation work loads. If intensive supervision is to be exactly that, intensive, there needs to be a re-investment in it. Again, even the most intensive probation or parole supervision is far less expensive than prison. More importantly, such supervision provides an adequate alternative punishment for certain offenders. The number of probationers and parolees is constantly increasing and there needs to be a coinciding increase not decrease in the supervision and enforcement of conditions.

A Corrections pilot project of privatizing presentence investigations proved extremely successful. The project received laudatory comments from judges, prosecutors, and defense attorneys concerning both the quality of the reports as well as their timeliness. In addition to freeing up staff to work in the field, the privatization resulted in a significant savings due to the absence of overhead costs.

#### **4) Pre-Sentence Investigation Contract**

In the last budget, Corrections received partial funding to extend contracting statewide. This new funding would allow Corrections to extend contracting to all areas of the state. A portion of the funding required for full implementation of this program will be made up using offender supervision fees.

#### **Drug Courts (Ongoing Recommendation from 1997-98)**

Adult drug court provides an alternative sanction for hard core drug offenders who face, among other things, incarceration for a second drug-related offense. Drug court consists of a 52 week supervised program requiring participants to attend substance abuse sessions, group support classes, and submit multiple urine samples for analysis on a regular schedule prior to admittance. Any offenders with a history of violent or sex crimes do not qualify for this sanction. Upon graduation from drug court, the offender has avoided imprisonment and the case is dismissed. Drug court's population has sky rocketed and are at a maximum capacity.

## **Juvenile Justice System**

As the Sentencing Commission's work on intermediate sanctions also include juvenile justice, following are specific budget recommendations for that system in order or priority:

#### **Substance Abuse Programs - High Risk Residential Program for Substance Abusers and Mentally Ill Offenders**

This leased building program could be run by either state or private provider. It is necessary to meet the needs of the growing population of seriously mentally ill or drug using juveniles who need a specialized placement. The out-of-home placement would be for up to 120 days of which treatment services would be paramount. This program would house approximately 16 male youth, ages 12-16 years of age.

#### **Work Camp Expansions**

Both the juvenile courts and Division of Youth Corrections would utilize additional work camp locations. It is proposed that two additional 24-bed facilities be located in Region I and Region III. These placements allow for collections of federal funding, maximize locations and free up current space at Genesis, a residential work camp, for additional Region II placements. This also allows for flexibility in the placement of males and females as well as younger ages. Facilities would have to be leased and could be state-run or privatized.

#### **Enhanced Traditional Services:**

##### **(a) Home Detention Beds/Tracker Services**

This allows for the hiring/contracting of 4 targeted home detention workers thus expanding the number of monitoring staff with caseloads of 15 or less allowing for more intensive supervision in a child's own home.

##### **(b) Electronic Monitoring**

Allows for increased supervision and additional enhanced services to be used in conjunction with day/night reporting centers and work programs while the child resides in their own home.

##### **(c) Day/Night Reporting Center(s)**

Allows for day treatment and reporting requirements that both engage the youthful offender as well as provide intensive supervision coupled with work, training, and schooling during critical times of the day. This sanctions may be "wrapped" with electronic monitoring as well.

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101 State Capitol  
SLC, UT 84114  
(801) 538-1645  
Fax (801) 538-1024  
emcconki@state.ut.us