

# Justice Reinvestment Initiative (JRI) Update Annual Report to the Legislature – November 2020 Utah Commission on Criminal & Juvenile Justice



## Background

The criminal justice reforms that Utah passed in 2015 through [H.B. 348](#) were the result of an extensive planning and analysis process bringing together stakeholders across the system in 2014, in consultation with the Pew Charitable Trusts' [Public Safety Performance Project](#) and other partners through the [Justice Reinvestment Initiative](#) (JRI). The [report](#) that this group produced included many recommendations that formed the basis for the reforms passed the following year, and focused on five main goals:

1. Focus prison beds on serious and violent offenders;
2. Strengthen probation and parole supervision;
3. Improve and expand reentry and treatment services;
4. Support local corrections systems; and
5. Ensure oversight and accountability (e.g., training, data).

While many focused on the much-publicized changes to drug statutes and the push for more substance use disorder and mental health treatment in the offender population over incarceration, there were other widespread changes throughout the system, including to criminal sentencing, community supervision, parole decisions, and reentry planning and support. As might be expected with such wide-ranging reforms to a complex system, some aspects have shown success, while others could use some renewed attention and changes in focus.

As these reforms pass the five-year mark, it is hard to overstate the massive undertaking this process has been. Utah is one of [many states](#) who have participated in JRI, and other states (e.g., Georgia, Oregon, etc.) often return to their reform legislation (sometimes annually) to make changes and improvements. Utah has made other recent changes consistent with JRI (i.e., in [indigent defense](#), [pretrial reform](#), [supervision length guidelines](#), and [juvenile justice reform](#)), but this five-year anniversary is a great time to take stock and make the necessary improvements to the original legislation in order for the spirit of the reforms to be more effective and sustainable.

## Legislative Audit and Related Work

Recently, the Office of the Legislative Auditor General completed a [comprehensive audit of Utah's JRI reforms](#), as well as another related audit addressing [information sharing in the criminal justice system](#). While generally positive in tone, this audit focused on several themes of improvement, many of which CCJJ previously proposed and discussed through its Executive Committee and other groups. These include a) better information sharing for oversight and accountability (particularly for connecting offenders to treatment); b) improved coordination and communication at the local level through criminal justice coordinating councils; c) increased access to treatment for offenders, and better monitoring of its effectiveness and outcomes; and d) better implementation of evidence-based supervision practices. These themes will be touched on throughout this update.

In addition to the audits, two other outside reports related to Utah's JRI reforms completed in the previous year in collaboration with CCJJ and its partners bear mention. First, at the end of 2019, CCJJ and several stakeholders worked once again with Pew, as well as the Sorenson Impact Center at the University of Utah, on a taskforce to address issues that were arising in community supervision. This group's [report](#) addresses some of the data presented in updated form in the current report. It also provides recommendations for a) revising the application of the supervision matrix established under the reforms, while also providing more community alternatives to revocation; b) addressing financial burdens of offenders; c) improving performance measures and increasing data sharing among agencies; and d) engaging former offenders for input on improvements.

Finally, CCJJ and the Department of Corrections also collaborated with the Urban Institute on a [recently published report](#) that takes a comprehensive look at the impact of the drug possession statute changes adopted in Utah as part of the reform effort. Some of their findings and additional updates will be addressed in Section C below.

## Overview of This Update

This annual update of the JRI reforms builds on reports from previous years, with an emphasis on presenting data consistent with the original goals of the reforms, while also providing new information (e.g., pandemic effects on prison, jail, supervision, and treatment populations; a deeper dive into drug offenses post-reform; risk-adjusted supervision populations and outcomes; successful early discharge from supervision outcomes by risk levels; an initial effort to connect Corrections and treatment system data; and an analysis of jail sentences for probationers from orders to show cause (OSC) hearings at the Courts). CCJJ's goal in the future is to provide these updates through dashboards on our website with greater user interactivity. In the meantime, this report is organized to provide the key points in summary form, with extensive graphics to illustrate these points linked in supplementary pages for readers interested in more information on a given topic. To navigate the document, there are links within the summary (i.e., [see A1-2](#)) to the supplementary materials for that topic. To return to the summary, each page in the supplementary materials has a link button at the bottom ("Click to Return to Report Summary").

The report is divided into seven brief sections, followed by conclusions and proposed next steps:

- A. Prison
- B. Community Supervision
- C. Drug Offenders
- D. Treatment
- E. Supporting Local Corrections Systems
- F. General Crime Indicator Trends
- G. Oversight and Accountability

### ***Key Points A: Prison – Population Growth and Focus***

Concerns about the growing prison population in 2014 were one of the drivers that spurred Utah toward criminal justice reform, particularly the number of nonviolent offenders in prison and how long they were staying. Near the end of 2013, the prison population had reached a peak of 7,192 inmates on average. While the reforms achieved an initial large decrease in the population, this initial success was not sustained. The reforms have been successful in their goal to focus prison more on serious and violent offenders, but it has also become too much of a revolving door of admissions and releases for offenders – particularly those on parole supervision who are coming back at an unsustainably high rate. As the pandemic has readjusted the population to historic lows, more solutions are needed to ensure that those who leave the prison do not come back.

- 1. Prison population trends have fluctuated, but are still in line with reform projections ([see A1-2](#)).**
- 2. There has been an increase in the volume of both admissions and releases, leading to more volatility in the system ([see A3](#)).**
- 3. An increasing proportion of admissions are from parole ([see A4-5](#)).**
- 4. Prison beds have been increasingly focused on serious and violent offenders ([see A6](#)).**
- 5. Supervision violators and nonviolent offenders move through prison more efficiently, while length of stay for more serious and violent offenders has been stable or increased ([see A7-8](#)).**
- 6. The COVID-19 pandemic has had a significant effect on the prison system, and it presents a significant opportunity for the entire criminal justice system ([see A9-10](#)).**

### ***Key Points B: Community Supervision – Shift in Risk Profile and Approach to Sanctions***

Not surprisingly, as Utah's prison population has fluctuated, so has the community supervision population. As the prison population decreases, those that are released increase the parole population; likewise, probation populations increase when more offenders are kept out of prison. As seen above, community supervision is also a

key driver of the prison population, as a disproportionate number of prison admissions come from parole and probation. While there are some successes, it is clear that the current supervision practices implemented through the reforms have not been as effective as anticipated, and new evidence-based tools are needed. This is amplified by the fact that an increasing number of offenders are on intensive supervision, putting an extra burden on probation and parole agents attempting to implement evidence-based supervision practices.

1. **The parole population has continued to show steady growth, particularly as more offenders are released to parole vs. being discharged or expired at release (see B1-3).**
2. **The probation population has dropped significantly in the past year, including both felony and Class A probationers – the latter reversing a 4-year upward trend (see B4-5).**
3. **More supervised offenders are on high and intensive supervision, putting a strain on otherwise stable caseloads and contributing to supervision failures affecting the prison (see B6-8).**
4. **Absconding from supervision continues to be a problem, and is often associated with violations for conduct and substance use issues (see B9).**
5. **The use of sanctions with the Response and Incentive Matrix (RIM) falls predominantly at the lowest and highest levels, with much less incorporation of intermediate sanctions (see B10).**
6. **Despite increases in risk level and prison admissions, there have been an increased number of both parolees and probationers earning successful termination within two years (see B11-12).**
7. **The COVID-19 pandemic has had differential effects on parole and probation (see B13).**

### ***Key Points C: Drug Offenders – Impact of Statute Changes on the System***

One of the biggest changes that was part of the JRI reforms involved reclassifying the penalty for the main “Possession of a Controlled Substance” statute ([58-37-8\(2\)\(a\)\(i\)](#)) from a 3<sup>rd</sup> degree felony to a Class A misdemeanor for the first two offenses (it could still be enhanced back to a 3<sup>rd</sup> degree felony after two convictions). Relatedly, lower-level possession of marijuana was also reclassified from a Class A misdemeanor to a Class B misdemeanor. While these reclassifications got most of the attention, another change within the reforms that may have had an even greater impact was to drug free zones – these were narrowed from 1,000 feet to 100 feet and restricted in time to focus enhancements mainly on the sale of drugs to children during school hours. Prior to JRI, these types of enhancements were responsible for making many drug possession offenders more likely to serve time in prison (or jail, for lower-level enhancements). As mentioned at the beginning, please see the [Urban Institute report](#) published earlier this year for an extensive analysis of this aspect of the reforms. Aside from these drug statute changes, it is also important to acknowledge some contextual factors. Utah, and the whole country, was experiencing an opioid epidemic for over a decade that encompassed the start of the reforms, and many of the trends through FY2018 reflect this. Additionally, Operation Rio Grande in Salt Lake City, starting in August 2017, was responsible for a large uptick in drug arrests and prosecutions in that year in particular (FY2018).

1. **Drug arrests had been on the rise for years and peaked in FY2018, followed by two years of decline; law enforcement practices around citations for drug offenses also shifted (see C1).**
2. **Court case filings with drug possession only charges reflect the arrest trends, though the expected shift from felony to Class A misdemeanor filings started directly after implementation and continues through the present year (see C2-3).**
3. **Drug free zone enhancements have dropped substantially, and this has likely contributed to far fewer drug possession cases filed as 2<sup>nd</sup> degree felonies (see C4).**

4. The Department of Corrections is seeing substantially fewer felony drug possession offenders, and prison admissions for these offenders are at historic lows (see C5-6).
5. The decision by the Department of Corrections to take on more Class A offenders as a result of the drug statute change led to a marked increase in Class A probationers after the reforms, many of whom were not primary drug possession offenders (see C7).
6. Justice courts have seen an influx of low-level drug offenders, though this has also subsided in the past two years (see C8).
7. Research on outcomes for drug offenders since the reforms has been inconclusive, and more work is needed (reference to [audit analysis](#) vs. [Urban Institute analysis](#)).

### **Key Points D: Treatment – Capacity and Connecting Offenders to Services**

Improved standards, increased access for offenders, and increased capacity in Utah's treatment systems, particularly for substance use disorders (SUD) but also for mental health, were lynchpins of the reform effort. Unfortunately, at the time that H.B. 348 passed in 2015, a related bill to expand Medicaid and increase funding for individuals in need of treatment in the criminal justice system did not pass. The treatment system did secure increased funding, and it has been a stepwise process since. The focus now, as articulated in the Legislative audit, should be to improve (and assess) the quality of SUD treatment, ensure that offenders have access to quality treatment when they need it and are required to complete it, and improve the flow of information between different parts of criminal justice and human services systems.

1. After reaching highs in FY2019, the number of justice involved clients served for both substance use disorder (SUD) and mental health treatment declined in FY2020 (see D1-3).
2. The COVID-19 pandemic appears to have contributed to the decline in the FY2020 SUD treatment numbers (see D4).
3. Drug Court participation is also down in FY2020 as drug offenses have declined (see D5).
4. The new Targeted Adult Medicaid (TAM) program has enrolled a significant number of justice involved individuals in the past two years, and this, along with Medicaid expansion, will impact both SUD and mental health client numbers reported through the public treatment system to DSAMH (see D6).
5. Offenders starting supervision on both parole and probation since the reforms are significantly more likely to have conditions to their supervision related to SUD treatment (see D7).
6. CCJJ, the Department of Corrections, and the Division of Substance Abuse and Mental Health recently collaborated to match three groups of offenders (one starting supervision three years before JRI, two starting after implementation) to treatment system data. Initial analysis shows that an increasing number (though smaller percentage) of offenders with need in the post-JRI group are connecting with the treatment system (see D8).
7. Next steps include examining criminal justice outcomes of offenders at various treatment levels, working to connect Courts and treatment data, and working with the Department of Health to match criminal justice data to billing for Medicaid and TAM.

### **Key Points E: Supporting Local Corrections Systems – Demand and Coordination**

Apart from controlling the state prison population and strengthening supervision practices, one of the main goals of the JRI reforms was to strengthen local corrections systems so that relieving the strain on the state system would not transfer offenders and create burdens on the local system of jails and related services. While some transfer was inevitable, the reforms addressed areas that may also offset the impact. These offset policies included

large scale changes to traffic offense codes that shifted the bulk of these offenses to infractions from Class B and C misdemeanors; the drug free zone enhancement restrictions discussed earlier, which previously made more offenders eligible for extended jail and prison stays; probation revocation caps that shortened and standardized time spent in jail following revocation; increased treatment funding that has bolstered capacity in many local areas to help high risk and high need offenders stay out of jail; and county incentive grants that have helped several counties start local supervision and reentry programs. While it has been difficult for CCJJ to obtain data from the jails to assess the impact of the reforms on their population, the audit determined there has not been a significant negative impact. We must continue the work to improve local support through local-state coordination and improved data flow.

- 1. Despite concerns, the county jail populations do not appear to have been negatively impacted by the JRI reforms, though more data is needed (reference to [audit analysis](#)).**
- 2. Traffic case filings at the Class B and Class C misdemeanor levels continue to be significantly lower than pre-reform levels, offset by an increase in infraction filings (see E1).**
- 3. Drug free zone enhancements were employed disproportionately in certain counties, and the restrictions instituted with the reforms should particularly benefit these counties (see E2).**
- 4. There has been an increase in orders to show cause (OSC) hearings for probation violations in Courts throughout the state, though there are differences across districts (see E3-5).**
- 5. This increase in OSC hearings has resulted in more jail sentences for probation violations, though this is again more evident in certain districts, and average sentence lengths have decreased significantly (see E6-8).**
- 6. As of June, an informal CCJJ survey of the jails found that many were well below their maximum capacity three months into the COVID-19 pandemic (see E9).**
- 7. CCJJ and its state partners need to improve coordination with counties and local partners and improve the flow of information to ensure ongoing successful implementation of the reforms.**

### ***Key Points F: General Crime Indicator Trends – Broad Effects of Reforms***

At the time the reforms were enacted, some parties were concerned that many of these changes, while well intentioned, would ultimately lead to an increase in crime in Utah. Reported crime, and other general indicators such as arresting activity and Court cases filed, are broad and multifaceted system performance measures, and it is difficult to tie changes to any one cause. Now that five years have passed since the reforms, however, we can more confidently test the hypothesis that focusing our prison beds on the most serious and violent offenders and emphasizing treatment and community supervision for low-level and nonviolent offenders would lead to an increase in crime. In short, based on statewide indicators, this does not appear to be the case.

- 1. The reforms have not had a negative effect on Utah's crime rates; violent crime has remained relatively stable since 2015, while property crime has declined significantly (see F1).**
- 2. Other crime indicators, including arresting activity and Court case filing rates, reflect similar trends to the crime reports data (see F2).**
- 3. While statewide trends may not be reflected in all localities, and other factors both broad and local can affect crime, there do not appear to be any systematic negative impacts on crime.**



## **Key Points G: Oversight and Accountability – Increase Flow of Data**

The [Legislative audit of JRI](#) focused particularly on the need for more oversight and accountability with the implementation of the JRI reforms. In relation to this, there was an emphasis on [information sharing](#) to ensure that this oversight can more effectively occur. In addition, this includes more training (particularly for evidence-based supervision practices) and monitoring (particularly for effectiveness of treatment practices and outcomes) across the state. Finally, implementation of the reforms will improve with better coordination between the state agencies and the local criminal justice systems and their partners at the county, regional, and municipal levels.

- 1. The criminal justice system needs to create a better information sharing environment, and this needs to connect better to associated systems (particularly treatment and human services).**
- 2. There needs to be increased training and oversight of supervision practices associated with the RIM and other evidence-based supervision practices.**
- 3. The treatment system needs more monitoring and accountability to ensure substance use disorder (SUD) treatment practices are effective and offenders are connecting to treatment when required.**
- 4. Coordination between the State and local criminal justice systems and associated partners needs to improve, including the creation of local coordination councils to communicate with CCJJ.**

## **Conclusion and Next Steps**

As mentioned above, the pandemic we are currently experiencing clearly plays a large role in the historic low population levels in the prison at this time. Nevertheless, this situation also creates an opportunity to recalibrate our approach to the implementation of the reforms and redouble our efforts to ensure that the prison population remains stable at these lower levels. While Utah has been fairly successful in refocusing the prison population on serious and violent offenders, it is time to focus even more on community supervision and the support services (particularly treatment and housing) needed to stem the tide of admissions and releases directly tied to supervision failure that are driving the instability in our corrections populations.

Building on the findings from the audit and previous discussions, CCJJ has proposed the formation of four workgroups anchored by its Executive Committee to plan and do the work necessary in the coming year to sustain current low prison and jail levels and keep individuals out of the criminal justice system:

- 1. [Local Criminal Justice Coordination](#)** – formation of coordinating bodies in counties or regions, increased information flow
- 2. [No Entry](#)** – improving a service system that keeps individuals out of the criminal justice system, and helps those within it avoid the cycle of incarceration
- 3. [Implementation Fidelity](#)** – applying the recommendations of the audit, with an emphasis on evidence-based supervision, treatment practices, and data sharing
- 4. [Redefining Success and Recidivism](#)** – developing new measures to capture outcomes in the criminal justice system, with an emphasis on promoting success

## Acknowledgments

CCJJ would like to thank the following partners for their contributions to this annual update through providing data and input: Utah Department of Corrections (UDC); Utah Administrative Office of the Courts (AOC); Utah Department of Public Safety, Bureau of Criminal Identification (BCI); the Utah Board of Pardons and Parole (BOPP); Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH); and the county jails for their participation in our survey. This includes, but is not limited to, Julie Christenson at UDC, Jeff Hastings at AOC, Chelsey Burns at BCI, Raechel Lizon at BOPP, and Justin Hyatt at DSAMH.



*Prepared by:*

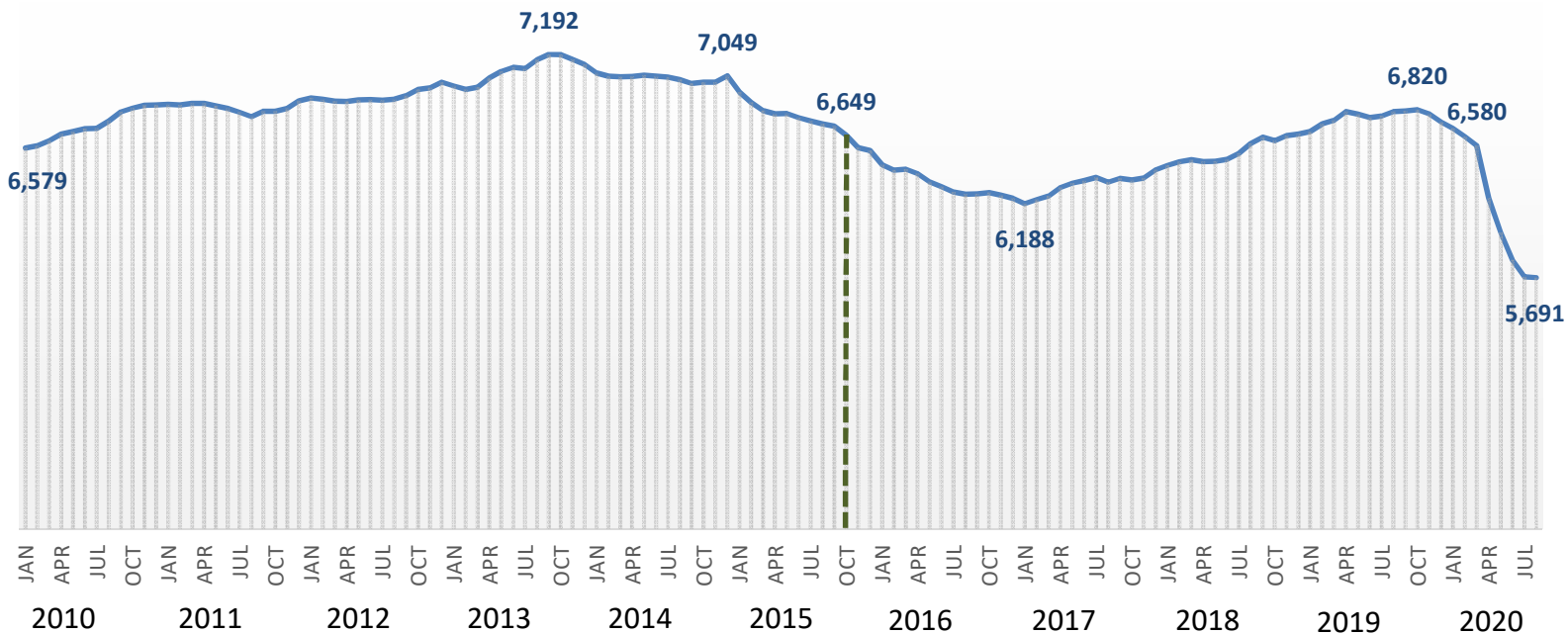
Ben Peterson, Ph.D.  
Director of Research & Data

Utah Commission on Criminal & Juvenile Justice  
State Capitol Complex  
Senate Office Building, Suite 330  
P.O. Box 142330  
Salt Lake City, UT 84114-2330  
Phone: 801.538.1031 ■ Fax: 801.538.1024  
<https://justice.utah.gov>



**Prison population trends have fluctuated, but are still in line with reform projections; recent decline started before the pandemic.**

Prison Average Daily Population (ADP) by Month (January 2010 - August 2020)

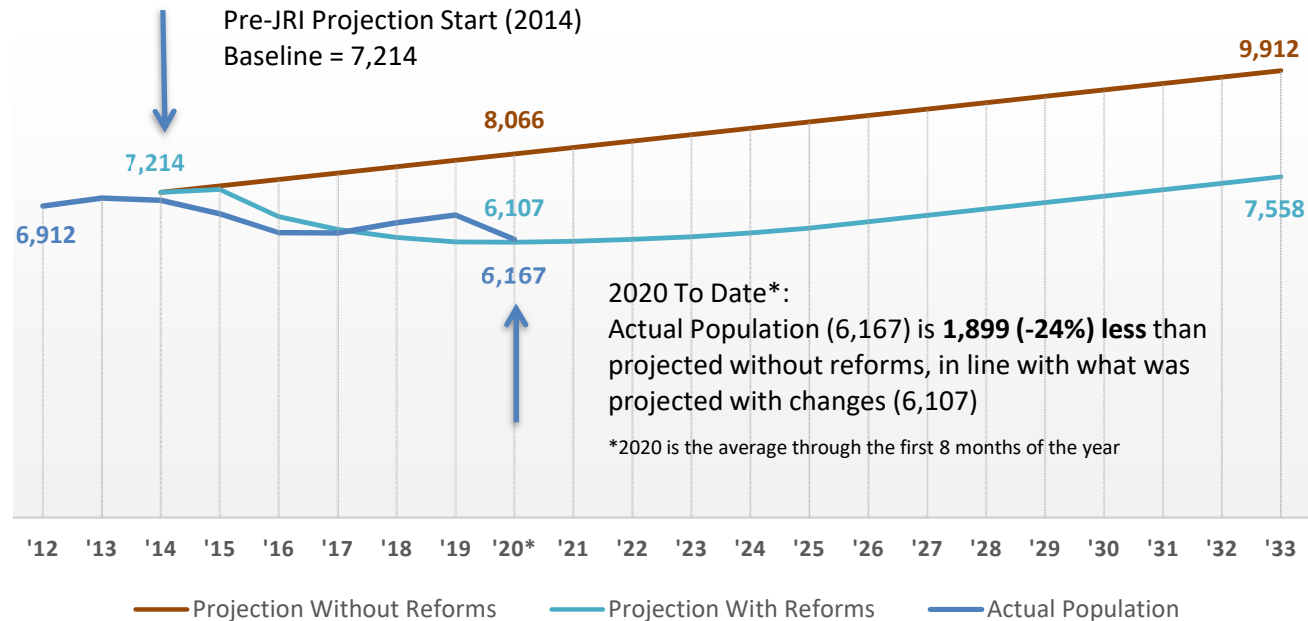


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figure above shows the average daily population (ADP) by month for inmates in the prison system operated by the Utah Department of Corrections for the past ten years (2010 through 2020 year to date). The green dashed line marks the implementation date of the JRI criminal justice reforms (October 2015). The prison population had peaked at 7,192 inmates in September 2013, just prior to convening a group of stakeholders to discuss reform. Post-reform, the population reached a low of 6,188 ADP in January 2018 before steadily climbing back up to a post-reform peak in October 2019. The population had begun to decline somewhat before the COVID-19 pandemic hit. The population in August 2020 stood at 5,691, a low not seen since June 2003. The following pages present additional figures from Section A of the summary report to help illustrate some of the drivers of these population shifts.

**Prison population trends have fluctuated, but are still in line with reform projections; recent decline started before the pandemic.**

Utah Prison Population Actual vs Projected



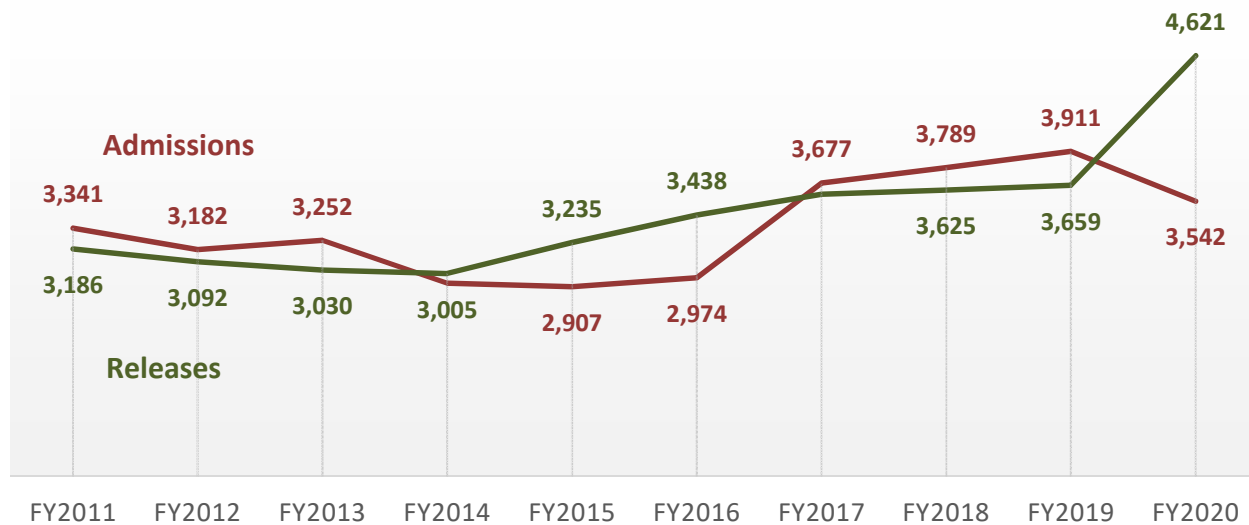
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

Projections from original JRI report November 2014

The figure above shows how the actual prison population stands in comparison to projections made prior to the reforms - one based on doing nothing (without reforms) and the other estimating the impact of the proposed reforms (with reforms). This shows that the ADP to date in 2020 (6,167) is slightly above the reform projections but mostly in line, while 24% less than what had been expected if nothing was done.

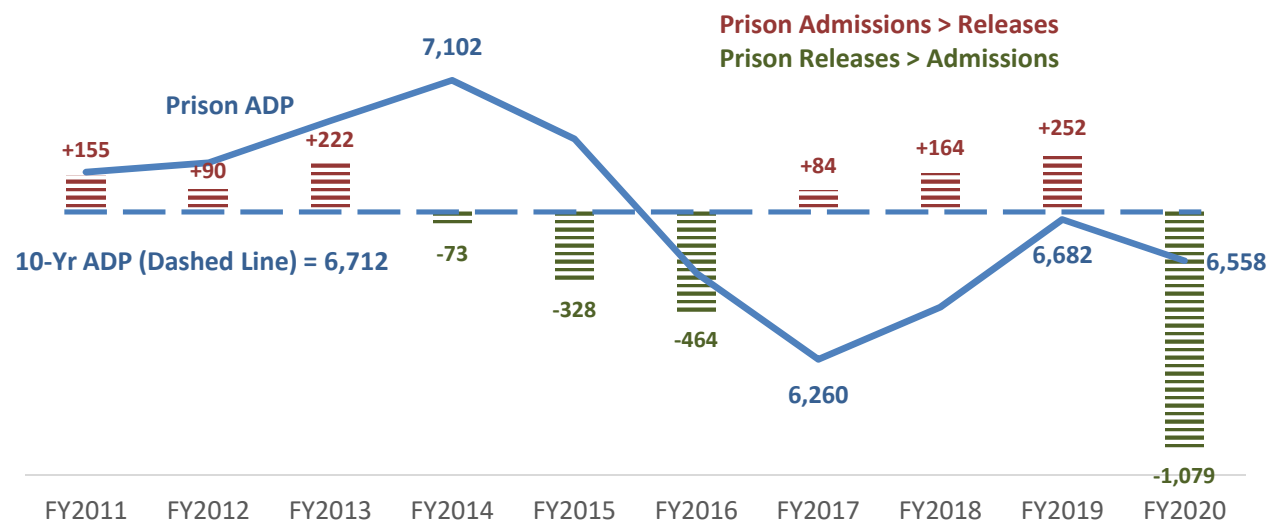
There has been an increase in the volume of both admissions and releases, leading to more volatility in the system.

Prison Admissions vs. Releases by FY 2011-20)



The first figure on the left shows the interplay between admissions and releases at the prison over the past ten fiscal years. This demonstrates the increase in volume of both admissions and releases, particularly since FY2017 (and longer for releases, starting pre-reform).

Prison Average Daily Population (ADP) & Net Admissions-Releases by FY (2011-20)

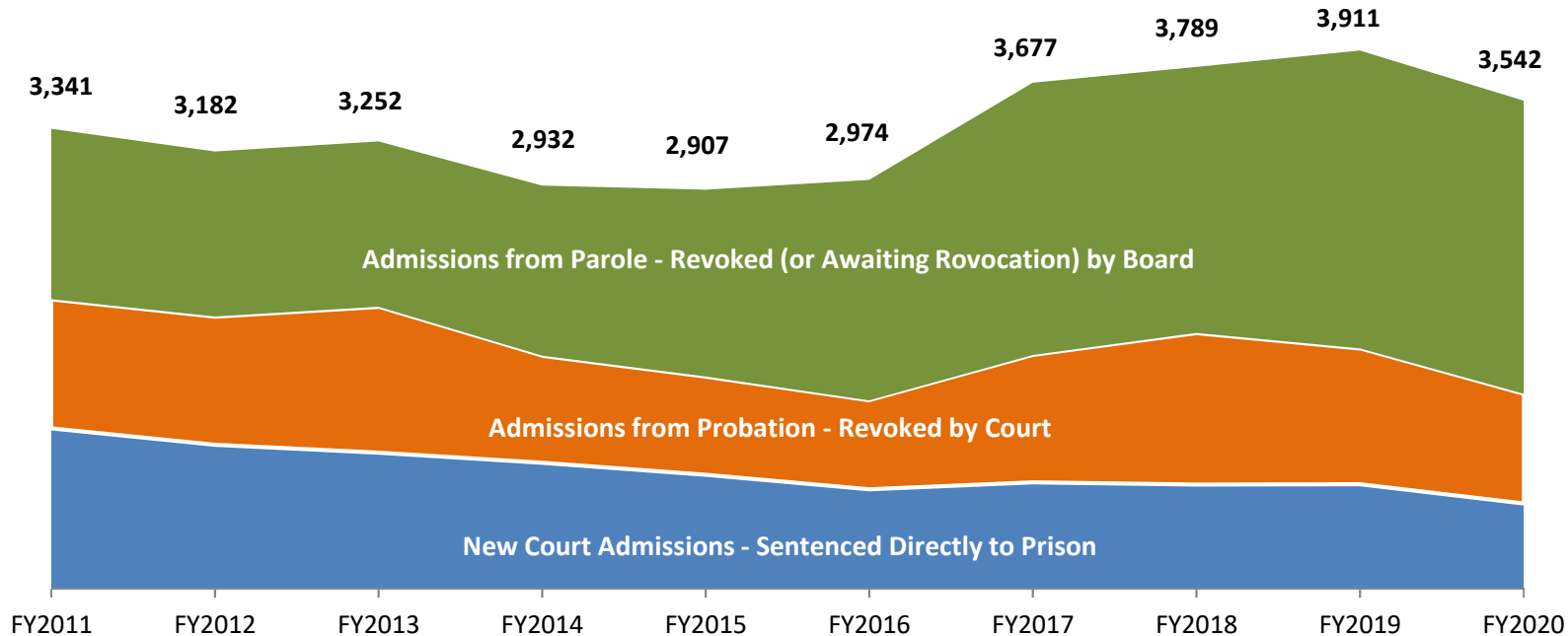


The second figure on the left attempts to give a better representation of this admission and release activity in relation to changes in the ADP. It represents the 10-year average population as the baseline with net (admissions - releases) going above or below this and leading to either upswings or downswings in the population depending on the magnitude or how sustained the activity is in either direction. As you can see, our last big peak in FY2014 was preceded by several years in which admissions exceeded releases. Then, just prior to and subsequent to the reforms, releases then exceeded admissions to lead to the low in FY2017 before reversing once again.

Source: Utah Department of Corrections, O-Track database; data pulled September 2020

## An increasing proportion of prison admissions are now from parole.

Total Prison Admissions by Source and FY (2011-20)



Proportion of Admissions from Direct Sentence, Probation, and Parole Before and After Reforms

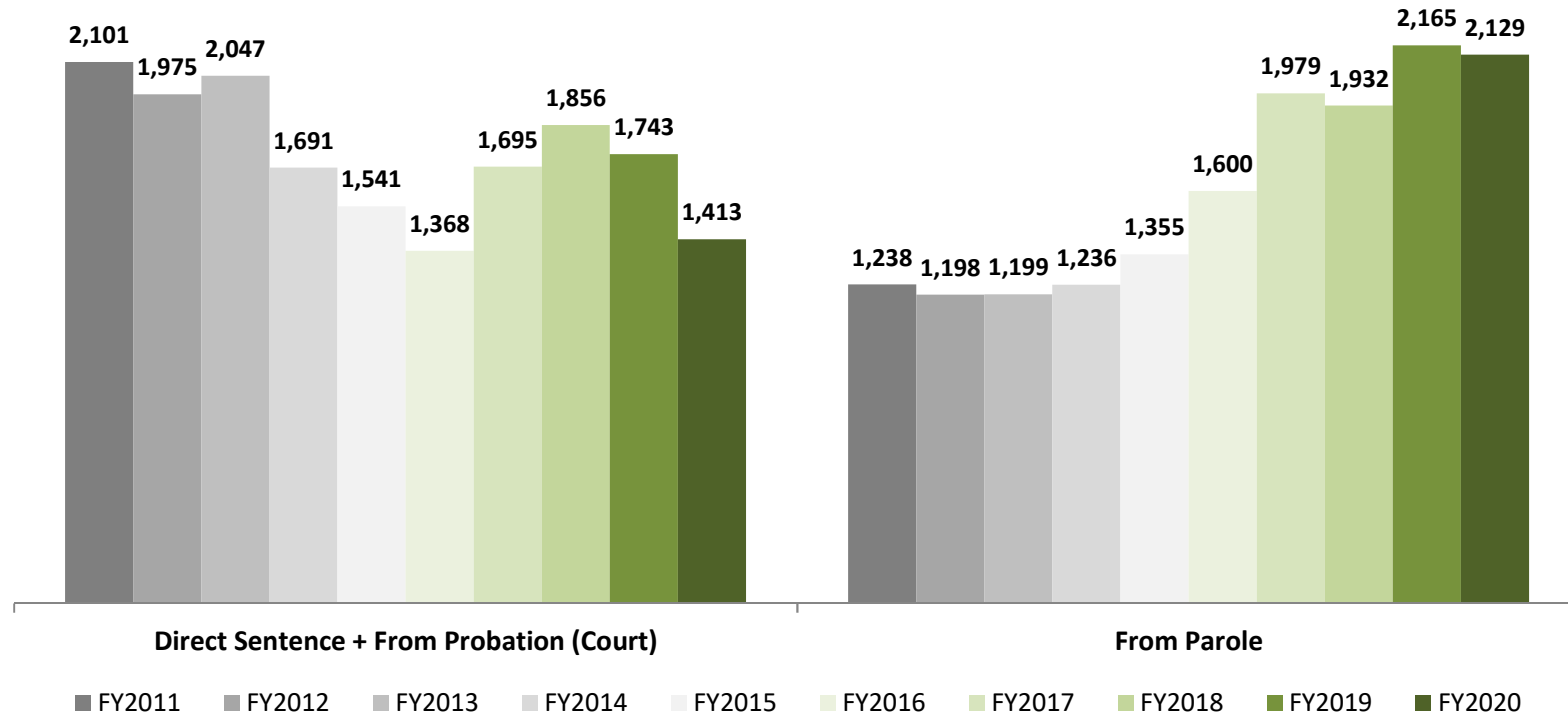


The figure above shows all admissions to the prison in the past ten fiscal years broken down by three basic categories based on where these offenders are coming from - from parole (revoked or awaiting revocation from the Board of Pardons and Parole (BOPP); from probation (revoked to prison by the Court); or those sentenced directly to prison (new Court admissions). This shows that the blue portion (direct sentences) has been mostly in decline, and the orange (probation) has remained steady apart from a couple peaks in FY2013 and FY2018. It is evident from this graphic that the increasing portion in green (parole) is the most direct driver of the overall increase in admission numbers between FY2016 and FY2019. The second figure to the left summarizes this trend and simply shows how the proportion of admissions has changed before and after reforms.

Source: Utah Department of Corrections, O-Track database; data pulled September 2020

## An increasing proportion of prison admissions are now from parole.

Prison Admissions by Fiscal Year - Parole Warrants and Revocations vs. Direct Sentenced and Probation Revocations from Court

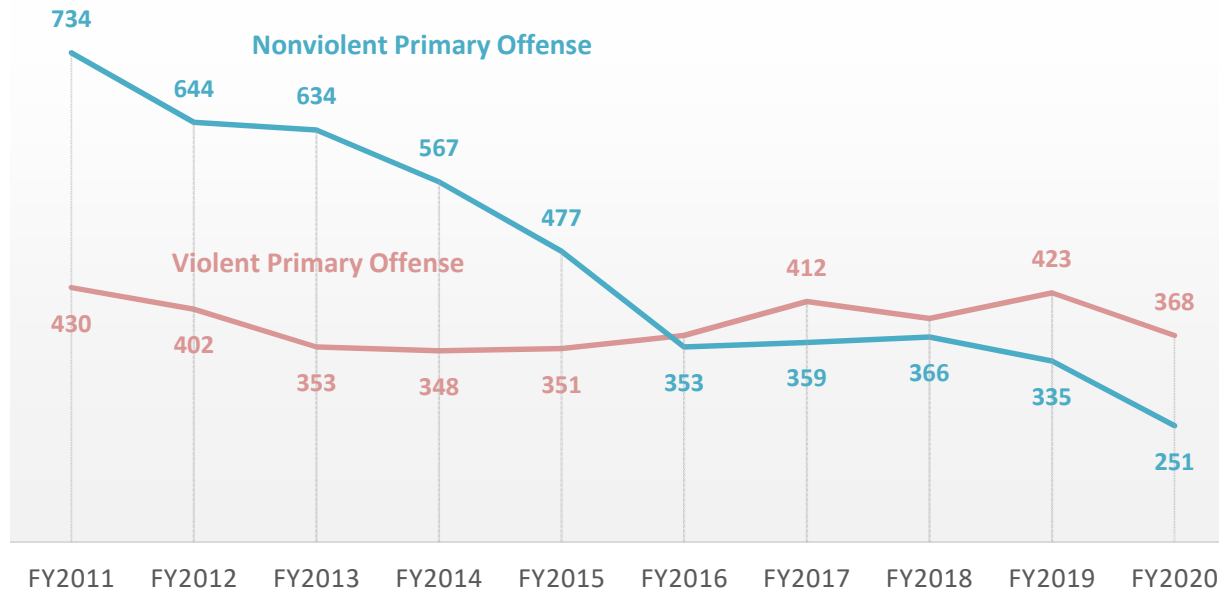


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figure above shows the annual trends of admissions from parole compared to the combined admissions from the Court (both direct sentenced and probation revocation) from FY2011-20. Parole admissions have increased nearly 80% from FY2013 to FY2020, while Court admissions have mostly remained below pre-reform levels (apart from the spike in probation admissions around FY2018).

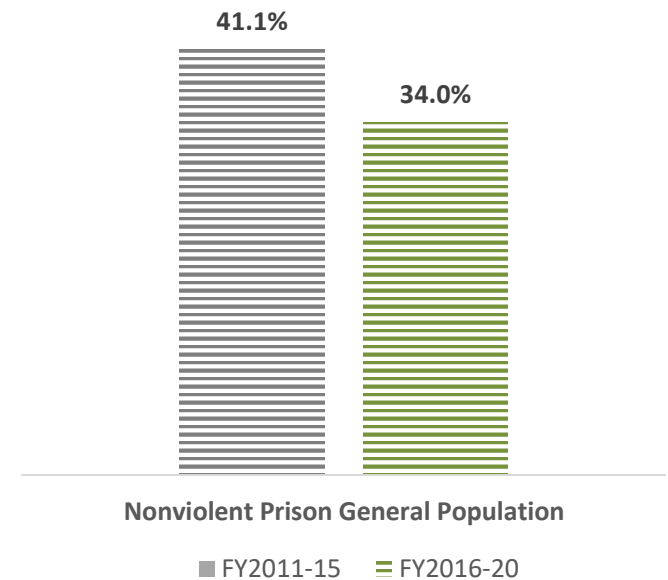
**Prison beds have been increasingly focused on serious and violent offenders.**

Direct Prison Sentences from Court - Offense Types by FY



Source: Utah Department of Corrections, O-Track database; data pulled September 2020

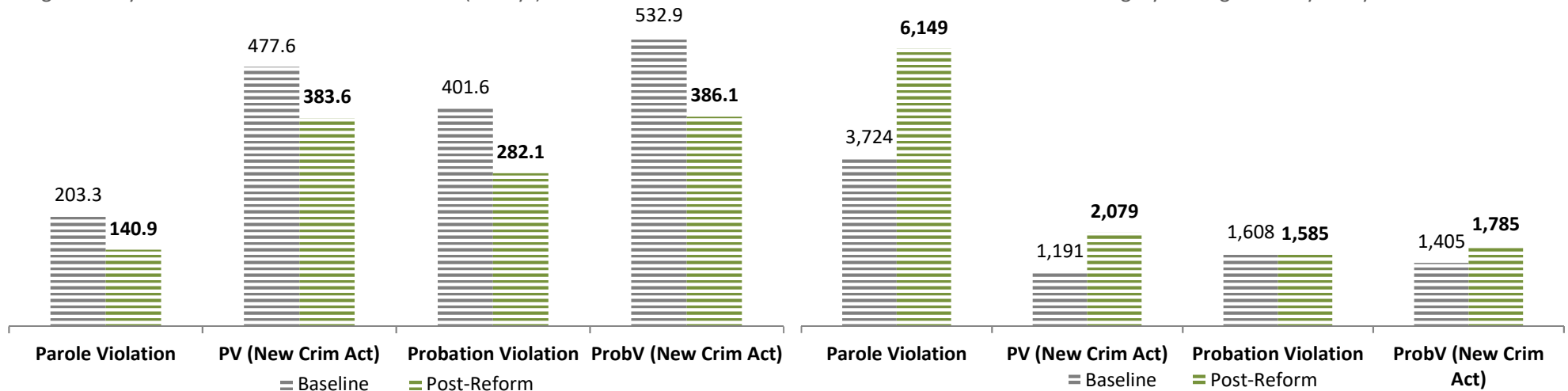
The figures above show the breakdown of offenders with nonviolent vs. violent primary offenses sentenced directly to prison from the Courts (left) and in the general prison population on average (right) over the past ten years. Fewer direct prison sentences for nonviolent offenses, combined with stability of admissions for violent offenses, has contributed to a downward shift in the nonviolent prison population.

Nonviolent Primary Offense in Prison  
Population Before and After Reforms

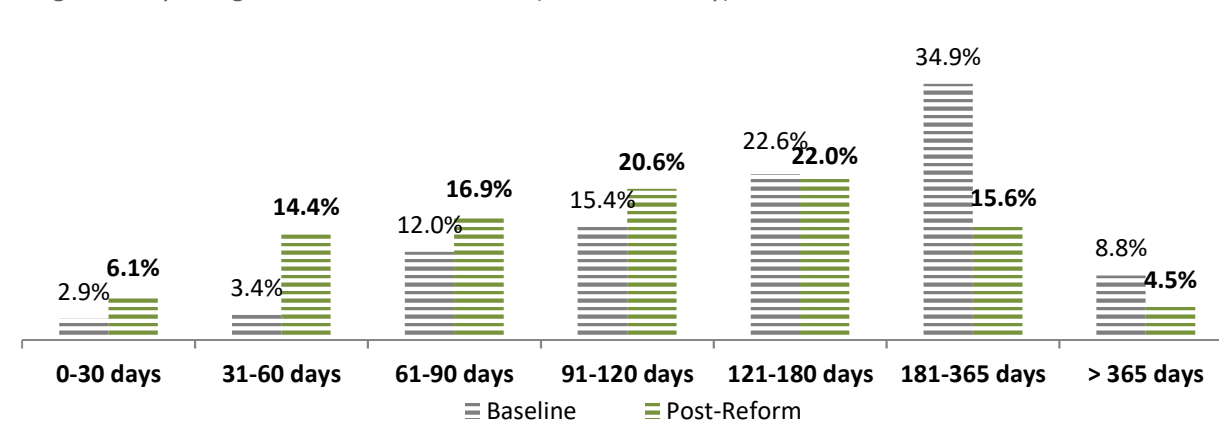


## Supervision violators and nonviolent offenders move through the prison system more efficiently.

Length of Stay for Parole and Probation Violations (in Days)



Length of Stay Categories for Parole Violators (Conditions Only)



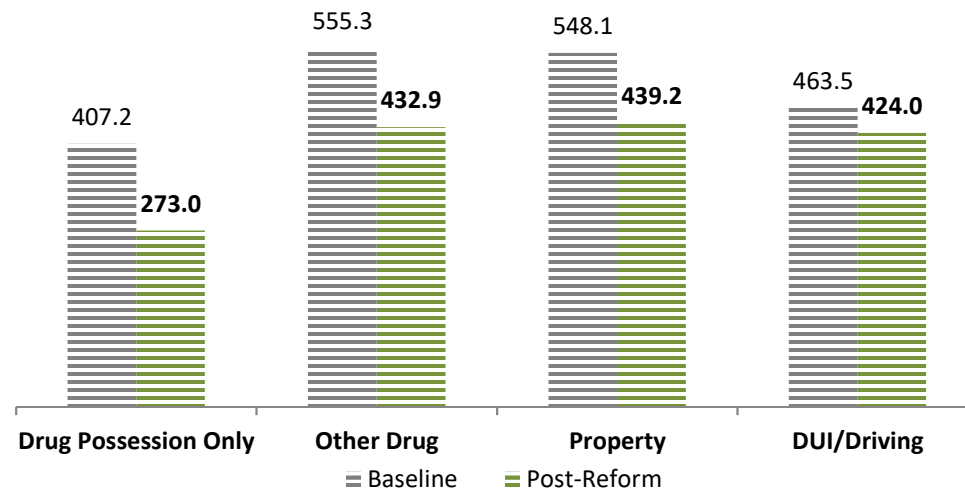
The figures on this page and the next page show the results of an updated analysis of lengths of stay (LOS) for various categories of offenders, comparing the baseline (pre-reform) period to the post-reform period. The analysis of parole and probation violations on this page, and selected nonviolent offenses on the next page, uses a restricted admission and release window to standardize the two periods. Thus, the baseline period (October 1, 2010 - September 30, 2015) and the post-reform period (October 1, 2015 - September 30, 2020) both require that offenders were admitted and released during these periods to qualify for the analysis.

The analysis shows that LOS is down significantly for all parole and probation violations, though many parole conditions violators (over 40%) are still staying longer than 120 days (lower left). The above right figure shows the extent of increase in parole violators over the two periods.

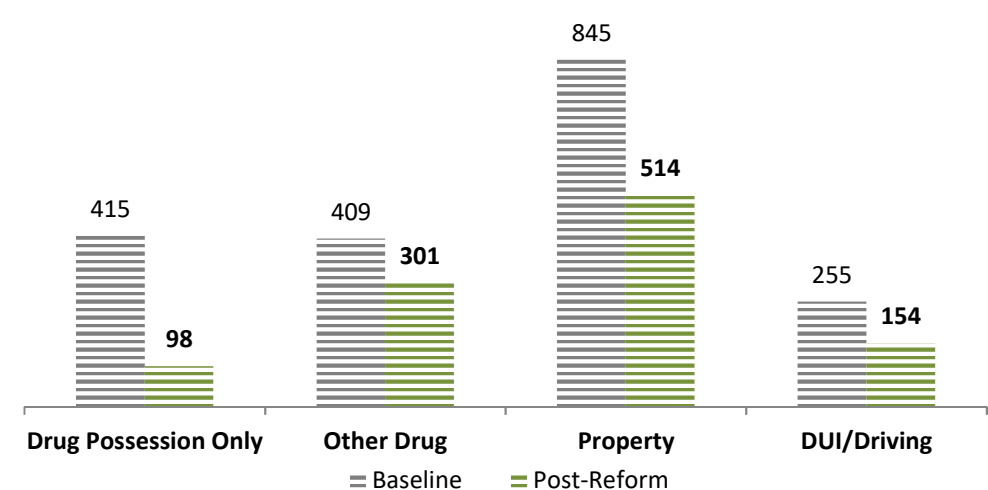
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

## Supervision violators and nonviolent offenders move through the prison system more efficiently.

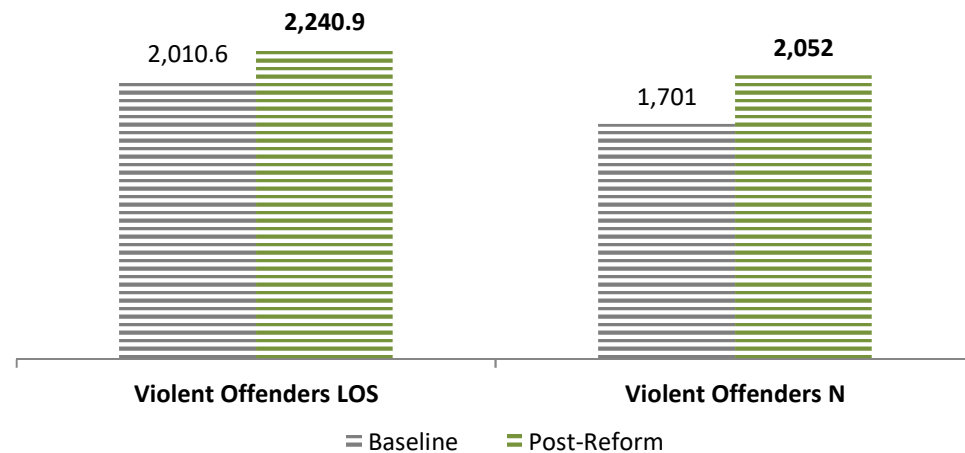
Length of Stay for Selected Nonviolent Offenses (in Days)



Number of Offenders in Each Category in Length of Stay Analysis



Violent Offenses Length of Stay and Number of Offenders



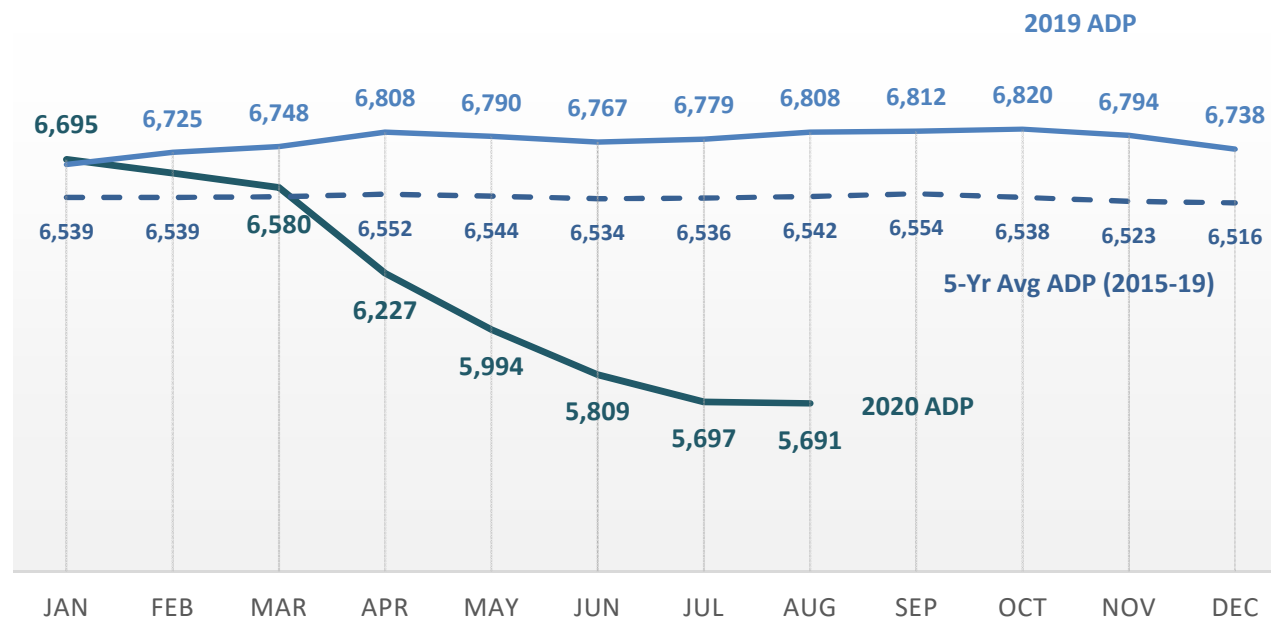
Similar to above, these first two figures show the changes in length of stay (LOS) for selected nonviolent offenses between the baseline and post-reform periods. LOS for drug possession only offenses is significantly down, as are other drug and property offenses. The number of drug possession and property offenders released in the post-reform period is also significantly down (above right).

The figure to the left shows the LOS for violent offenders, and differs in one important way - this analysis did not use the restricted time window that the above analyses used, and looked at the LOS for all offenders released during the two time periods (without the need to also be admitted within that period). While more violent offenders have been released in the post-reform period, they are also staying significantly longer (7.7 months more on average).

Source: Utah Department of Corrections, O-Track database; data pulled September 2020

**The COVID-19 pandemic has had a significant effect on the prison system, and it presents a significant opportunity for the entire criminal justice system**

The COVID-19 Pandemic and the Prison Population



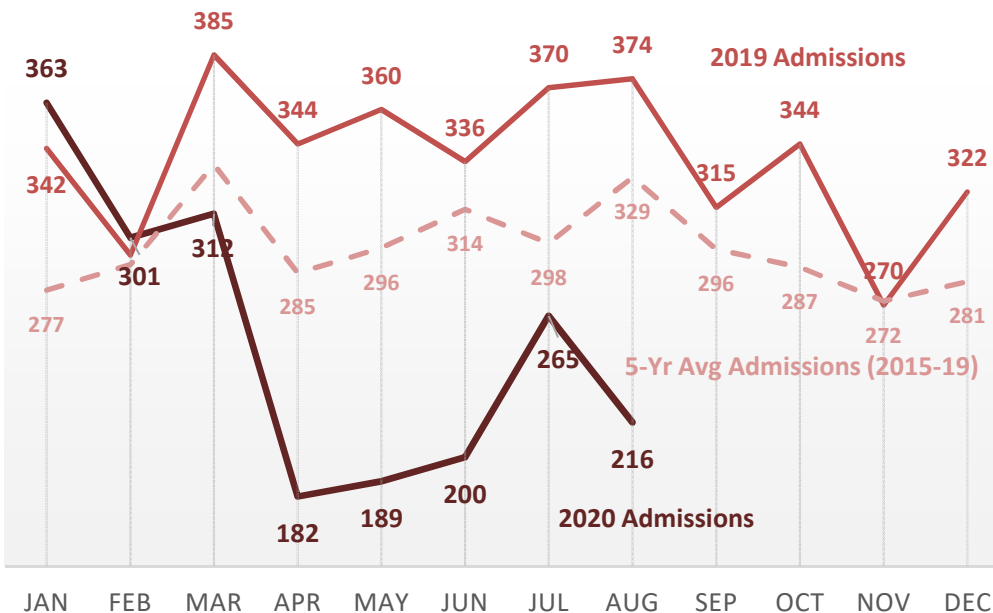
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figures on this page and the following page attempt to portray the impact of the COVID-19 pandemic on the prison population through August 2020, both in average daily population (this page), and in admissions (both overall and from parole and combined Court respectively) and releases (next page). These figures show monthly data for 2020 year to date, compared to 2019 monthly and 5-year average data.

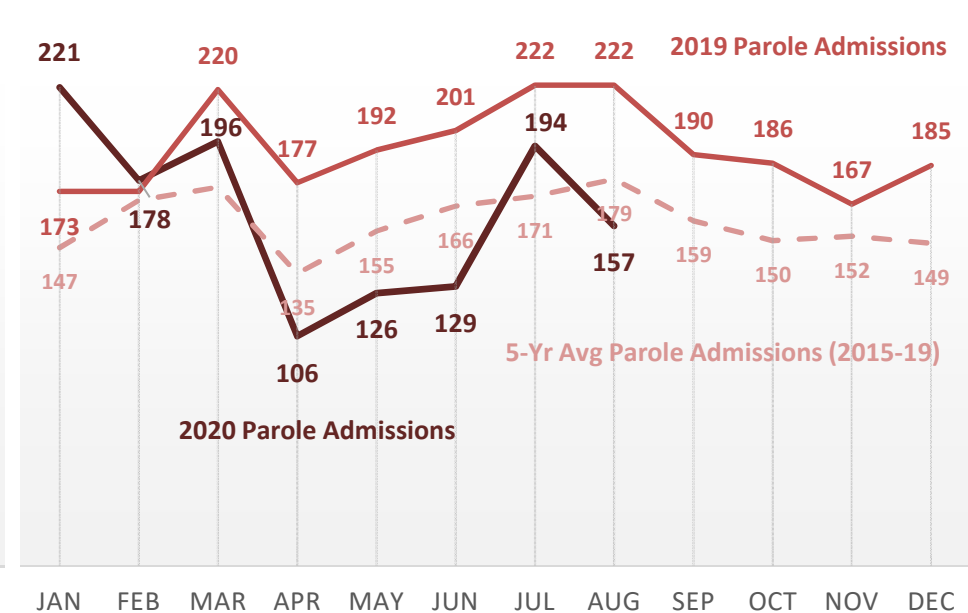
The pandemic has clearly had a significant effect on the prison population, with the ADP in August a historic low not seen since 2003. This trend started in March coinciding with the start of the pandemic and was just beginning to flatten out in August. Admissions fell off drastically, particularly from the Courts, though there was a spike of parole admissions in July. Releases spiked in March and April, but have since fallen below average levels in the most recent two months.

**The COVID-19 pandemic has had a significant effect on the prison system, and it presents a significant opportunity for the entire criminal justice system**

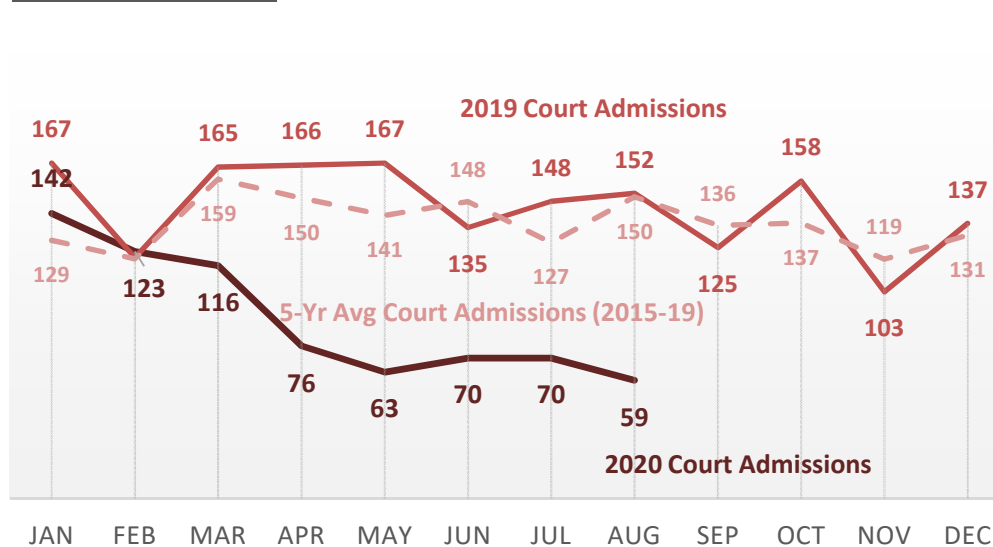
The COVID-19 Pandemic and Prison Admissions



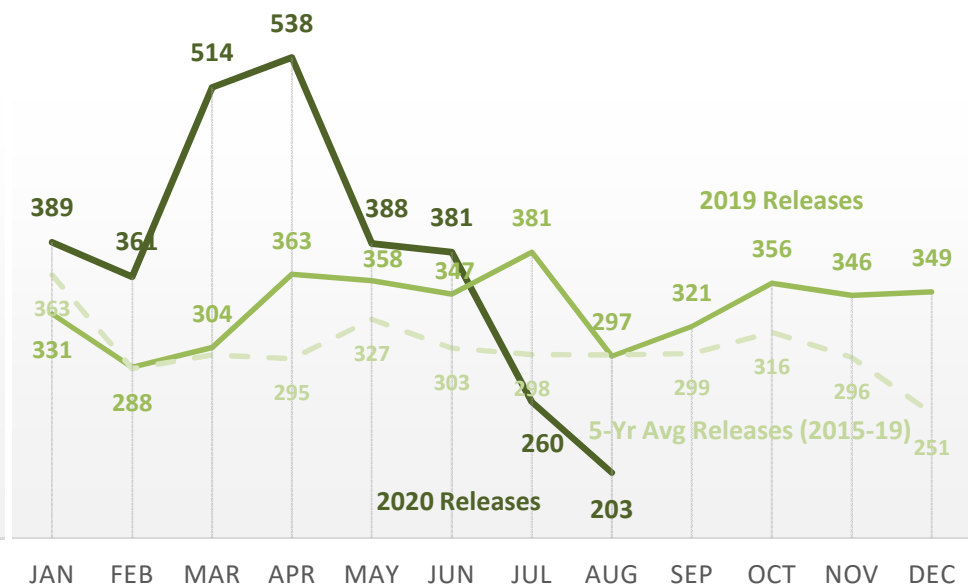
The COVID-19 Pandemic and Prison Admissions from Parole



The COVID-19 Pandemic and Prison Admissions from Court (Direct Sentence + Probation)

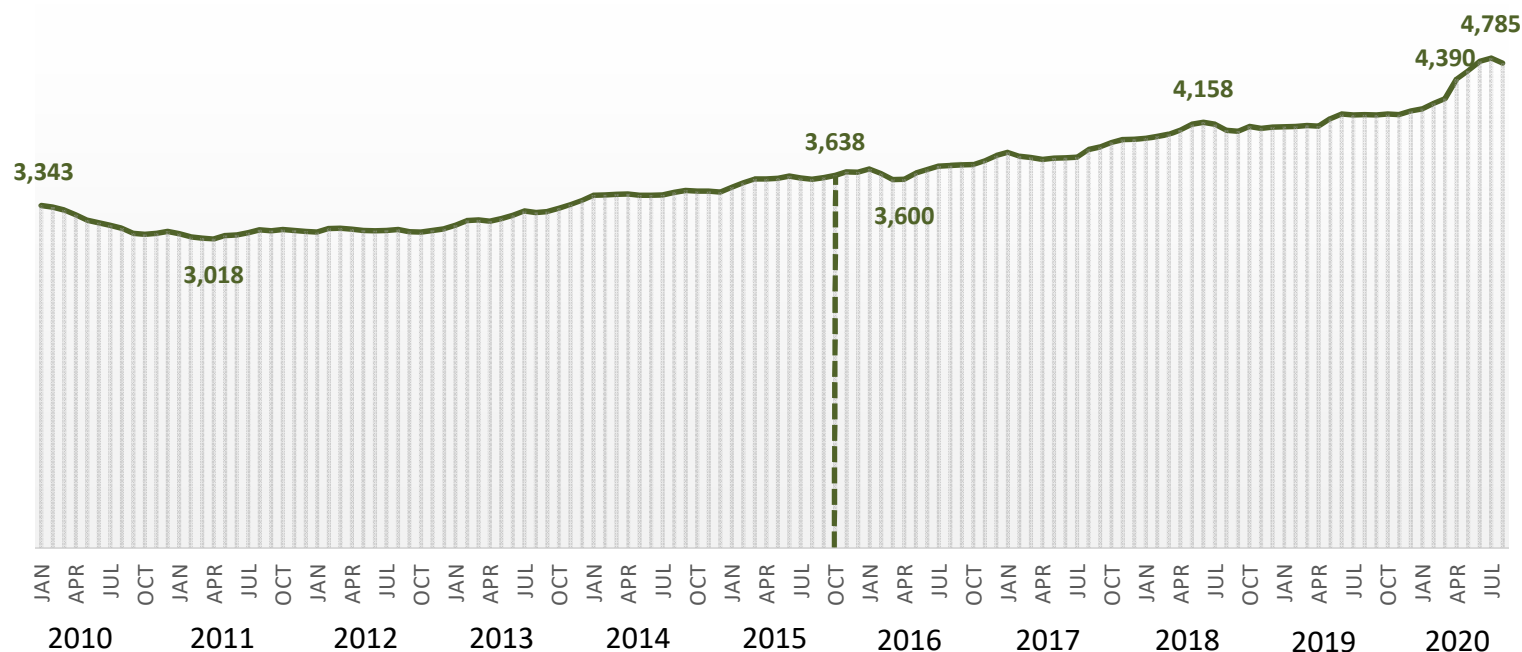


The COVID-19 Pandemic and Prison Releases



**The parole population has continued to show steady growth, particularly as more offenders are released to parole vs. being discharged or expired at release.**

Parole Average Daily Population (ADP) by Month (January 2010 - August 2020)



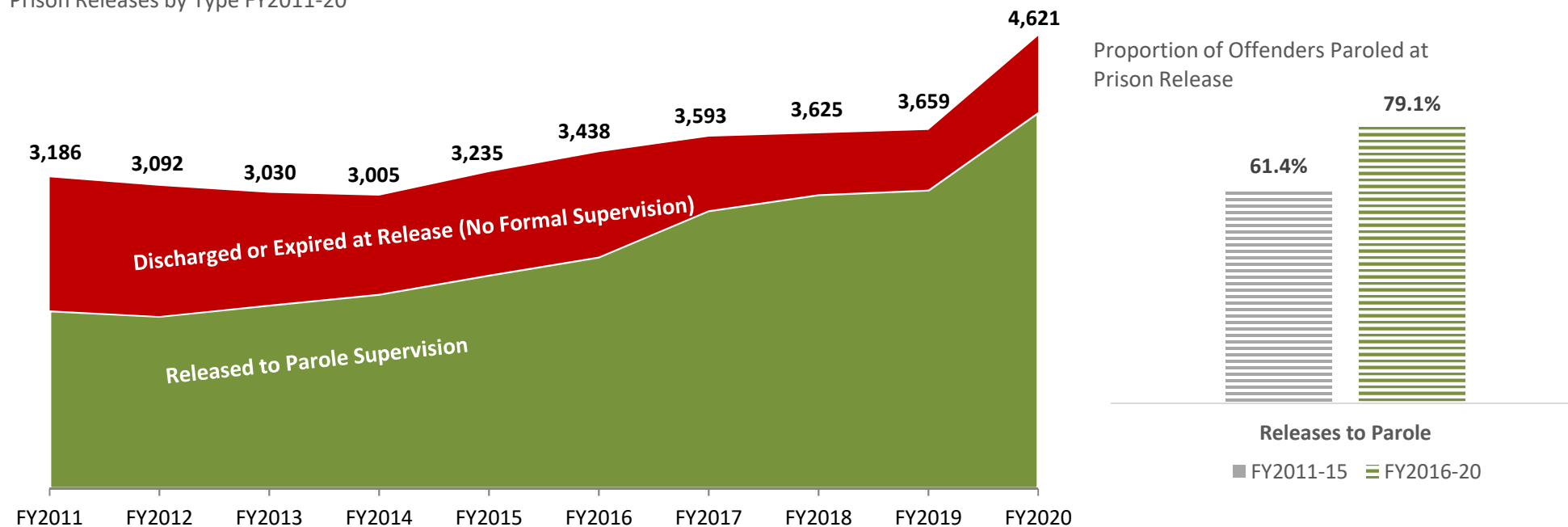
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figure above shows the average daily population (ADP) by month for parolees supervised in the community by the Department of Corrections' Adult Probation and Parole (AP&P) division for the past ten years (2010 through 2020 year to date). The green dashed line marks the implementation date of the JRI criminal justice reforms (October 2015). The parole population has been on the rise almost continuously since 2011, and it has reached its ten-year peak in recent months.

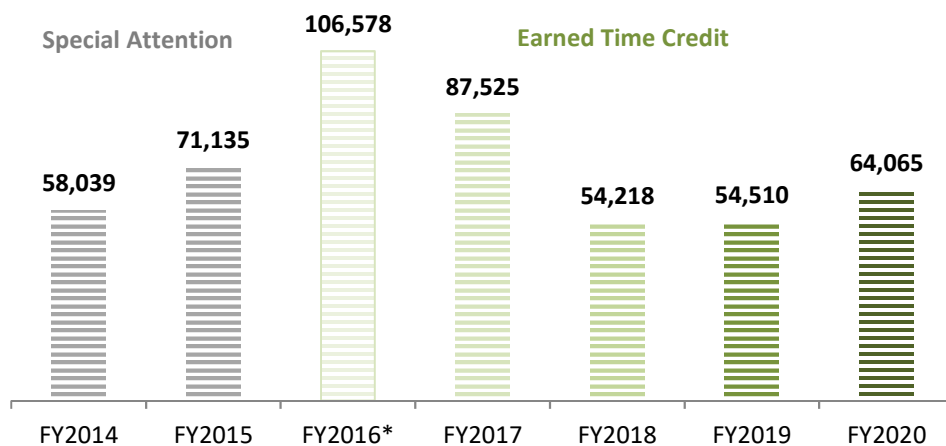
The following pages present additional figures from Section B of the summary report to help illustrate the key points made about community supervision.

The parole population has continued to show steady growth, particularly as more offenders are released to parole vs. being discharged or expired at release.

Prison Releases by Type FY2011-20



Total Incarceration Days Cut (Less Forfeitures) by the Board of Pardons & Parole Under the Earned Time Credit Program (green) vs. Previous Special Attention Practices (gray)



As seen in the figures above, a far greater proportion of offenders released from prison are being released to parole in recent years. This has helped contribute to the rise in the parole population numbers.

The figure on the left shows that time cuts earned through the new earned time credit program have decreased in recent years over the levels of the first two years.

Source (above): Utah Department of Corrections, O-Track database; data pulled September 2020

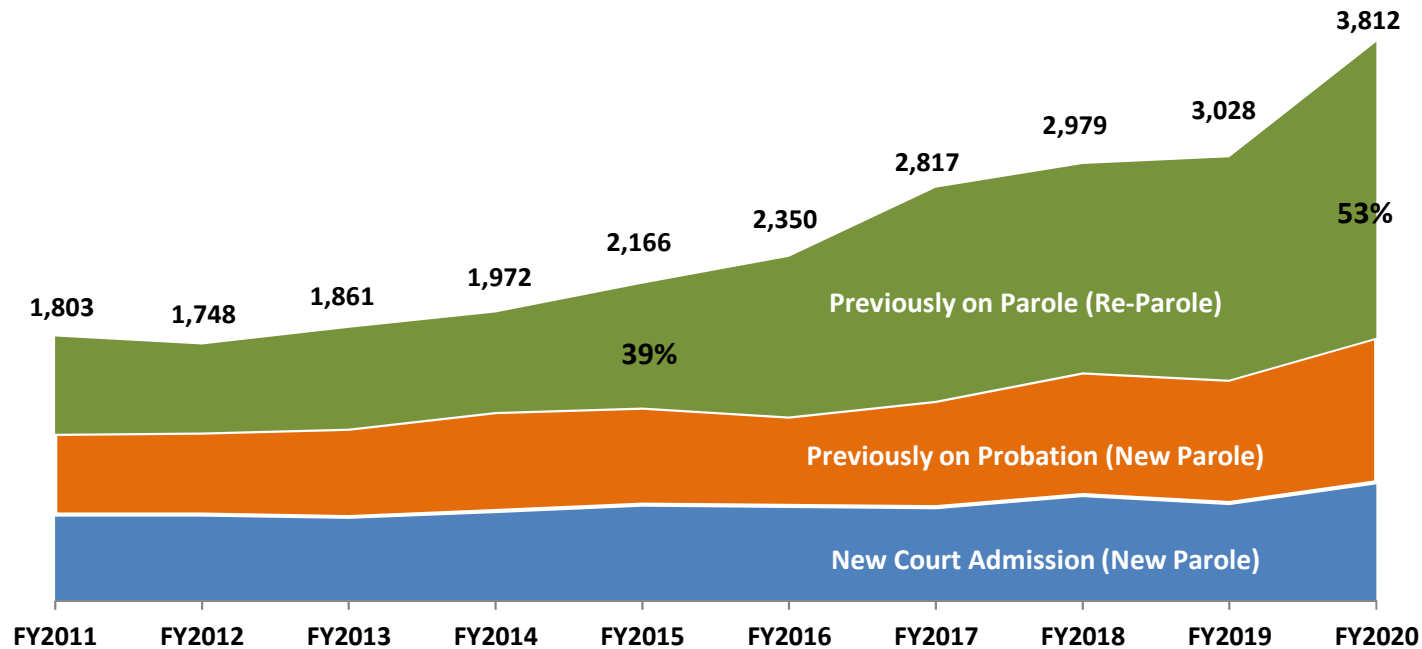
Source (left): Utah Board of Pardons and Parole

\*FY2016 includes one quarter of pre-JRI Special Attention cuts (July-September 2015)



The parole population has continued to show steady growth, particularly as more offenders are released to parole vs. being discharged or expired at release.

Parole Releases by Admission Type FY2011-20

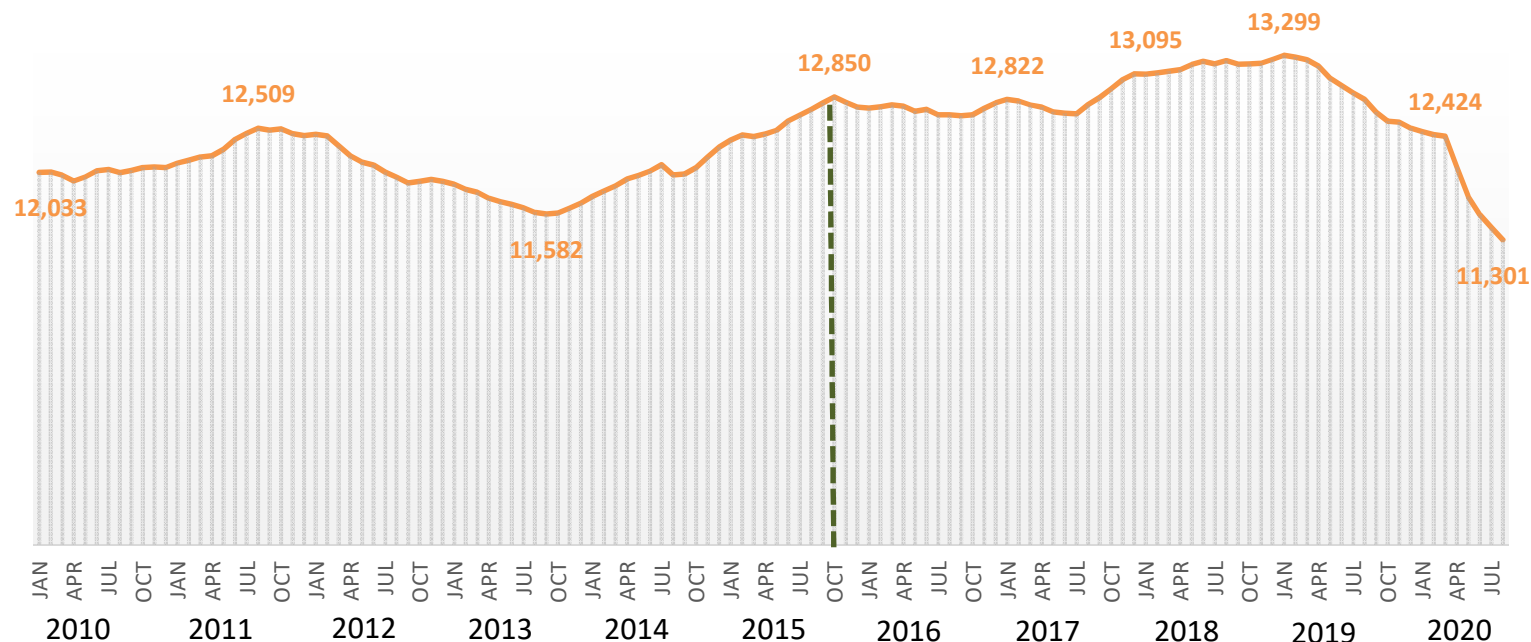


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

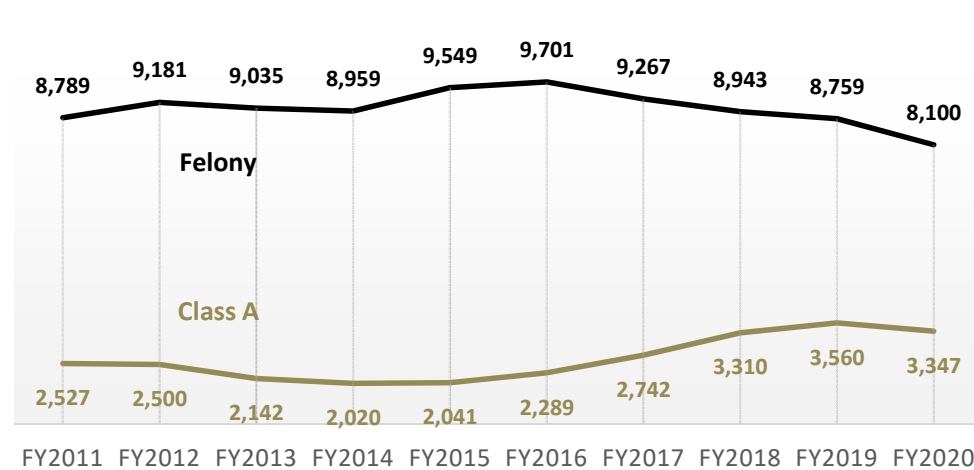
Parole releases have increased at a high rate in recent years. As this has occurred, more of these offenders are starting their second or subsequent parole. In FY2020, 53% of the 3,812 offenders released to parole had previously been on parole prior to their most recent prison admission, compared to 39% in FY2015.

**The probation population has dropped significantly in the past year, including both felony and Class A probationers – the latter reversing a 4-year upward trend.**

Probation Average Daily Population (ADP) by Month (January 2010 - August 2020)



Average Felony vs. Class A Probation Population FY2011-20

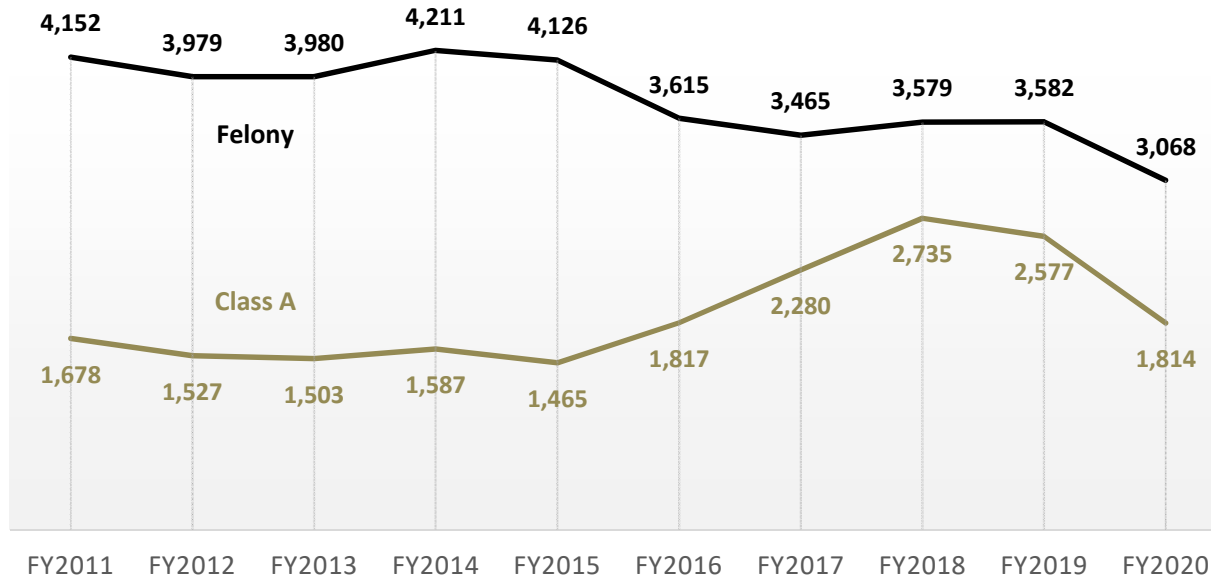


The probation ADP has dropped significantly since its peak in January 2019, and in August reached a 10-year low point. There has been a decreasing number of offenders on felony probation since the start of the reforms, though FY2020 marked the first time since FY2014 there has been a decrease in the number of Class A probationers.

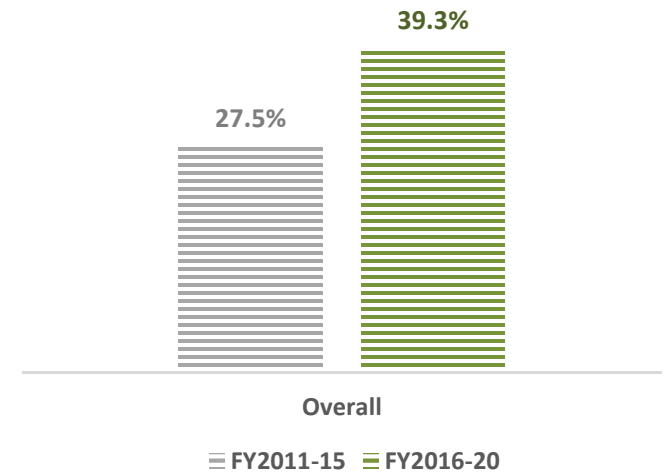
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

**The probation population has dropped significantly in the past year, including both felony and Class A probationers – the latter reversing a 4-year upward trend.**

Offenders Starting Probation on Felony vs. Class A Probation FY2011-20



Proportion of Offenders Starting Probation at the Class A Level



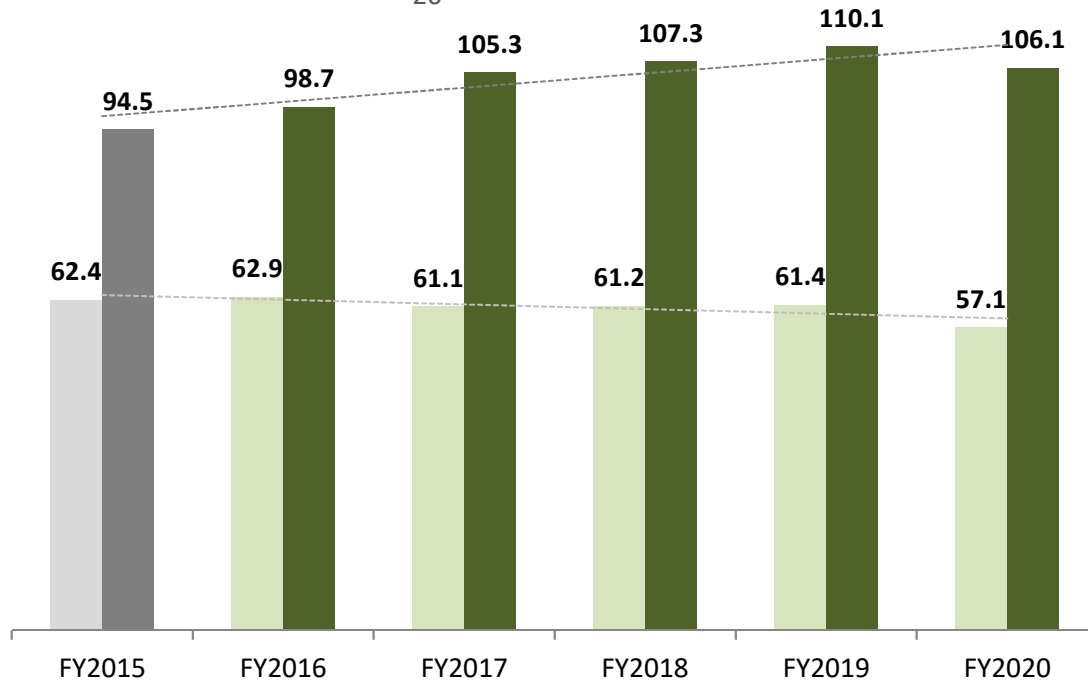
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

Less offenders are starting probation in recent years, at both the felony and Class A levels. Over the years since reform, the gap between felony and Class A probation starts has narrowed. Prior to reform, 28% of offenders starting probation did so at the Class A level on average; since reform, this has grown to 39% starting Class A probation.

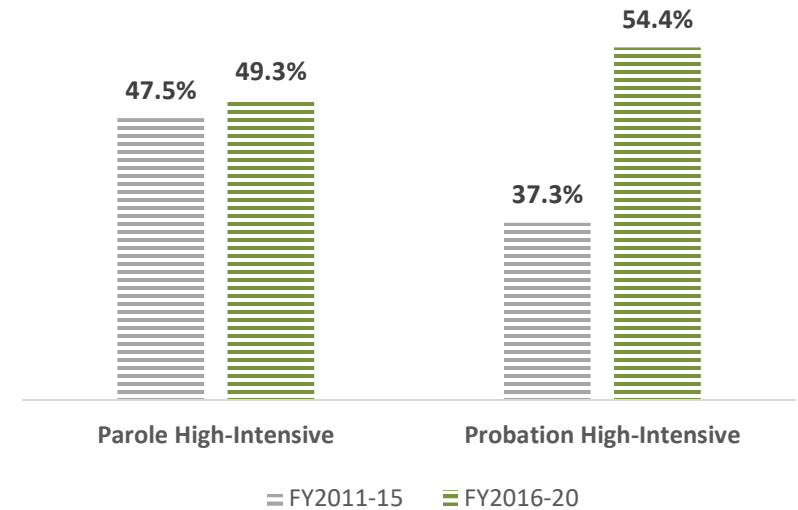
**More supervised offenders are on high and intensive supervision, putting a strain on otherwise stable caseloads and contributing to supervision failures affecting the prison.**

AP&P Caseload (left) vs. Risk-Adjusted Workload Intensity (right), FY2015-

20



Proportion of Supervised Offenders High-Intensive Risk - Before and After Reforms

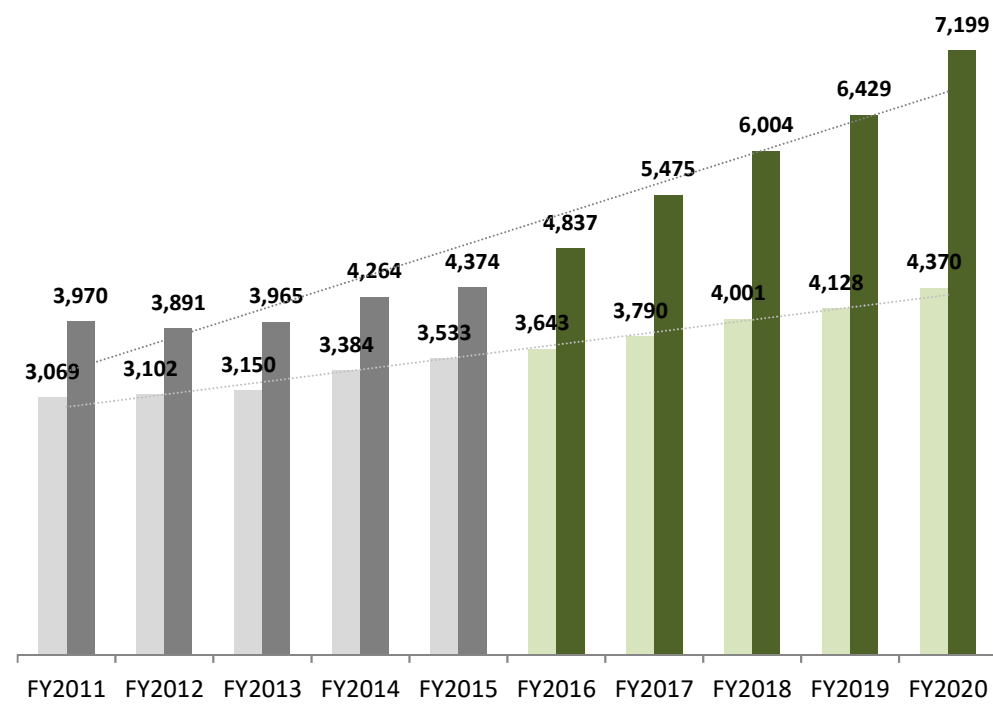


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

Since the reforms, there are a greater proportion of on high and intensive risk community supervision. This leads to more of a burden on AP&P agents even as their average caseload numbers have stayed stable or decreased. These offenders require greater amounts of time and effort, and weighting caseloads according to risk to create a workload intensity metric (left above) demonstrates this.

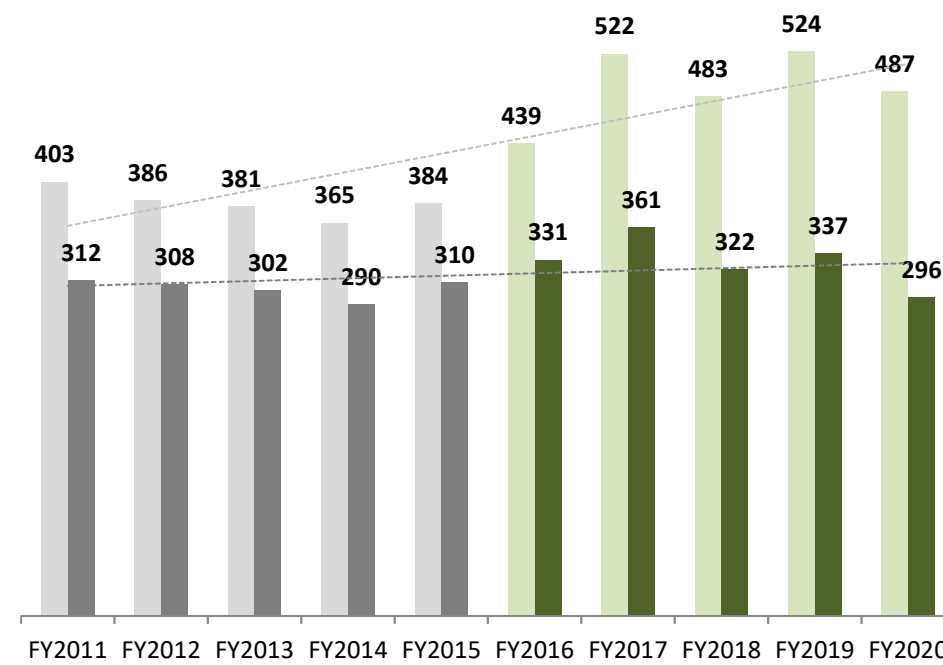
**More supervised offenders are on high and intensive supervision, putting a strain on otherwise stable caseloads and contributing to supervision failures affecting the prison.**

Parole ADP (left) vs. Risk-Adjusted Population Intensity (right), FY2011-20



Prison Admission Rates\* from Parole by ADP (left) vs. Risk-Adjusted Population Intensity (right), FY2011-20

(\*Rate per 1,000 parolees)

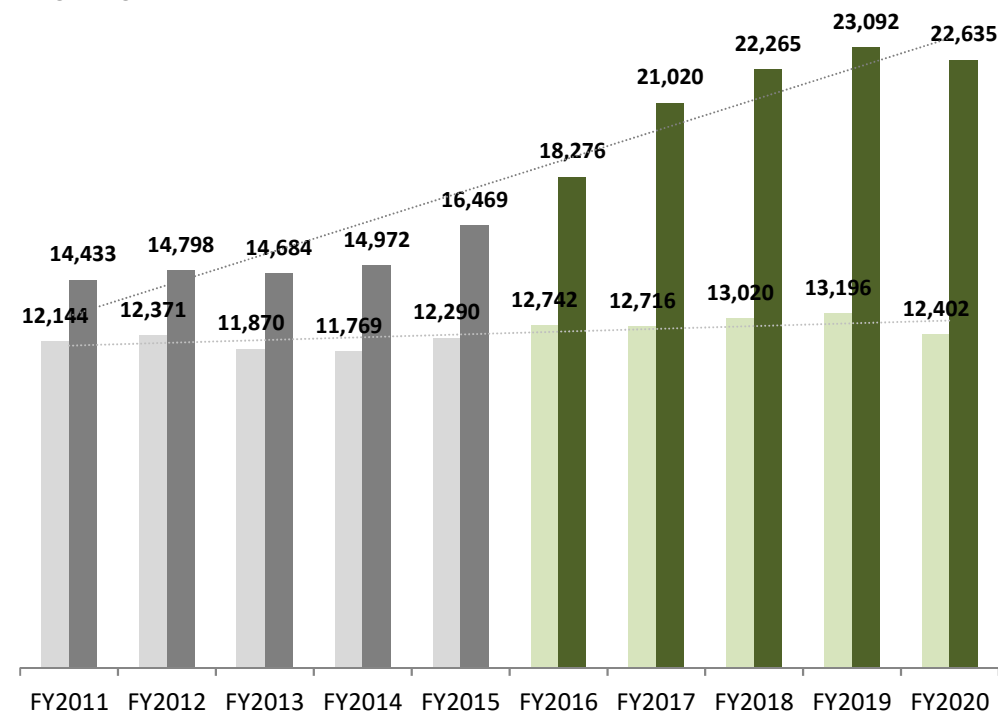


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

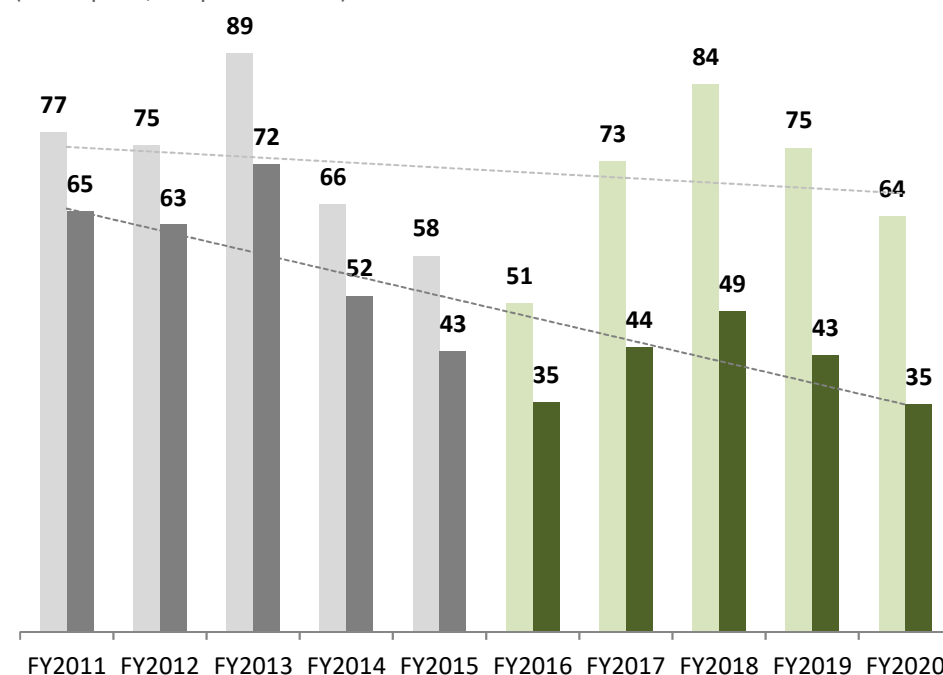
The figures above apply the same risk-adjusted weighting to the parole population over time to create a risk-adjusted population intensity metric. This shows the effect that particularly the increase in intensive risk parolees has had on a population that is already growing at a steady rate. The right figure above then creates prison admission rates from parole using this new metric compared to the normal ADP (per 1,000 population for both). Controlling for risk greatly flattens the rates of prison admission over time, demonstrating how important of a factor it is.

**More supervised offenders are on high and intensive supervision, putting a strain on otherwise stable caseloads and contributing to supervision failures affecting the prison.**

Probation ADP (left) vs. Risk-Adjusted Population Intensity (right), FY2011-20



Prison Admission Rates\* from Probation by ADP (left) vs. Risk-Adjusted Population Intensity (right), FY2011-20  
(\*Rate per 1,000 probationers)



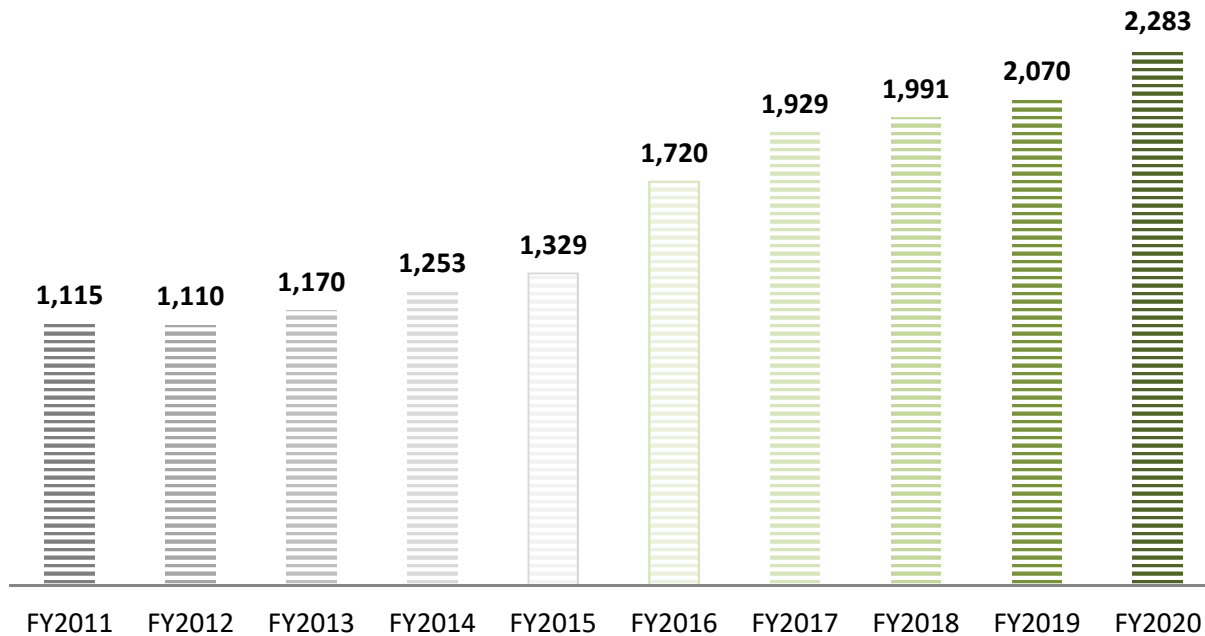
Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figures above apply the same risk-adjusted weighting to the probation population over time to create a risk-adjusted population intensity metric. This shows the effect that particularly the increase in intensive risk probationers has had on a population that is otherwise fairly stable. The right figure above then creates prison admission rates from probation using this new metric compared to the normal ADP (per 1,000 population for both). Controlling for risk greatly reduces the rates of prison admission over time, demonstrating how important of a factor it is.

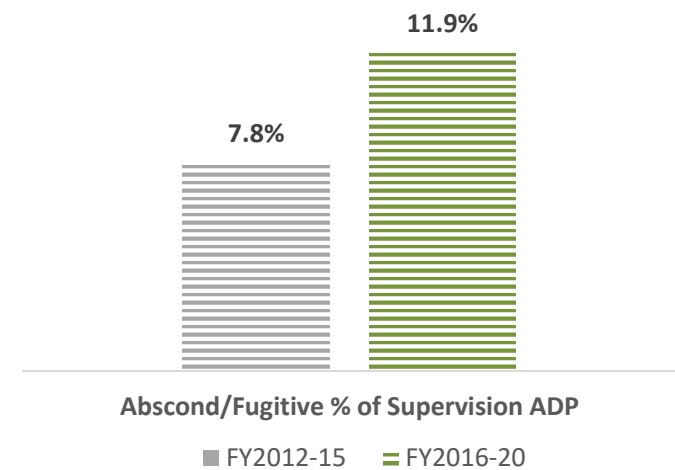


**Absconding from supervision continues to be a problem, and is often associated with violations for conduct and substance use issues.**

Average Monthly Count of AP&P Offenders with Fugitive Status by FY



Proportion of Supervision Population on Fugitive Status - Average Monthly

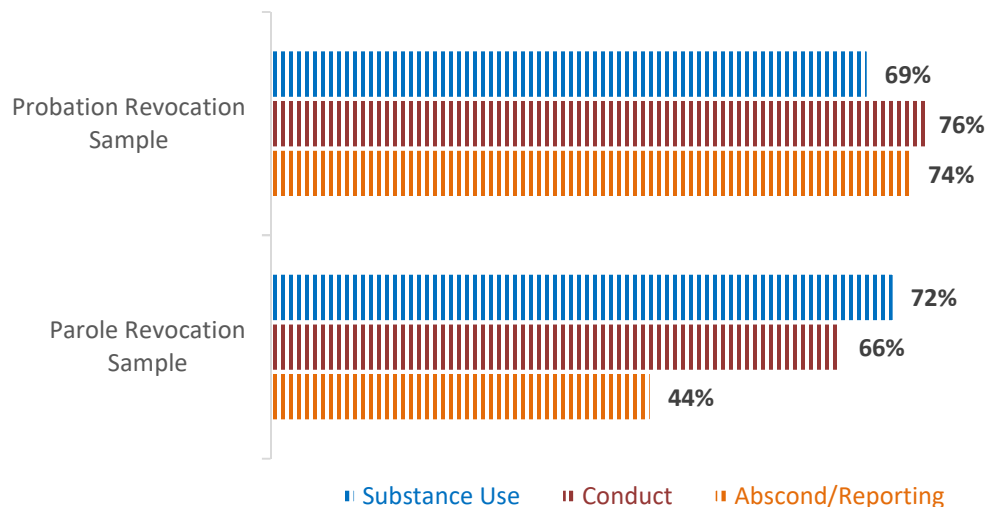


Abscond/Fugitive % of Supervision ADP

■ FY2012-15 ■ FY2016-20

Source: Utah Department of Corrections, O-Track database; data pulled September 2020

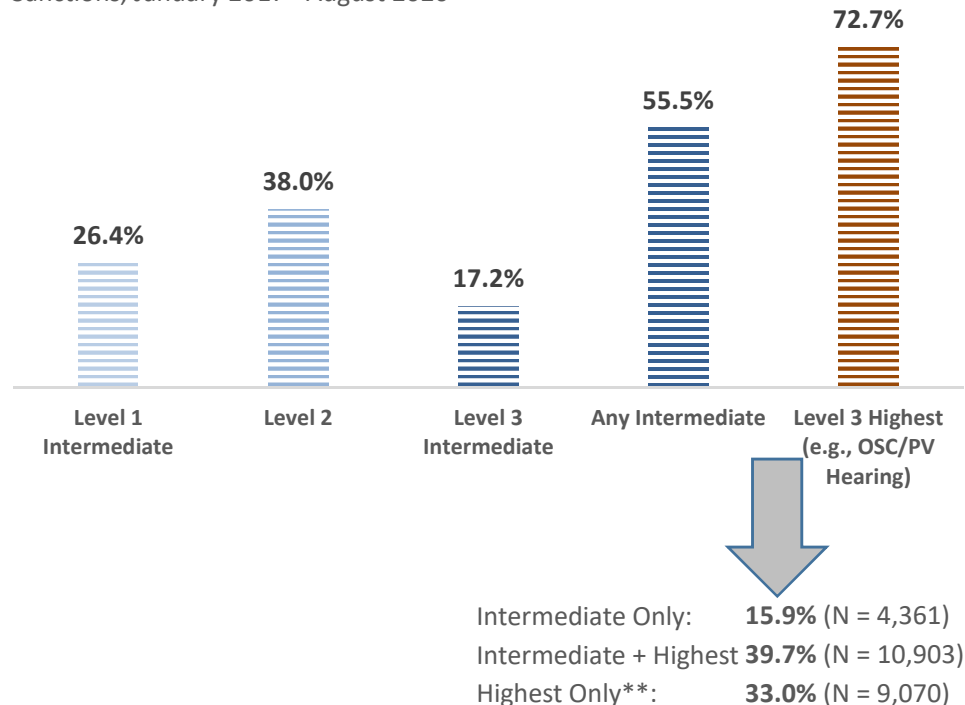
Qualitative Analysis of Violations in Prison Revocation Samples



The figures above show the increase in the number of offenders absconding from supervision and then placed on "fugitive" status. The average number of offenders under this status in FY2020 represents a 72% increase over FY2015 levels. The figure on the left is a summary of the qualitative analysis of prison revocation samples from 2018. For each sample, all offenders being revoked to prison in 2018 from parole and probation were first identified. Then, a random sample of 100 offenders in each group was then chosen, and the detailed violation history of each group between supervision start and end was obtained from the Department of Corrections. This history for each sample was then examined thoroughly and coded into the broad categories in the figure. As this shows, absconding was very prevalent, as were conduct and substance use issues.

**The use of sanctions with the Response and Incentive Matrix (RIM) falls predominantly at the lowest and highest levels, with much less incorporation of intermediate sanctions.**

Supervised Offenders Receiving RIM Intermediate vs. Highest Sanctions, January 2017 - August 2020



Most Frequent Intermediate Sanctions Used by Level, January 2017 - August 2020

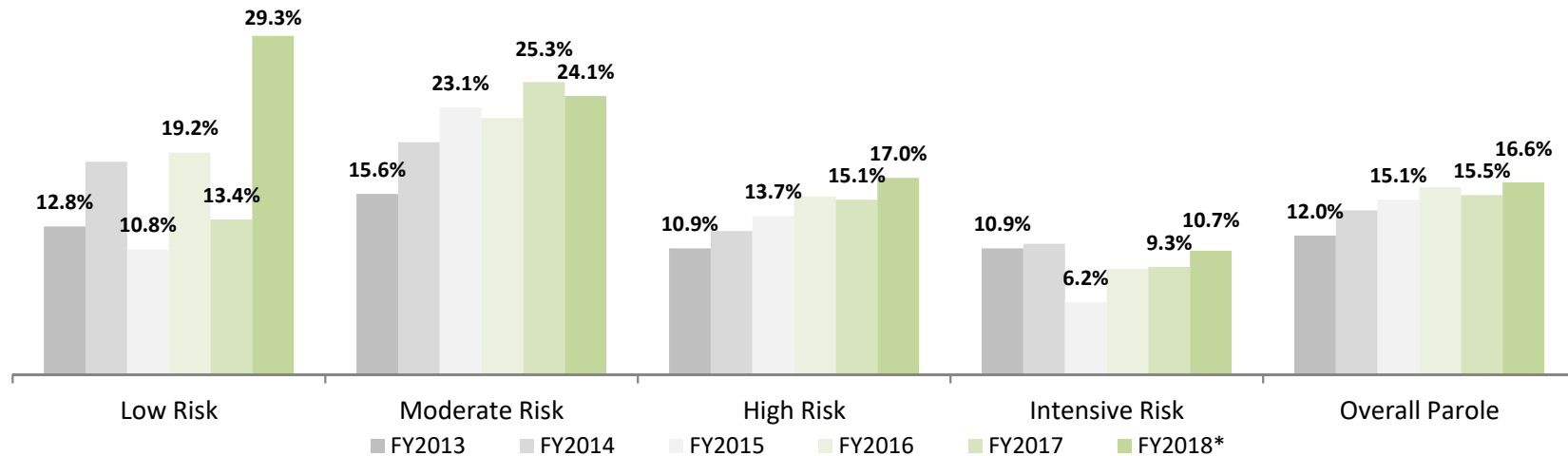
	Level	N	%
Increased Reporting/Testing	1	7,271	19.2%
Increased Supervision	1	2,454	6.5%
Up to 60 Day Curfew	1	1,291	3.4%
Treatment Resource Center	2	5,930	15.7%
Up to 16 Hours Community Service	2	3,135	8.3%
Up to 90 Day Curfew	2	2,914	7.7%
Other Court/BOPP Response No Hearing	2	2,787	7.4%
Specialty Court Sanction	2	1,890	5.0%
Request Court/BOPP Hearing	2	1,573	4.2%
Up to 72 Hours Home Restriction	2	1,055	2.8%
GPS up to 90 Days	2	1,009	2.7%
1-3 Day Jail Sanction (Max 5 Days/30 Days)	3	2,892	7.6%
Request Other Court/BOPP Response	3	2,391	6.3%
Specialty Court Sanction	3	444	1.2%
GPS more than 90 Days	3	414	1.1%
Community Correctional Center	3	371	1.0%
<b>Overall Intermediate Sanctions Recorded</b>		<b>37,821</b>	<b>29%</b>

The above provides information illustrating an analysis of intermediate sanctions on community supervision.

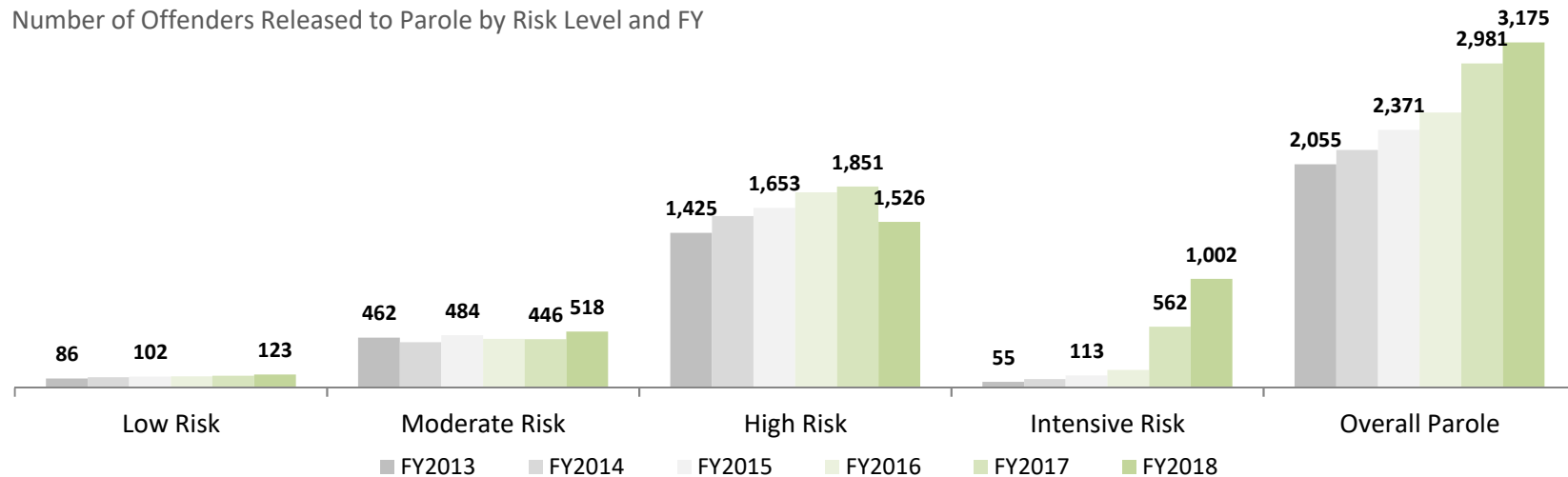
All Response and Incentives Matrix (RIM) sanctions recorded between January 2017 and August 2020 were analyzed, with an eye toward identifying how often AP&P agents were using intermediate sanctions that respond to violations while keeping offenders in the community (or very short stays in jail). Of all sanctions recorded, only 29% of them could be considered intermediate (across all three levels of the matrix), and only just over half (56%) of over 27,000 unique offenders in this sample of recorded responses received at least one intermediate sanction. On the other hand, 73% received at least one sanction at the highest level (involving hearing with the Court or Board of Pardons and Parole, usually resulting in a revocation). Additionally, one third (33%) of the sample received a highest level sanction without receiving an intermediate sanction. Of those who received an intermediate sanction, it remained their highest sanction for 16%, while 40% also received a highest Level 3 sanction.

**Despite increases in risk level and prison admissions, there have been an increased number of both parolees and probationers earning successful termination within two years.**

Parolees with Successful Termination within 2 Years by Risk Level and FY of Release from Prison/Parole Start



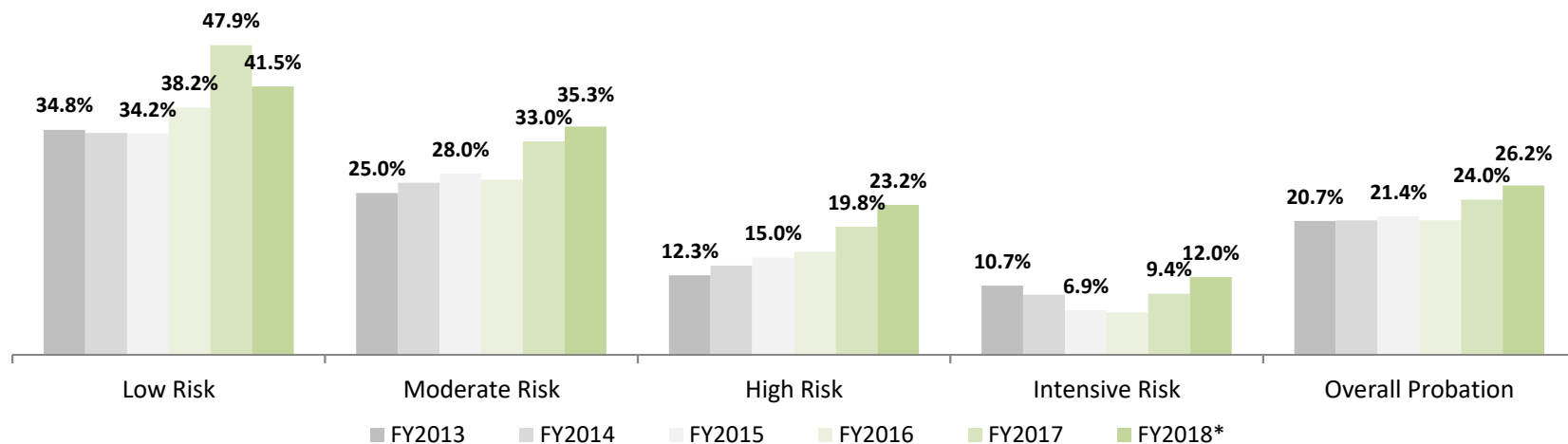
Number of Offenders Released to Parole by Risk Level and FY



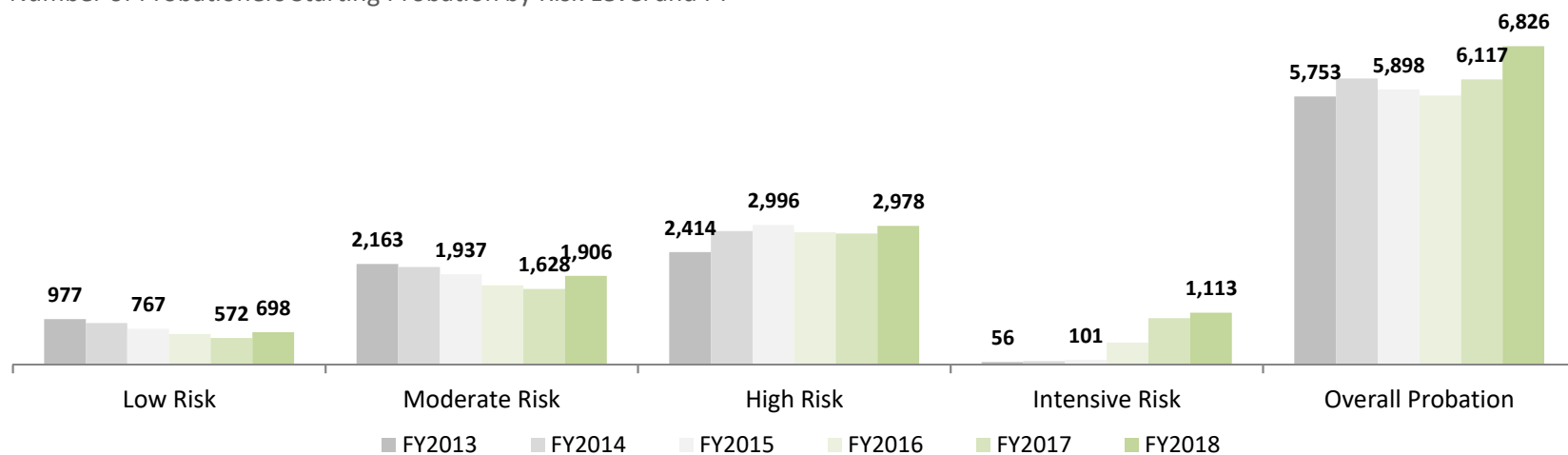
This new analysis, portrayed in the figures on this page and the next, looked at whether offenders on parole and probation achieved successful discharge from supervision (defined as "Discharged/Successful" and "Expiration of Sentence" exit codes) within two years of supervision start. This is a high bar to set for success, which is why the percentages are quite low, but successful discharge earlier than the offender's guideline is a goal of AP&P. The figures above show the outcomes for parole starts by year and risk (top), along with the number in each annual cohort. This shows improvement, even for the highest risk offenders.

Despite increases in risk level and prison admissions, there have been an increased number of both parolees and probationers earning successful termination within two years.

Probationers with Successful Termination within 2 Years by Risk Level and FY of Probation Start



Number of Probationers Starting Probation by Risk Level and FY

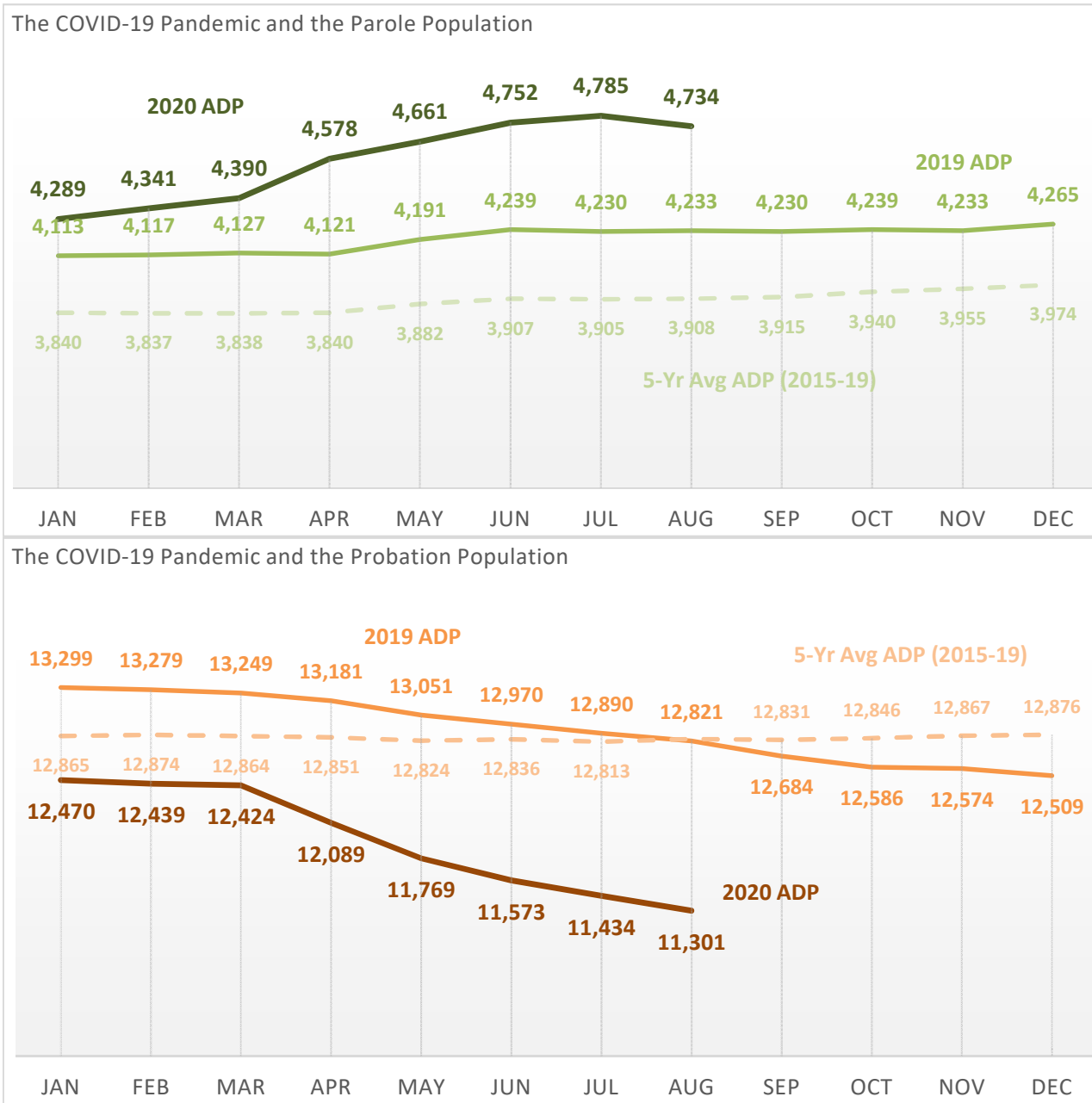


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

The figures above show the same analysis for the probation cohorts starting supervision from FY2013-18. As with the parole cohorts above, there has been a clear increase in achievement of successful early discharge, even for the highest risk groups.

\*Note: For both analyses above and on the previous page, some offenders in the FY2018 cohort did not have the full two year follow-up period.

The COVID-19 pandemic has had differential effects on parole and probation.

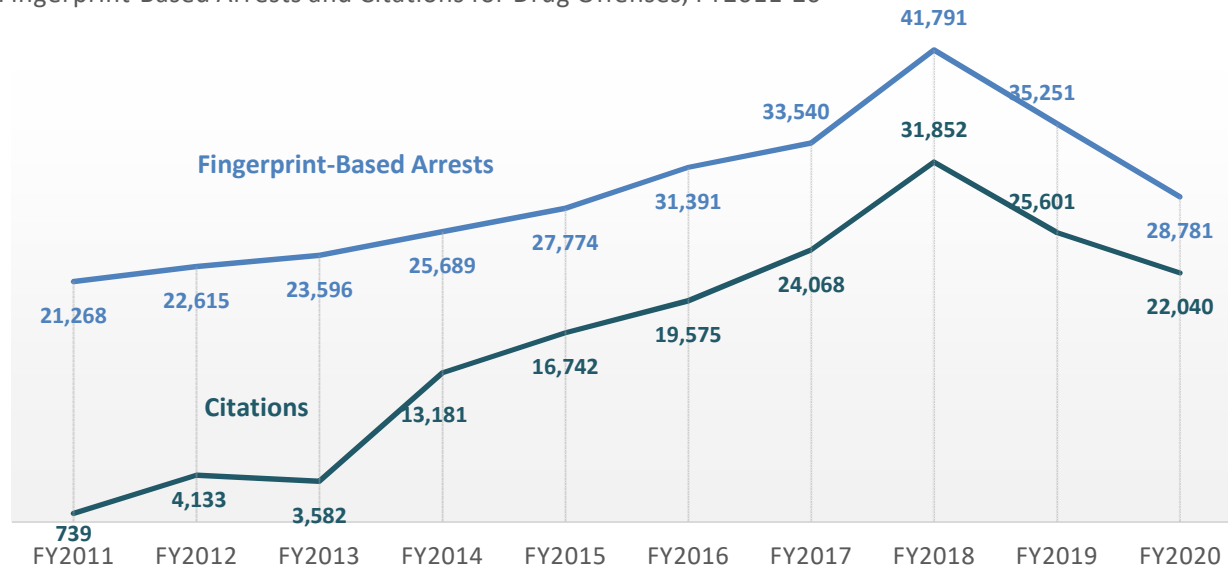


As seen in the figures to the left, the COVID-19 pandemic has had differential effects on the parole and probation populations in the recent months of 2020. With the spike in releases from prison, and most of them being released to parole, the parole population accelerated its increase starting in April. On the other hand, fewer offenders have been sentenced to probation supervision, and the probation population has accelerated its decrease starting in April and is now well below average levels.

Source: Utah Department of Corrections, O-Track database; data pulled September 2020

**Drug arrests had been on the rise for years and peaked in FY2018, followed by two years of decline; law enforcement practices around citations for drug offenses also shifted.**

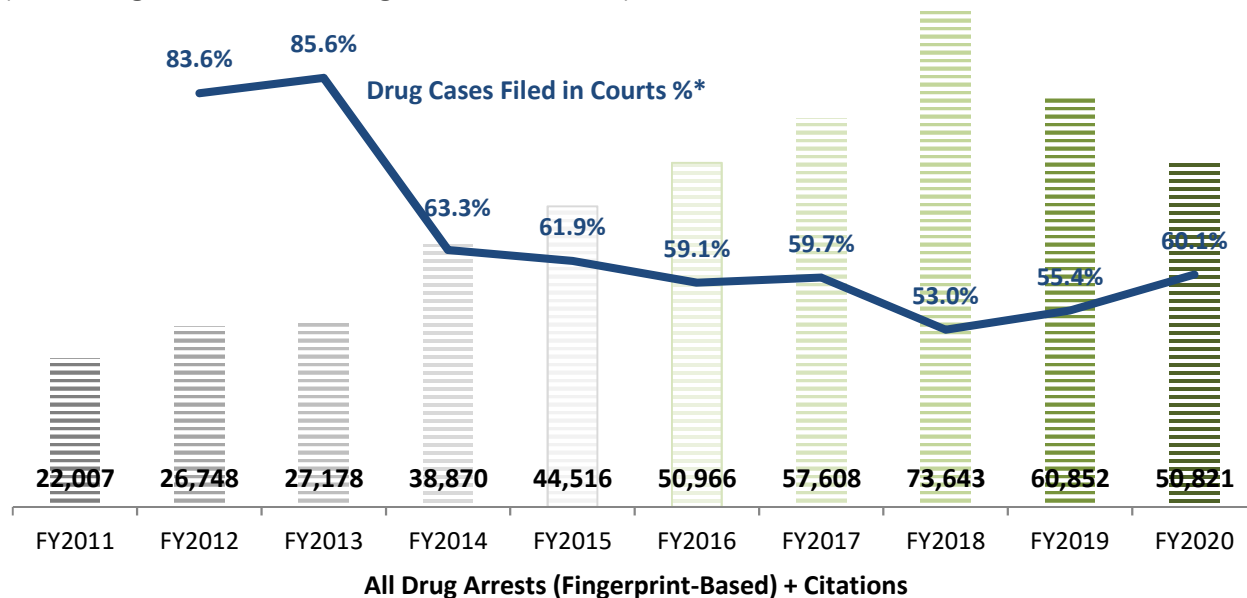
Fingerprint-Based Arrests and Citations for Drug Offenses, FY2011-20



The first figure on the left shows the trends in both fingerprint-based arresting incidents and citations for drug-related offenses. Both indicators had been increasing for years up to FY2018, and have since shown two years of decline.

The second figure on the left attempts to show how this increased arresting and citation activity, particularly as it accelerated between FY2014 and FY2018, relates to the Court case filing activity for drug-related offenses at the same time. It is clear that as more offenders were being arrested and cited by law enforcement during this period, a much lower percentage of these arrest/citation cases were being filed by prosecutors. In the highest year of combined drug-related arrests/citations (FY2018), the level of drug-related Court case filings was only 53% of that total.

Total Drug Arrests + Citations and the Proportion of Drug Cases Filed in Courts  
(\* Total Drug Cases Filed/Total Drug Arrests and Citations)

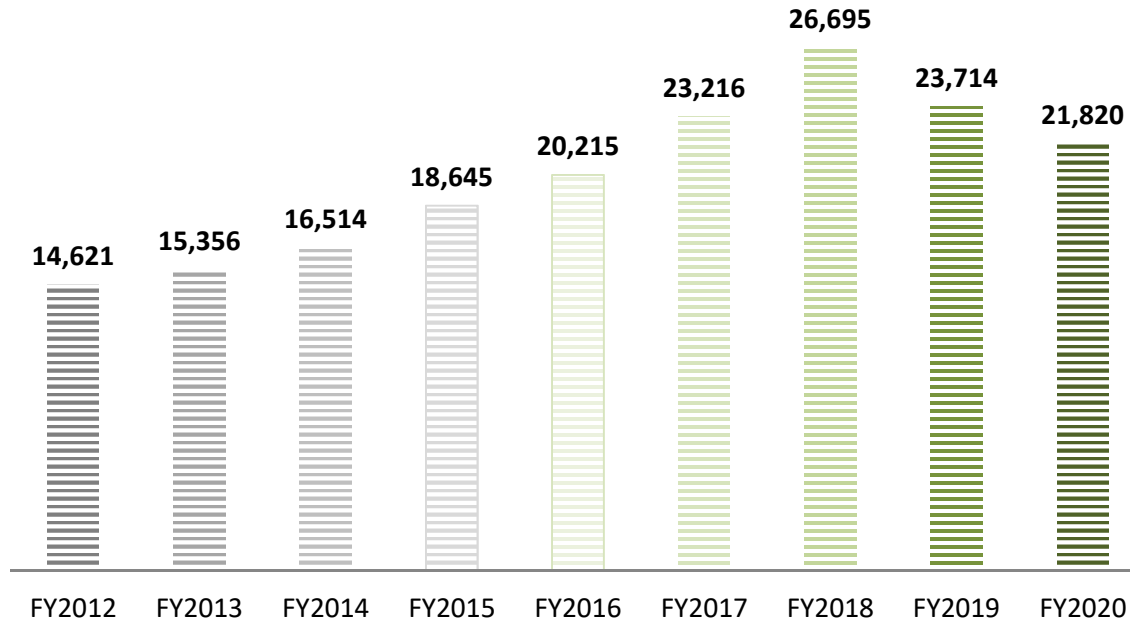


Source (arrests and citations): Utah Department of Public Safety, Bureau of Criminal Identification  
Source (case filings): Utah Administrative Office of the Courts, CORIS database

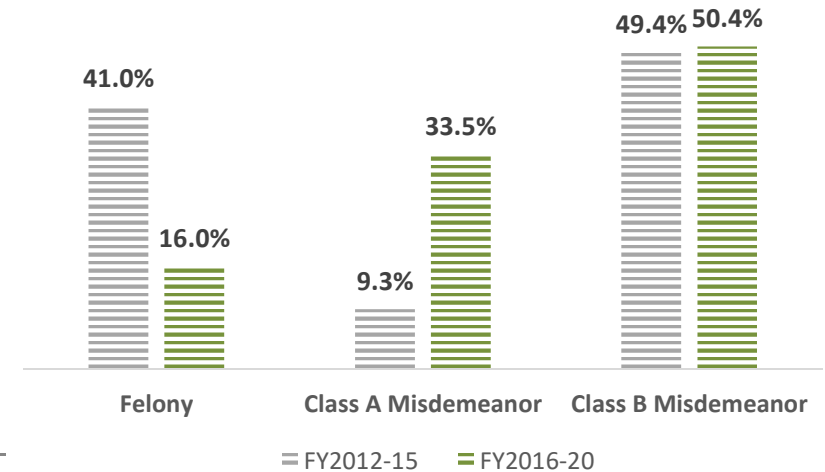


**Court case filings with drug possession only charges reflect the arrest trends, though the expected shift from felony to Class A misdemeanor filings started directly after implementation and continues through the present year.**

Cases Filed with Drug Possession Only Charges by FY



Change in Distribution of Severity Level\* of Drug Possession Cases Filed after Reforms



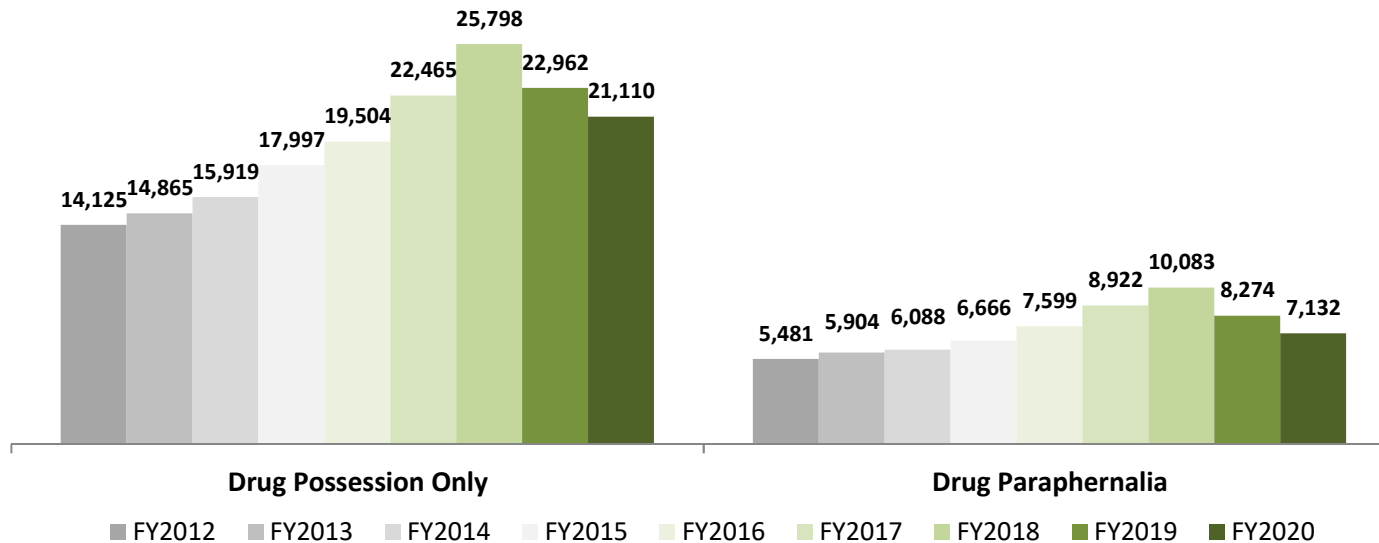
Source: Utah Administrative Office of the Courts, CORIS database; cumulative quarterly data pulls

The figures above show the number of cases filed in the Courts with any charges for drug possession only from FY2012-20 (left), and the distribution of the severity level of the highest drug possession charge within these cases in the time period before the reforms compared to after (right). Drug possession cases in the Courts were on an upward trajectory through FY2018 before receding significantly the past two years. More importantly, with the drug possession statute change that was implemented as part of the reform package, there was a clear shift in drug possession cases from felony charges (41% before to 16% after on average) to Class A misdemeanors (9% before to 34% after). Just around half of drug possession cases remain at the lower-level Class B misdemeanor level.

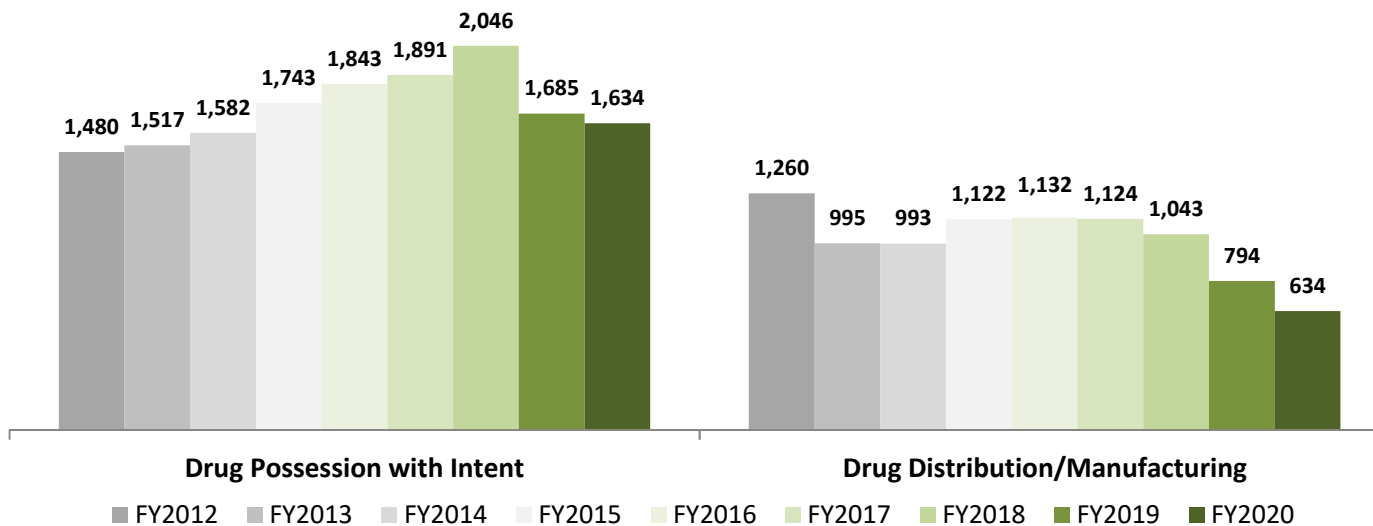
The figures on the next page show the trends in all cases involving drug charges by the highest drug charge within that case (i.e., most serious is distribution, followed by possession with intent, possession only, and paraphernalia). Most of these follow similar trends to drug possession and overall drug, though drug distribution cases remained fairly low and are now at their lowest levels in years in FY2020.

**Court case filings with drug possession only charges reflect the arrest trends, though the expected shift from felony to Class A misdemeanor filings started directly after implementation and continues through the present year.**

Cases Filed with Possession Only or Paraphernalia as Highest Drug Charge, FY2012-20



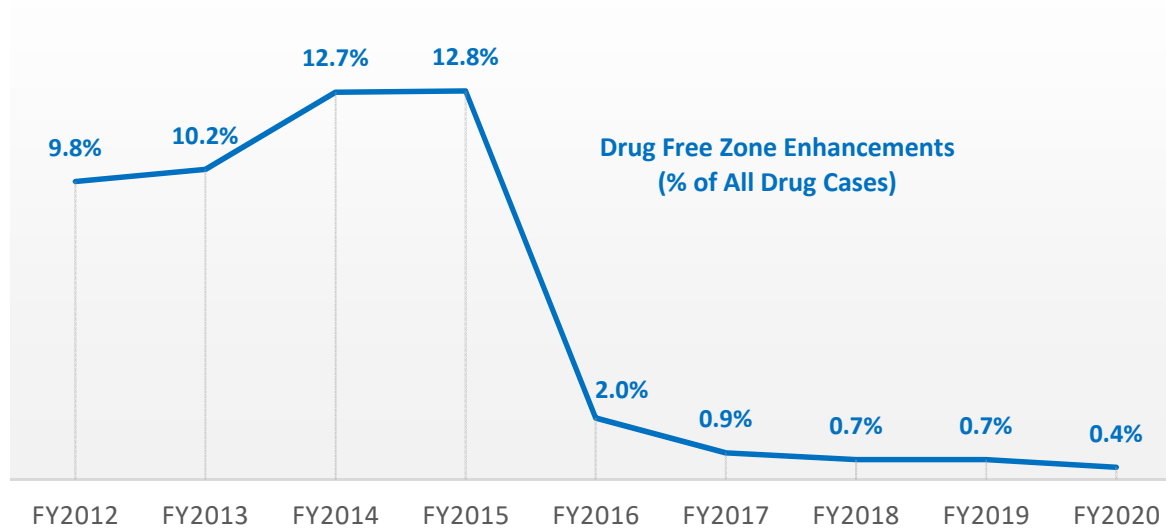
Cases Filed with Possession with Intent or Distribution/Manufacturing as Highest Drug Charge, FY2012-20



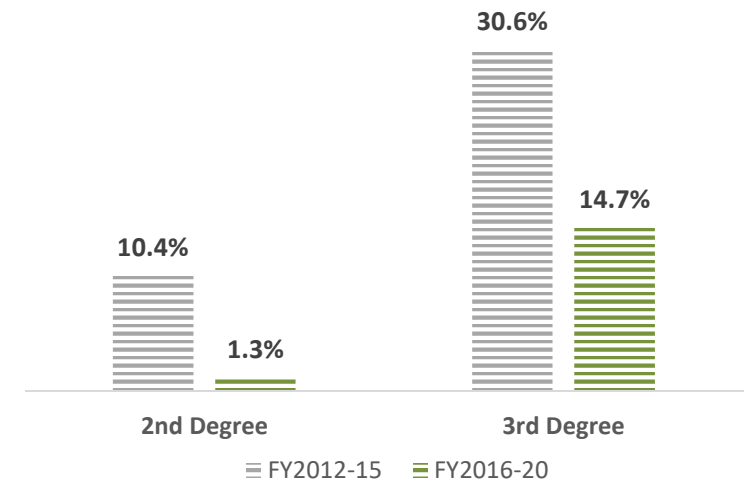
Source: Utah Administrative Office of the Courts, CORIS database; cumulative quarterly data pulls

**Drug free zone enhancements have dropped substantially, and this has likely contributed to far fewer drug possession cases filed as 2nd degree felonies.**

Percent of All Drug Cases Filed With Drug Free Zone Enhancements, FY2011-20



2nd Degree Felony and 3rd Degree Drug Possession Cases Before and After Reform

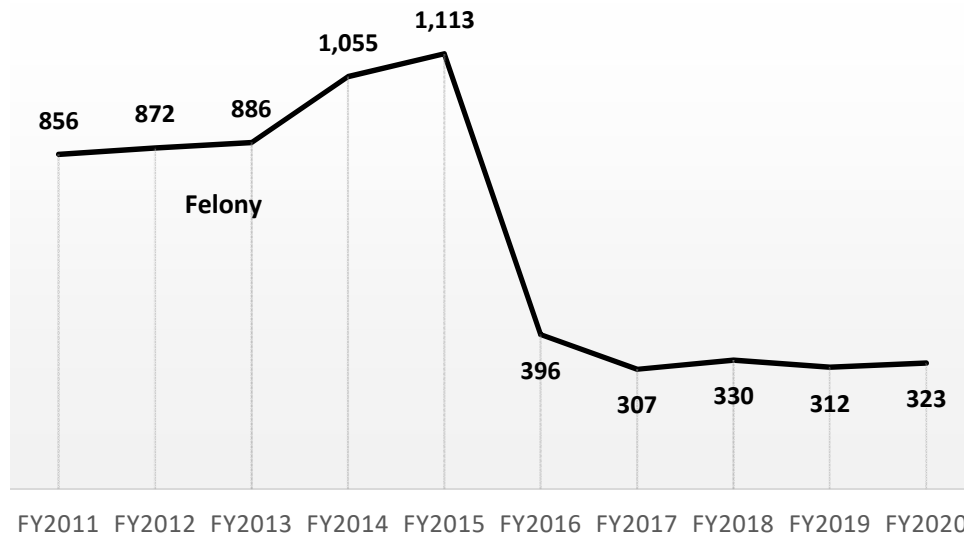


Source: Utah Administrative Office of the Courts, CORIS database; cumulative quarterly data pulls

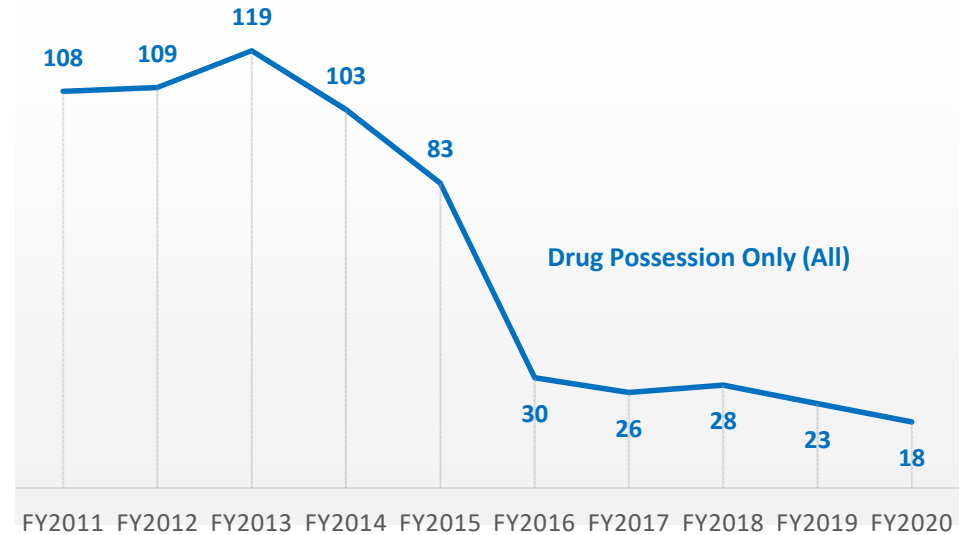
Drug free zone enhancement use has dropped precipitously since the reforms were implemented that restricted their definition and use (left), falling from 13% of all drug cases in FY2015 to less than one percent. Additionally, and likely related to this drug free zone enhancement change, the percentage of drug possession only cases filed at the 2nd degree felony level has dropped from over 10% on average before reforms to 1% after (right). Variations in drug free zone enhancement use by county are explored further in Section E (E2).

**The Department of Corrections is seeing substantially fewer felony drug possession offenders, and prison admissions for these offenders are at historic lows.**

Drug Possession Only Offenders Starting Felony Probation, FY2011-2020



Direct Prison Sentences from Court on Drug Possession Only Offenses, FY2011-20

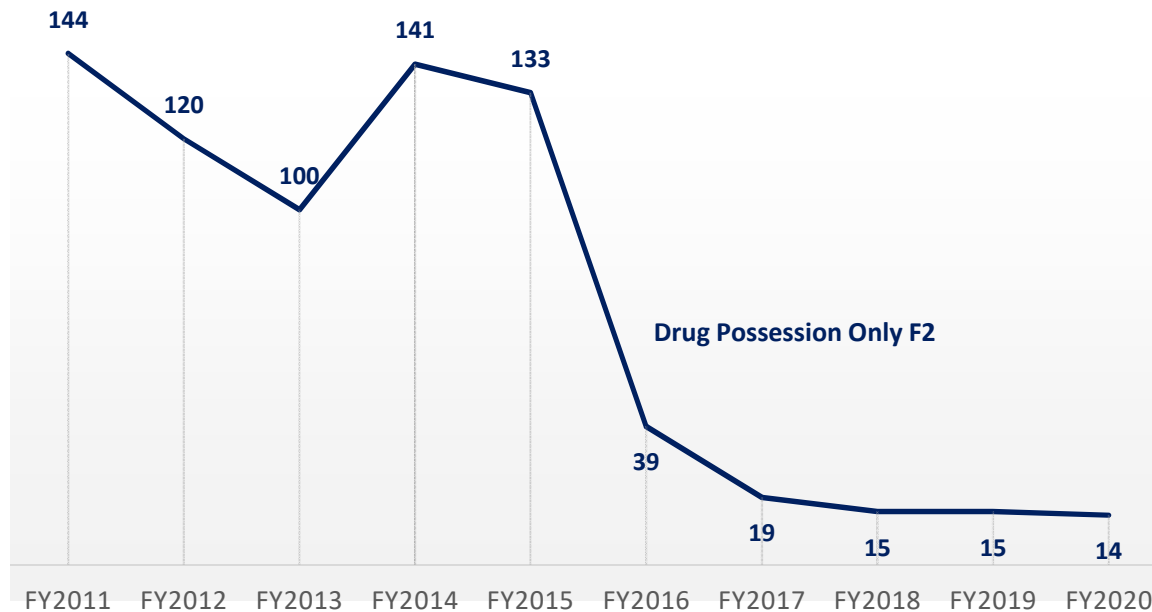


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

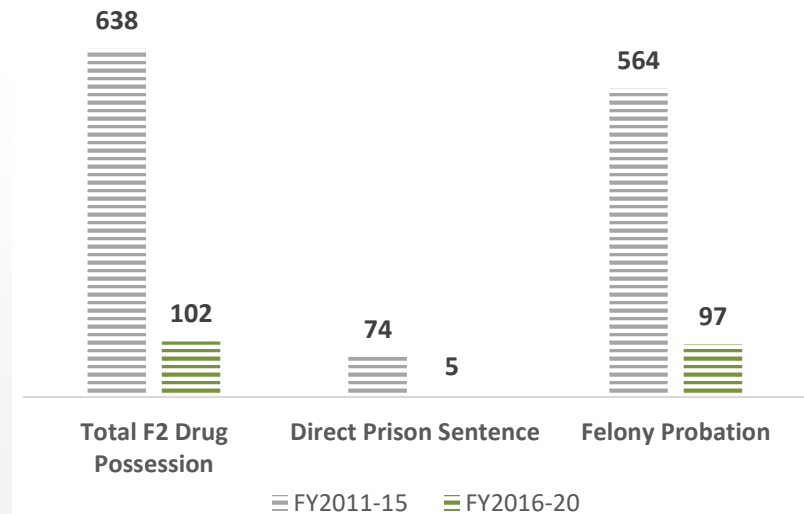
The Department of Corrections is now also seeing far fewer drug possession only offenders at the felony level, with drug possession offenders on felony probation dropping from a high of 1,113 in FY2015 to only 323 in FY2020 (left). Additionally, only 18 drug possession offenders were directly sentenced to prison from the Courts in FY2020, down from 83 in FY2015 and consistently over 100 prior to that.

**The Department of Corrections is seeing substantially fewer felony drug possession offenders, and prison admissions for these offenders are at historic lows.**

2nd Degree Felony Drug Possession Only Offenders to UDC  
 (Direct Prison + Felony Probation Sentenced)



2nd Degree Felony Drug Possession Offenders to UDC

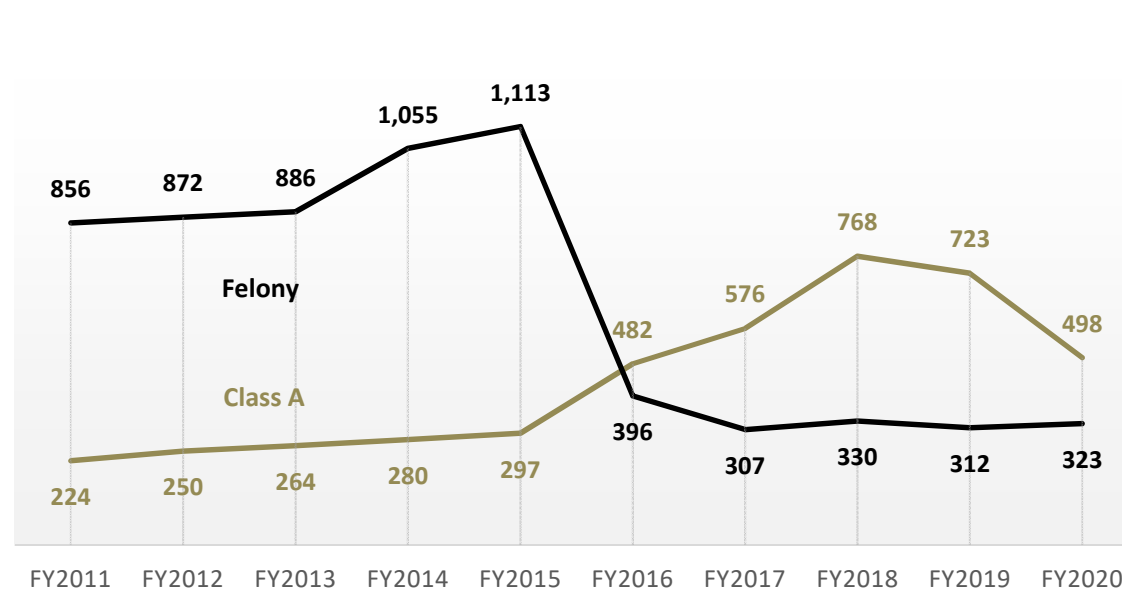


Source: Utah Department of Corrections, O-Track database; data pulled September 2020

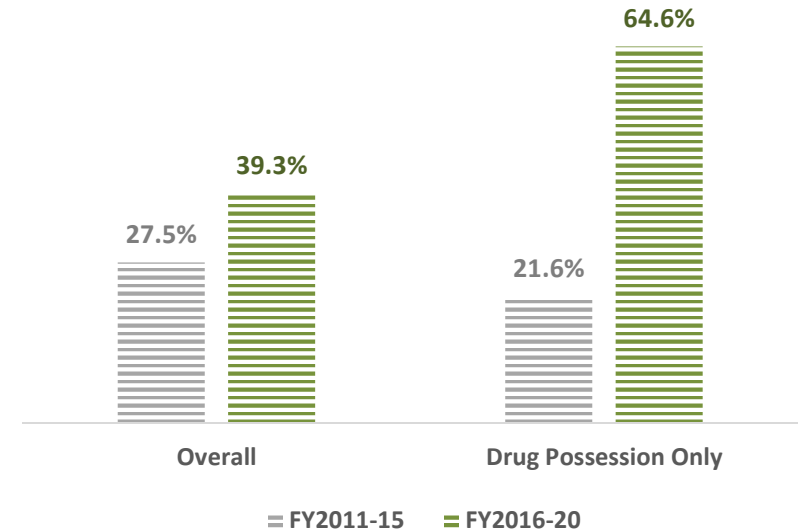
As with the Court data above in relation to drug free zone enhancements, we also looked at the number of drug possession only offenders coming to the Department of Corrections with their primary offense at the 2nd degree felony level. As the figure on the left above shows, well over 100 offenders were being sent to Corrections (both by direct prison sentence and felony probation) per year prior to reform; this has fallen to only 14 in FY2020. The figure on the right breaks down the total number of offenders with 2nd degree felony drug possession only before and after the reforms by direct prison sentences (down from 74 in the five years before to 5 in the five years after) and felony probation (down from 564 to 97).

The decision by the Department of Corrections to supervise more Class A offenders after the drug statute change led to a marked increase in Class A probationers after the reforms, many of whom were not primary drug possession offenders.

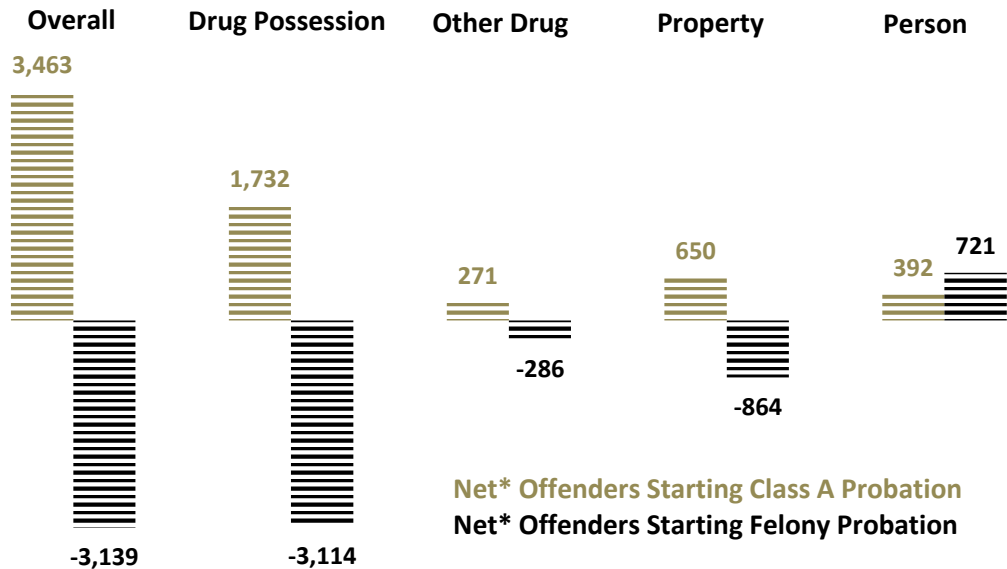
Drug Possession Only Offenders Starting Probation



Proportion of Offenders Starting Probation at the Class A Level



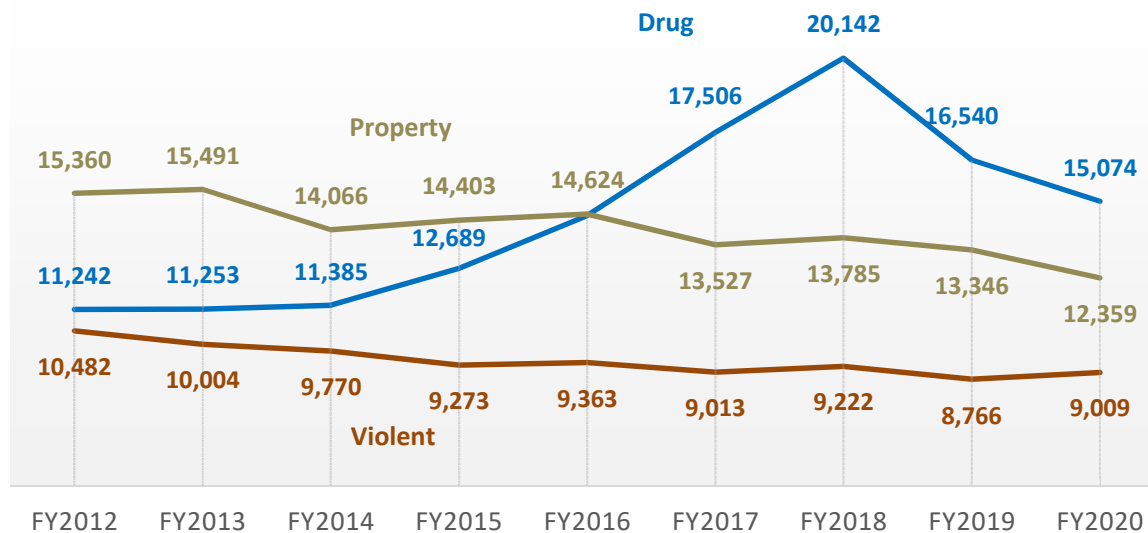
Source: Utah Department of Corrections, O-Track database; data pulled September 2020



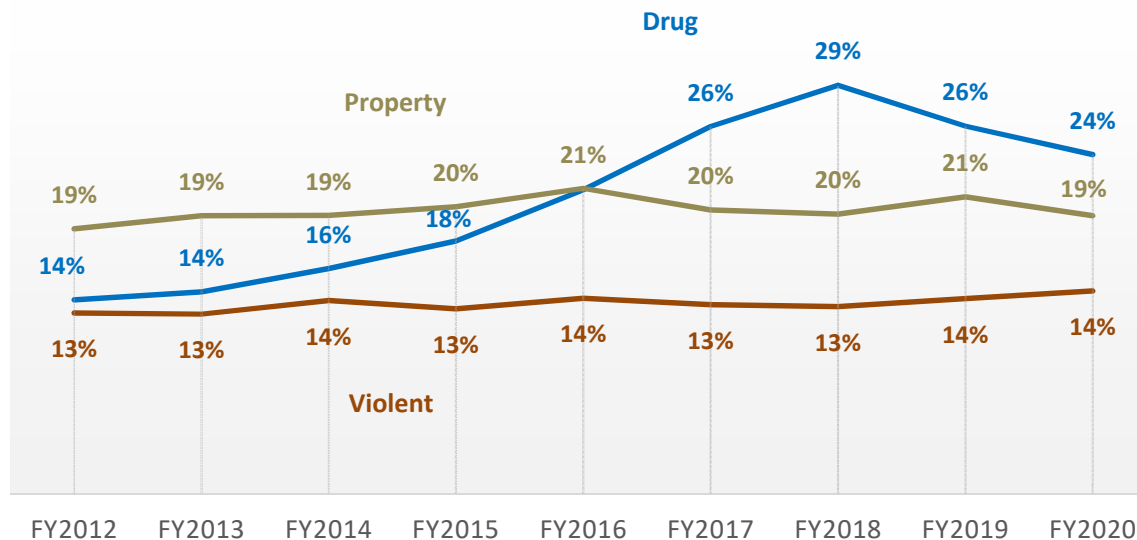
As felony probation numbers fell for drug possession only offenders, there was a corresponding increase in Class A probation (top left). Before the reforms, 22% of drug possession only offenders started on Class A probation, and this jumped to 65% in the years after. With the drug statute change for drug possession offenses, the Department of Corrections agreed to take on this burden of more Class A probationers, but it was not restricted to only drug possession offenders. As the figure to the left shows, in the five year period after reform, they gained a total of 3,463 offenders starting Class A probation over the five year period directly preceding, while they lost a corresponding 3,139 felony offenders. Drug possession only offenders accounted for much of the felony probation loss, but only about half (+1,732) of the gain in Class A probation starts. The other half were accounted for by other offense types, particularly property offenders.

Justice courts have seen an influx of low-level drug offenders, though this has also subsided in the past two years.

Justice Court Cases with Drug, Property, or Violent Charges, FY2012-20



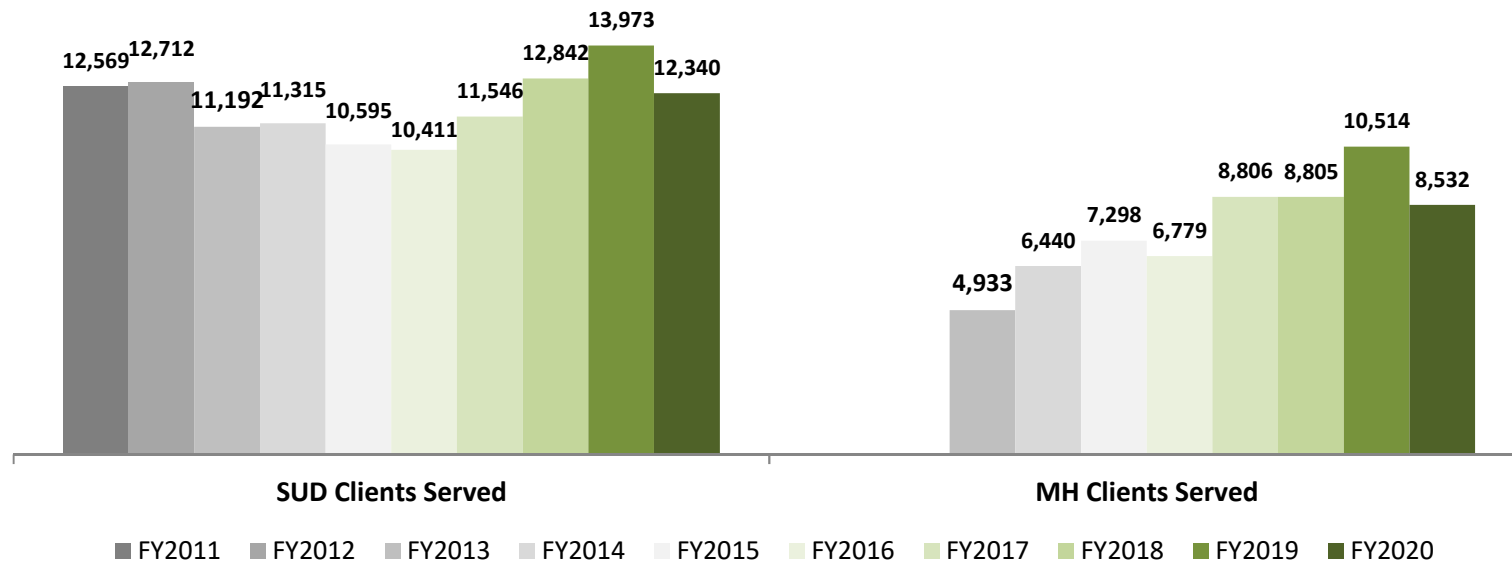
Justice Court Drug, Property, and Violent Cases as Percentage of All Nontraffic Cases, FY2012-20



The figures on the left show the effect of the increase in low-level drug offenses (mostly possession and paraphernalia at the Class B level) on the justice courts in Utah. While overall non-traffic caseloads have been declining, and property and violent cases have declined or remained stable, the number and proportion of drug cases increased dramatically between FY2014 and FY2018. While this has also subsided in the most recent two years, drug cases still make up almost a quarter (24%) of justice court caseloads in FY2020, compared to only 14% in FY2012-13. This influx of drug offenses into the justice courts may be related to the increased citation practices of law enforcement in relation to drug offenses starting in FY2014 (see C1 above).

**After reaching highs in FY2019, the number of justice involved clients served for both substance use disorder (SUD) and mental health treatment declined in FY2020.**

Justice Involved Substance Use Disorder (SUD) and Mental Health (MH) Clients Served Statewide



Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH)

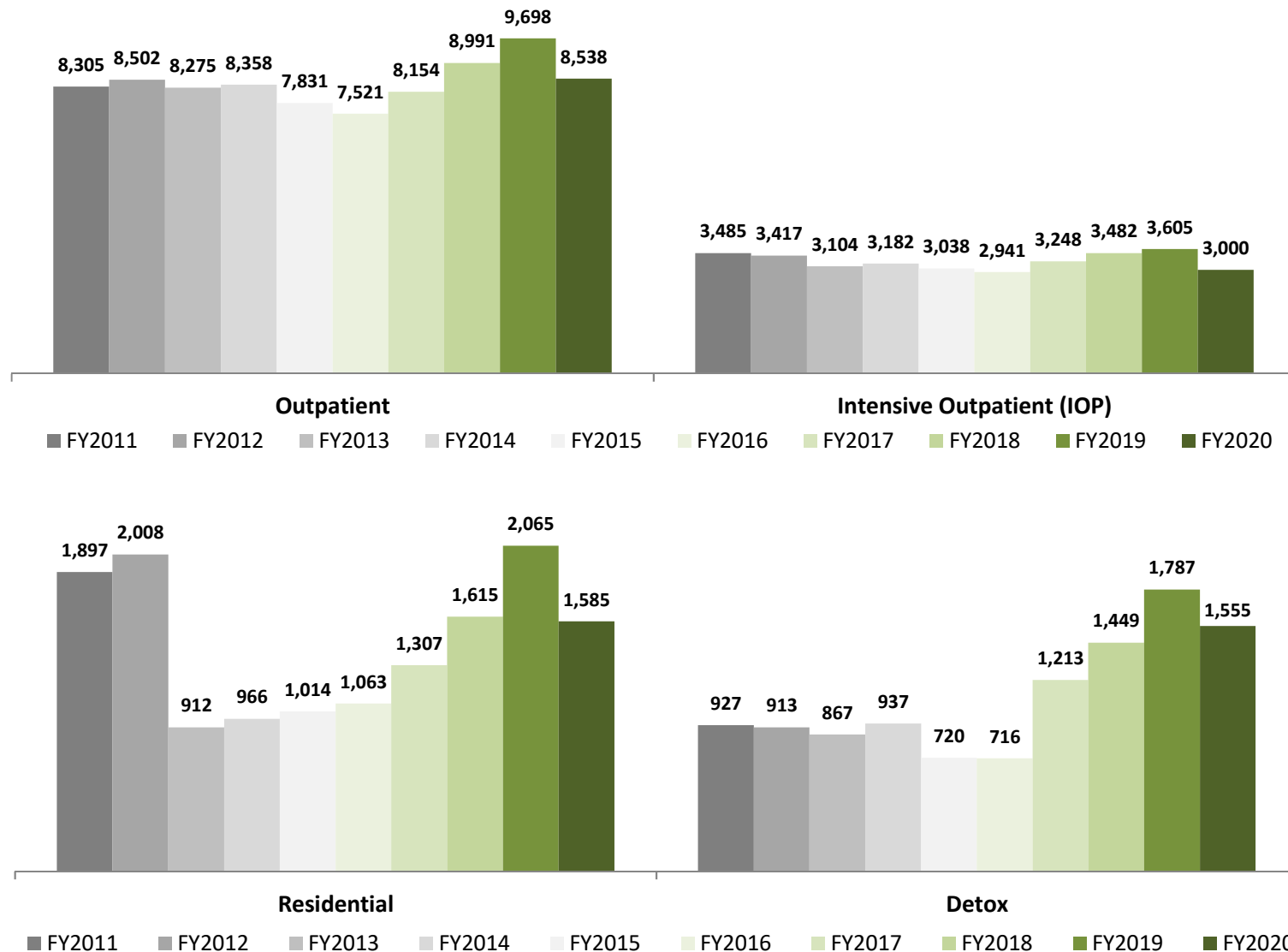
It is clear in the figures above that increased funding into the treatment system has expanded capacity for both substance use disorder and mental health treatment, as both types of treatment reached highs in clients served in FY2019. There was, however, a significant fall off in FY2020 that was in part related to the COVID-19 pandemic (see D4 below; see also Section C). The next page (D2) provides a breakdown of the SUD clients served by the level of treatment they received. Most of the treatment capacity that has been added in recent years has been at the outpatient and residential levels, in addition to detox beds (it should be noted that the only significant accumulation of detox beds is in Salt Lake and Utah counties, with only a handful across the rest of the state). All levels showed some decline in FY2020. The following page (D3) shows both SUD and mental health treatment trends for justice involved individuals in the context of overall clients served for each across the state. While justice involved individuals account for roughly 80% of all clients served for SUD treatment, they only make up closer to 25% of all mental health treatment clients.

*Note: "Justice Involved" includes DORA, arrests, Compelled to treatment, probation & parole, justice referrals and Drug Court; Clients served in each system are unduplicated counts.*



**After reaching highs in FY2019, the number of justice involved clients served for both substance use disorder (SUD) and mental health treatment declined in FY2020.**

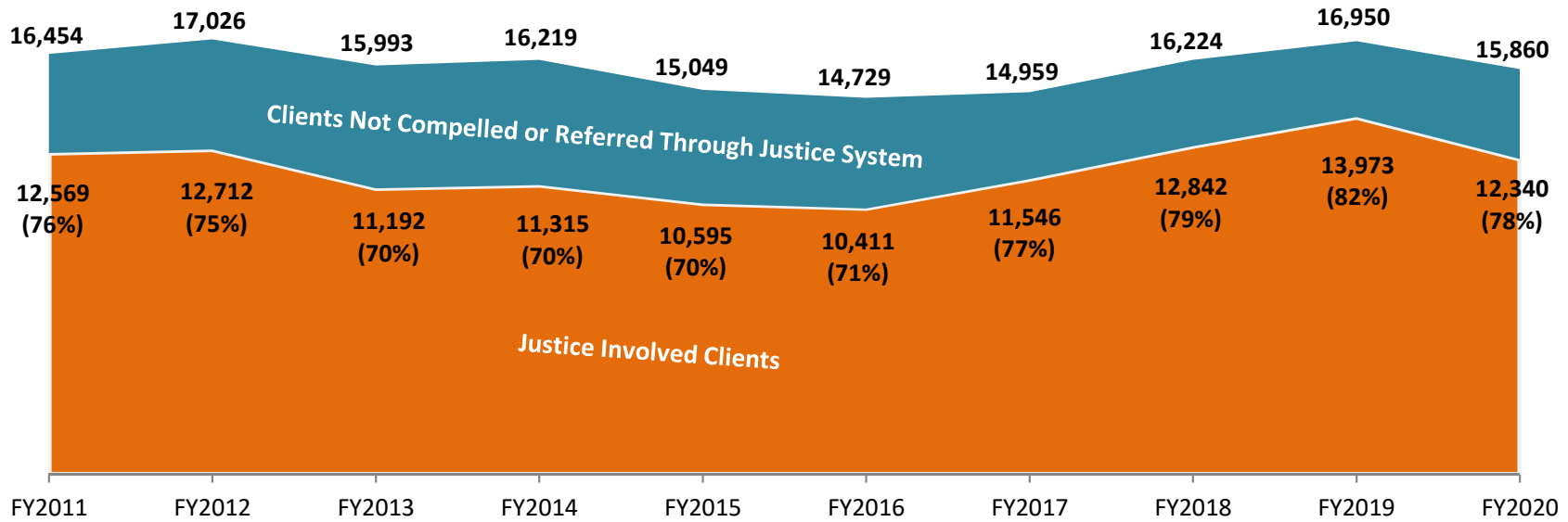
Justice Involved SUD Clients Served Statewide by Level of Service, FY2011-20



Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH)

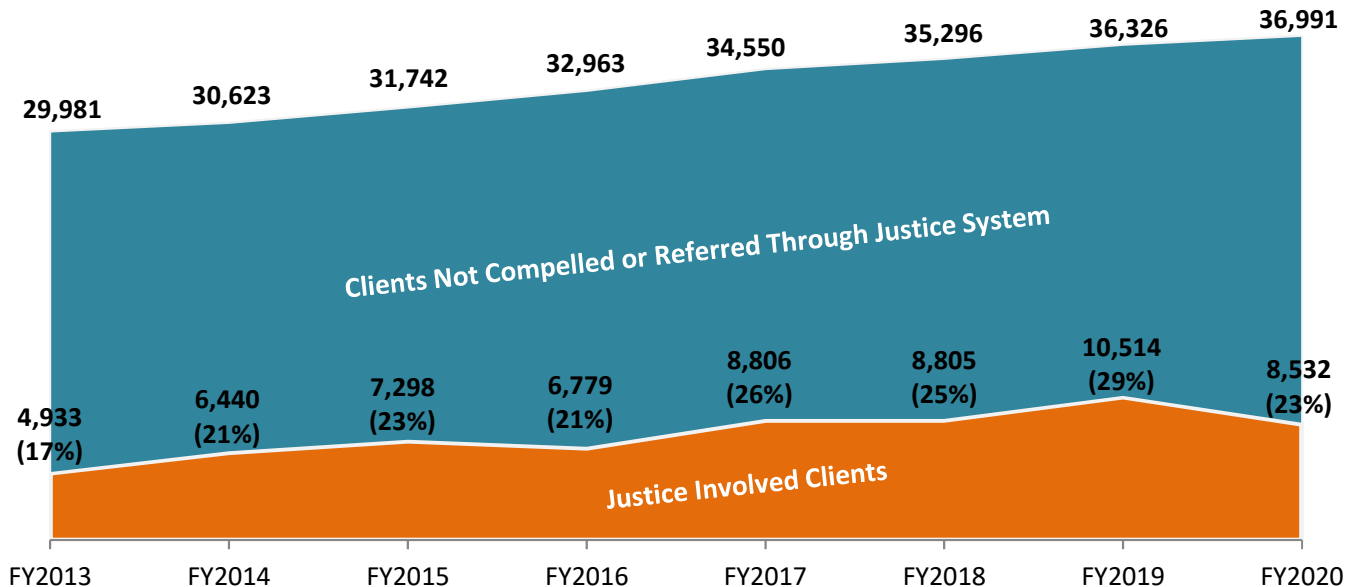
After reaching highs in FY2019, the number of justice involved clients served for both substance use disorder (SUD) and mental health treatment declined in FY2020.

Substance Use Disorder Clients Served Statewide FY2011-20

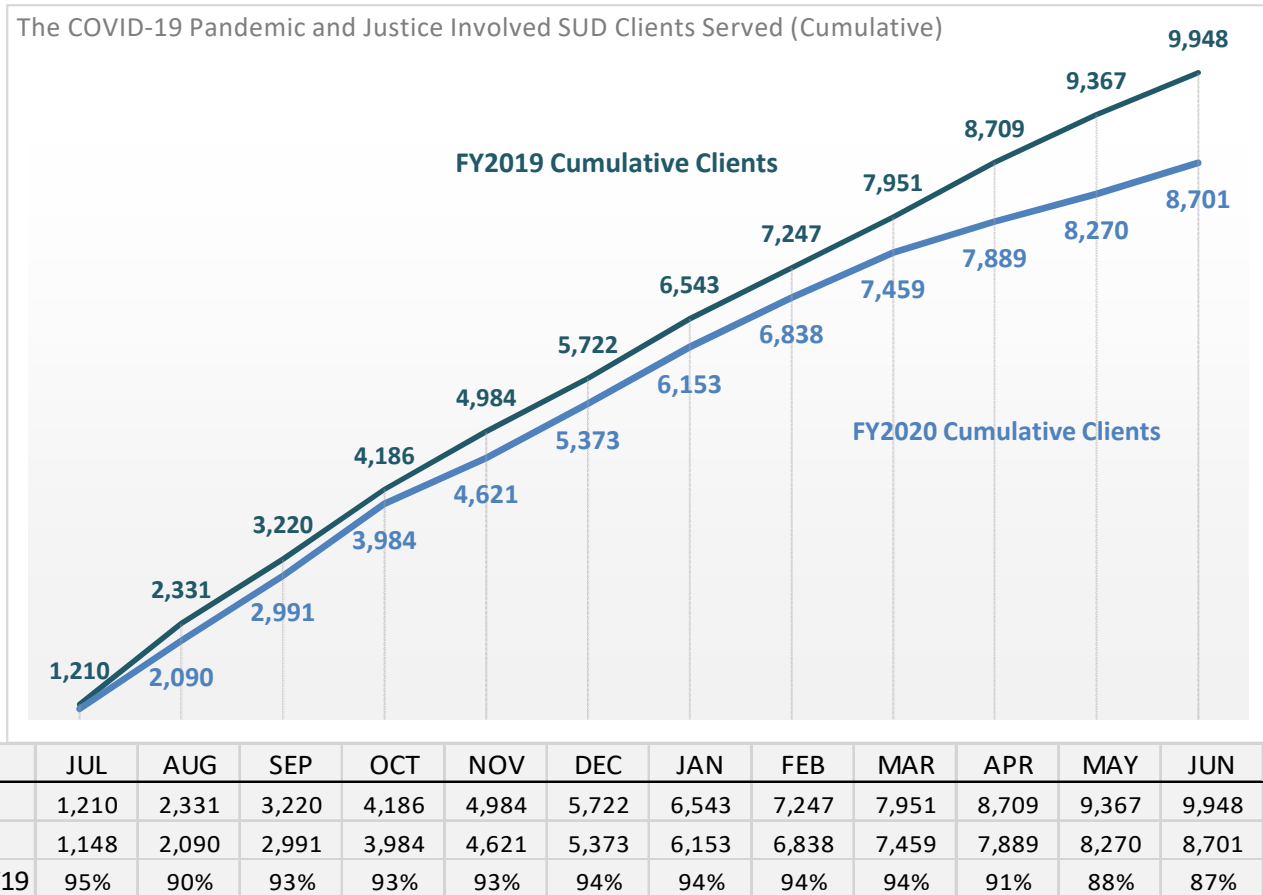


Source: Utah Department of Human Services,  
Division of Substance Abuse and Mental Health

Mental Health Clients Served Statewide FY2013-20



The COVID-19 pandemic appears to have contributed to the decline in the FY2020 SUD treatment numbers.

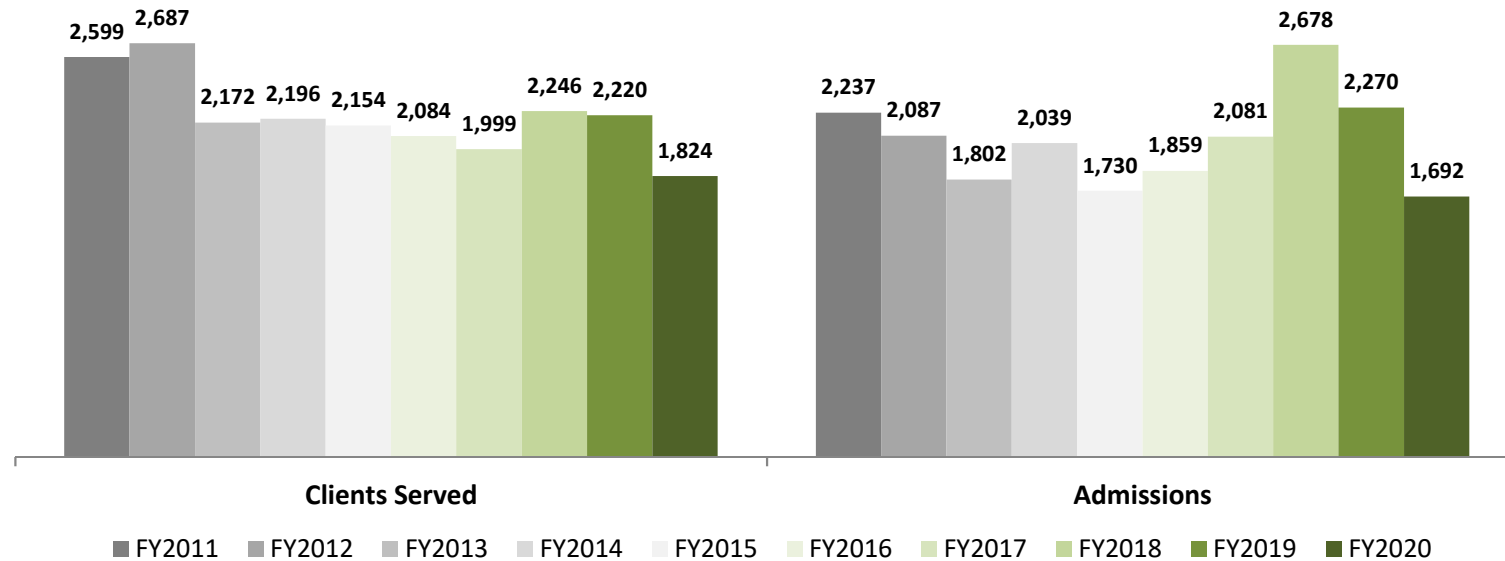


Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH), Data pulled November 2020

As the figures on D1-D3 showed, the number of clients served for SUD treatment was down in FY2020. The figure above attempts to show the impact of the COVID-19 pandemic on this annual decline by presenting the cumulative clients by month of FY2020 compared to FY2019 (this starting number and subsequent accumulations do not include clients served that carried over from the previous fiscal year). The table above also shows the percentage of FY2019 numbers, and both of these show that while FY2020 was likely going to be below the historically high numbers of FY2019 anyway, the separation clearly accelerated starting in April through June of the current year after the start of the pandemic in the state.

**Drug Court participation is also down in FY2020 as drug offenses have declined.**

Drug Court Clients Served and Admissions Statewide, FY2011-20

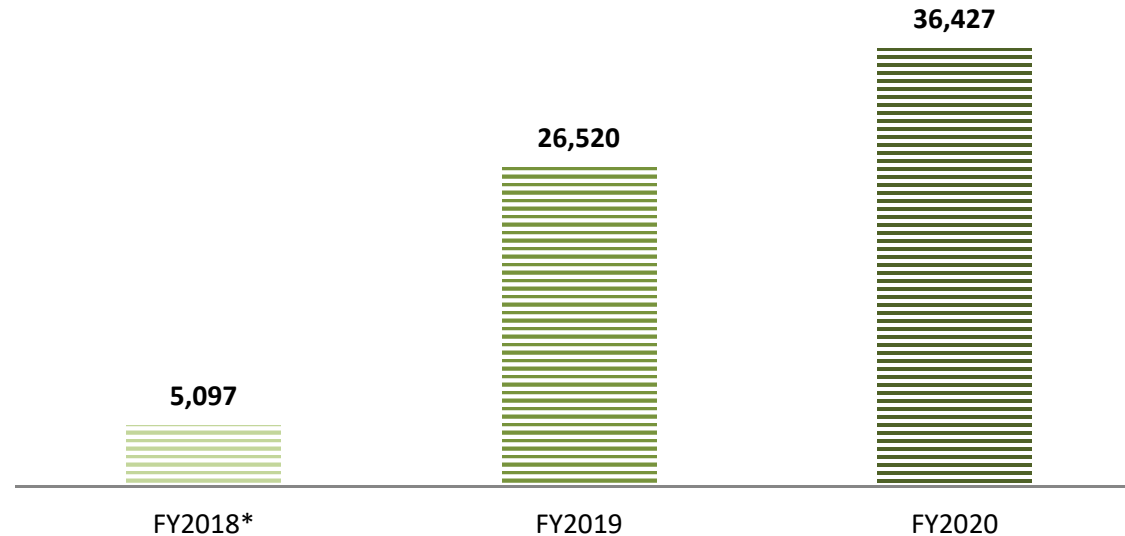


Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH)

In addition to overall justice involved clients served for SUD treatment, we also continue to track clients served and admissions specifically for Utah's drug courts. As the figures above show, drug court clients served were down in FY2020, and admissions to drug court continued a decline that started in FY2019 (after a peak in FY2018). While both are these measures were also likely influenced by the COVID-19 pandemic (see D4 above), the significant decrease in all drug-related offenses in the past two years (see figures in Section C) has probably had as much or more of an influence. Additionally, more drug court participants are being funded through Targeted Adult Medicaid (TAM) in recent years (see the next page, D6, for more on this).

**The new Targeted Adult Medicaid (TAM) program has enrolled a significant number of justice involved individuals in the past two years, and this, along with Medicaid expansion, will impact both SUD and mental health client numbers reported through the public treatment system to DSAMH.**

Justice Involved Clients Enrolled in Targeted Adult Medicaid (TAM) Program  
for SUD and/or Mental Health Treatment  
(\*program began enrollement in November 2017)



Source: Utah Department of Health (via Utah Department of Human Services, Division of Substance Abuse and Mental Health).

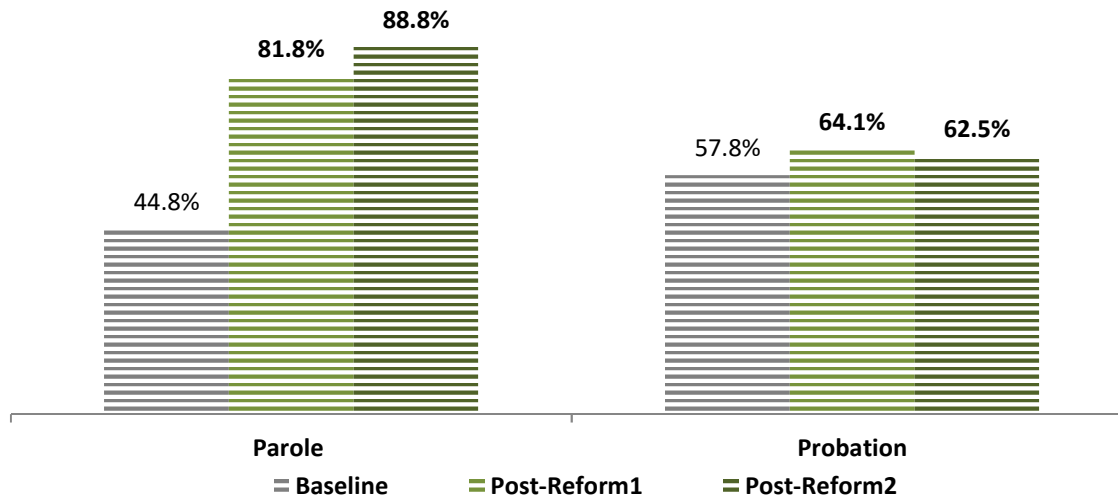
Utah began enrolling clients in the new Targeted Adult Medicaid (TAM) program in November 2017, and this has had a significant impact on justice involved populations (potentially including both SUD and mental health treatment). This program, operated by the Utah Department of Health, is a fee for service opportunity for any enrolled Medicaid provider, and not all Medicaid providers are contracted with the local substance abuse authorities who submit data to DSAMH (and the data reported above on D1-5).

The figure above shows the number of justice involved individuals who have enrolled by year since the program started.

*Note: The numbers reported above include anyone that is enrolled in the TAM Justice-Involved program. This simply means that DWS enrolled them in that program, and does NOT necessarily mean that they accessed services (mental health or SUD).*

## Offenders starting supervision on both parole and probation since the reforms are significantly more likely to have conditions to their supervision related to SUD treatment.

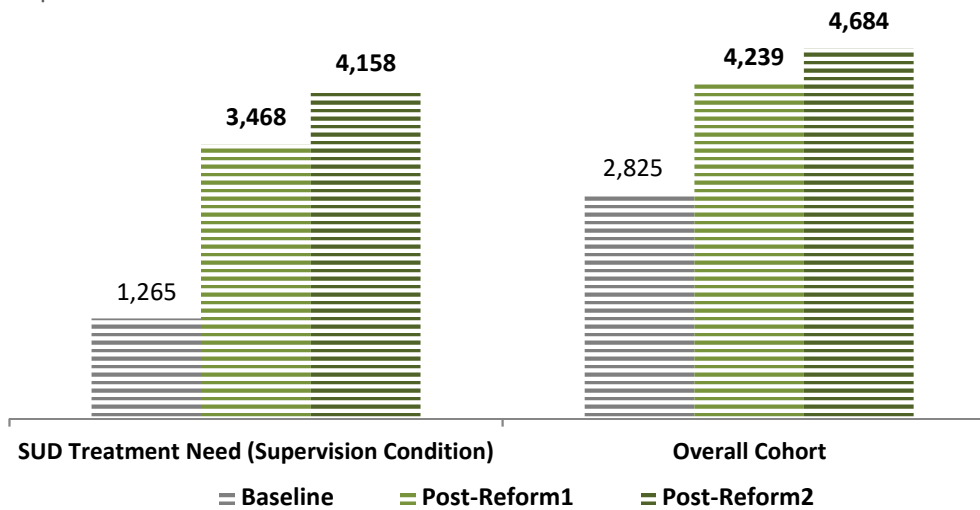
Offenders Starting Supervision on Parole or Probation with Supervision Conditions Requiring SUD Treatment, Before and After Reform\*



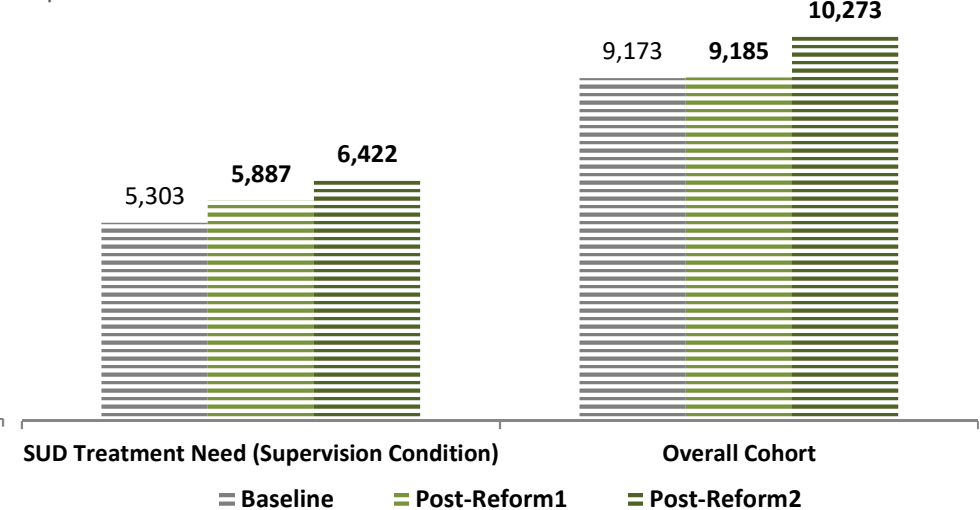
The figures on this page attempt to show the changing level of treatment need in the supervision populations, based on the amount of offenders with conditions of supervision that require them to participate in SUD treatment. Both the probation and parole cohorts post-reform had a greater number of offenders with treatment need, particularly parole. For parole, this increased demand combined with the increase in offenders starting parole led to more offenders in the post-reform cohorts with treatment need (3,468 and 4,158) than even started parole in general in the baseline cohort (2,825).

\* The Baseline cohorts are offenders who started supervision at least three years before reforms (between January 2012 and June 2013), and the Post-Reform cohorts are offenders starting supervision just after reform implementation (between January 2016 and June 2017 - **Post-Reform1**) AND a more recent group starting supervision (between January 2018 and June 2019 - **Post-Reform2**).

Number of Offenders on **Parole** with a Treatment Condition of Supervision and Total Number in Cohorts\*



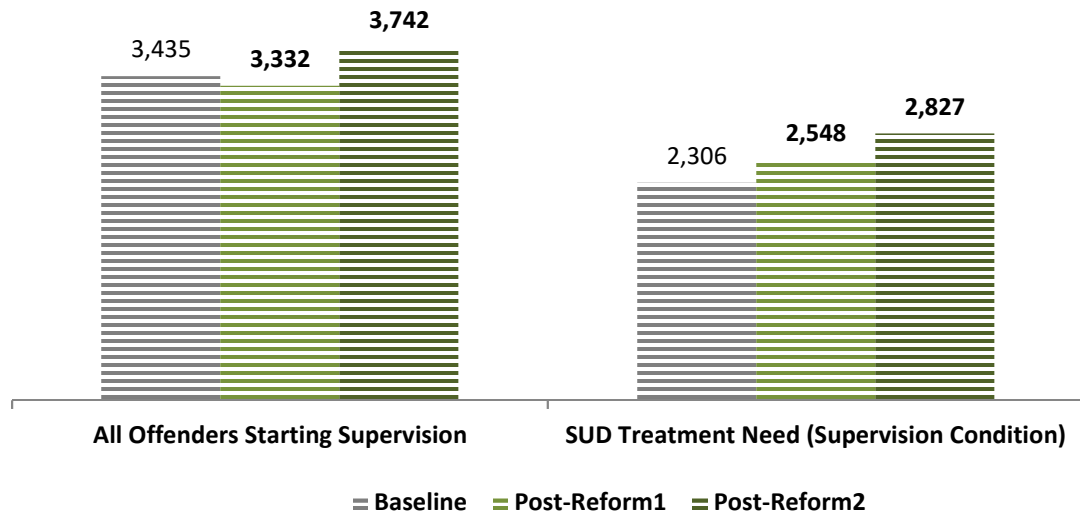
Number of Offenders on **Probation** with a Treatment Condition of Supervision and Total Number in Cohorts\*



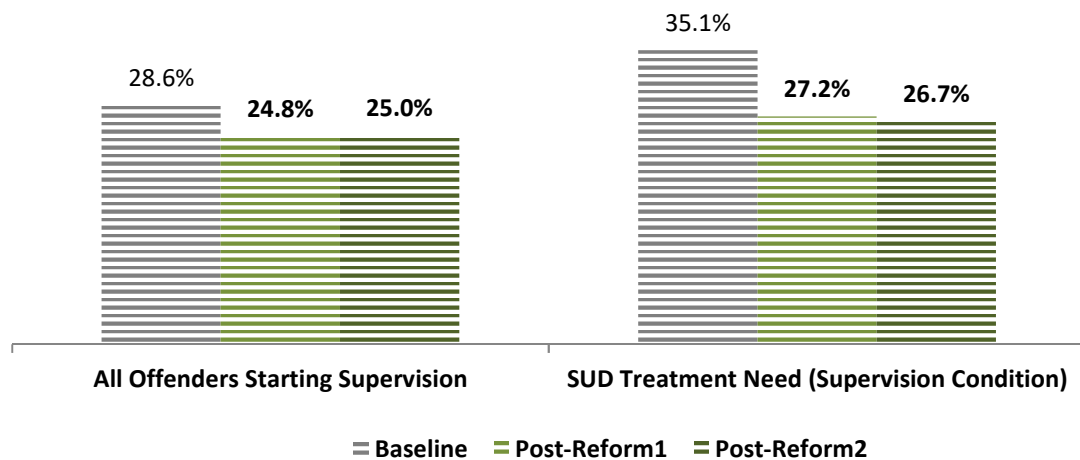
Source: Utah Department of Corrections, O-Track database; data pulled November 2020

**Initial analysis of a recent match of supervision cohorts from Corrections to DSAMH data shows that an increasing number (though smaller percentage) of offenders with need in the post-JRI cohort are connecting with the treatment system.**

Number of Offenders Starting Supervision Before and After Reforms\*  
Showing at Least One Treatment Episode During Supervision Period



Percent of Offenders Starting Supervision Before and after Reforms\*  
Showing at Least One Treatment Episode During Supervision Period



The data portrayed on the left is a first look at a collaboration between CCJJ, the Department of Corrections, and the Division of Substance Abuse and Mental Health to begin looking at treatment access and outcomes for offenders on community supervision. This involved extensive planning to establish a data sharing agreement among the three parties and determine the scope and goals of the project. To integrate this data, Corrections first prepared a file with three cohorts of offenders starting supervision (one during a baseline period before reforms and two after - see below), with relevant criminal justice data from their system. This was then sent to DSAMH, who used demographic information provided by Corrections to find matches for these offenders in their system and pull treatment episode data that fell between supervision start and end dates. This matched data was then sent on to CCJJ for analysis. While this process did not leave enough time for a full analysis to be reported in this update, a follow up report will be released in the near future that provides a fuller look at treatment impacts on criminal justice outcomes. In the meantime, we wanted to provide some basic information on changes in access to treatment in these offender populations.

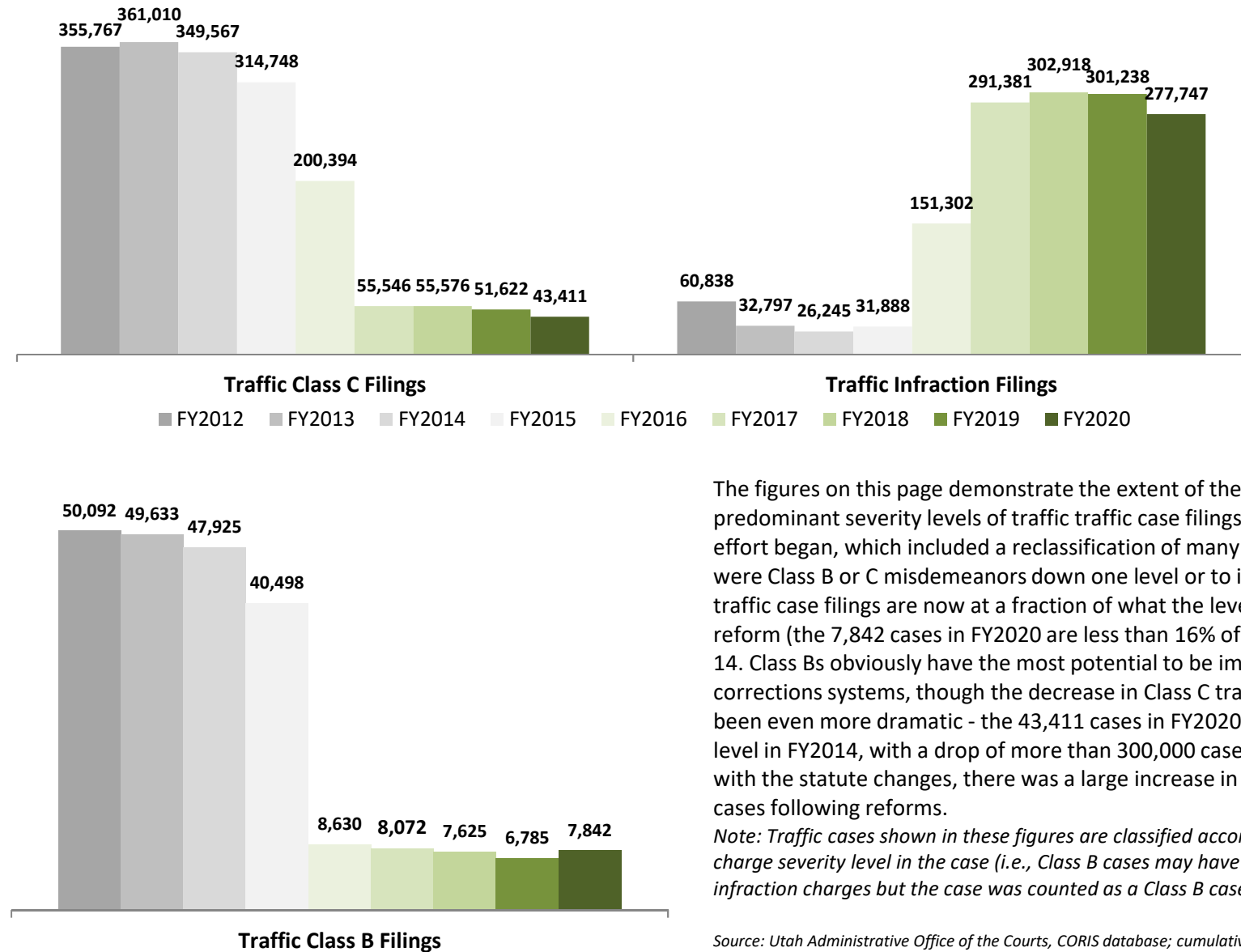
The figures on the left show the number (top) and percentage (bottom) of offenders who were found to have at least one treatment episode in DSAMH's database, both overall and for those with a supervision condition requiring SUD treatment. While the numbers matching in have increased over time, the percentage of offenders with need (which have increased - see D7 above) showing at least one treatment episode in their supervision period has declined.

*\* The Baseline cohorts are offenders who started supervision at least three years before reforms (between January 2012 and June 2013), and the Post-Reform cohorts are offenders starting supervision just after reform implementation (between January 2016 and June 2017 - **Post-Reform1**) AND a more recent group starting supervision (between January 2018 and June 2019 - **Post-Reform2**).*

Source: Matched data between Utah Department of Corrections, O-Track database (supervision data) and Department of Human Services, Division of Substance Abuse and Mental Health (SUD treatment episode data)

**Traffic case filings at the Class B and Class C levels continue to be significantly lower than pre-reform levels, offset by an increase in infraction filings.**

Court Case Filings for Traffic Offenses by Level, FY2012-20



The figures on this page demonstrate the extent of the shift in the predominant severity levels of traffic traffic case filings since the reform effort began, which included a reclassification of many traffic offenses that were Class B or C misdemeanors down one level or to infractions. Class B traffic case filings are now at a fraction of what the levels used to be pre-reform (the 7,842 cases in FY2020 are less than 16% of the levels in FY2012-14. Class Bs obviously have the most potential to be impactful for local corrections systems, though the decrease in Class C traffic case filings has been even more dramatic - the 43,411 cases in FY2020 is only 12% of the level in FY2014, with a drop of more than 300,000 cases. Not surprisingly with the statute changes, there was a large increase in traffic infraction cases following reforms.

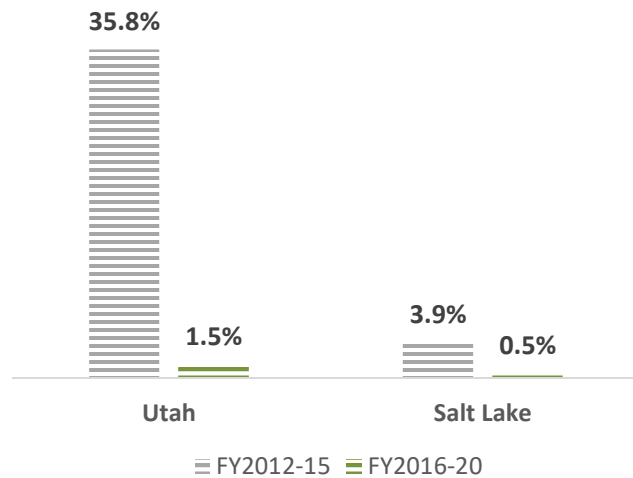
*Note: Traffic cases shown in these figures are classified according to the highest charge severity level in the case (i.e., Class B cases may have also had Class C or infraction charges but the case was counted as a Class B case).*

*Source: Utah Administrative Office of the Courts, CORIS database; cumulative quarterly data pulls*

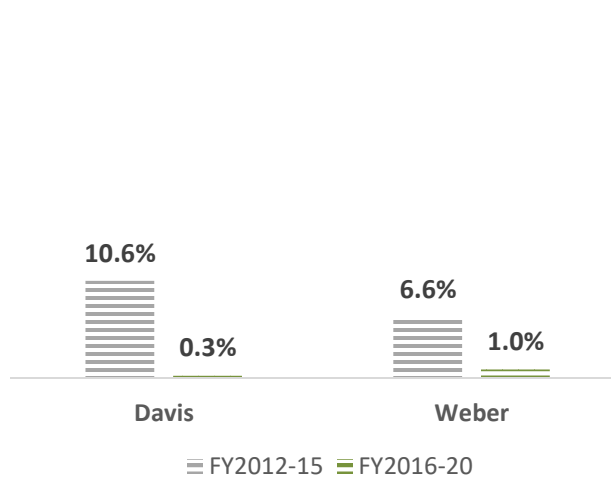


**Drug free zone enhancements were employed disproportionately in certain counties, and the restrictions instituted with the reforms should particularly benefit these counties.**

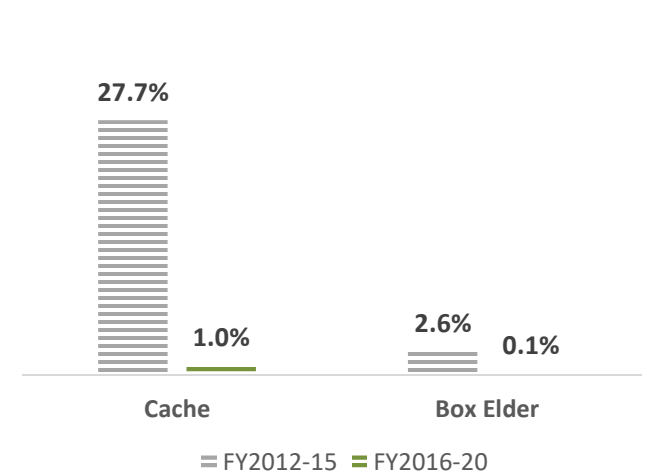
Drug Free Zone Cases (% of All Drug Cases)



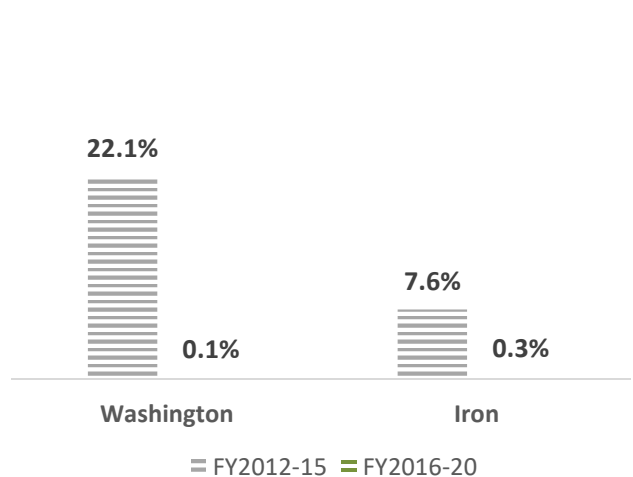
Drug Free Zone Cases (% of All Drug Cases)



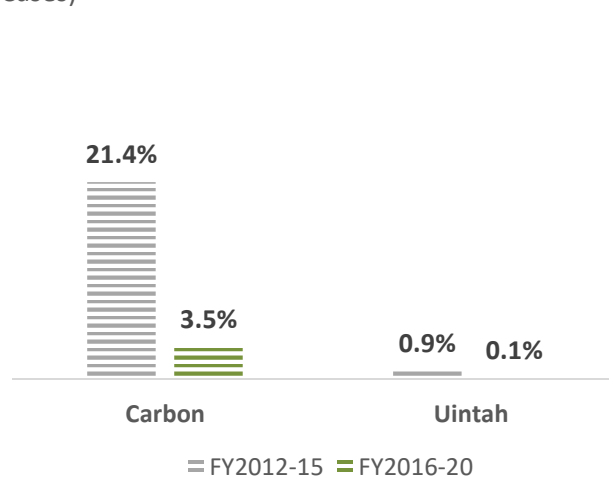
Drug Free Zone Cases (% of All Drug Cases)



Drug Free Zone Cases (% of All Drug Cases)



Drug Free Zone Cases (% of All Drug Cases)

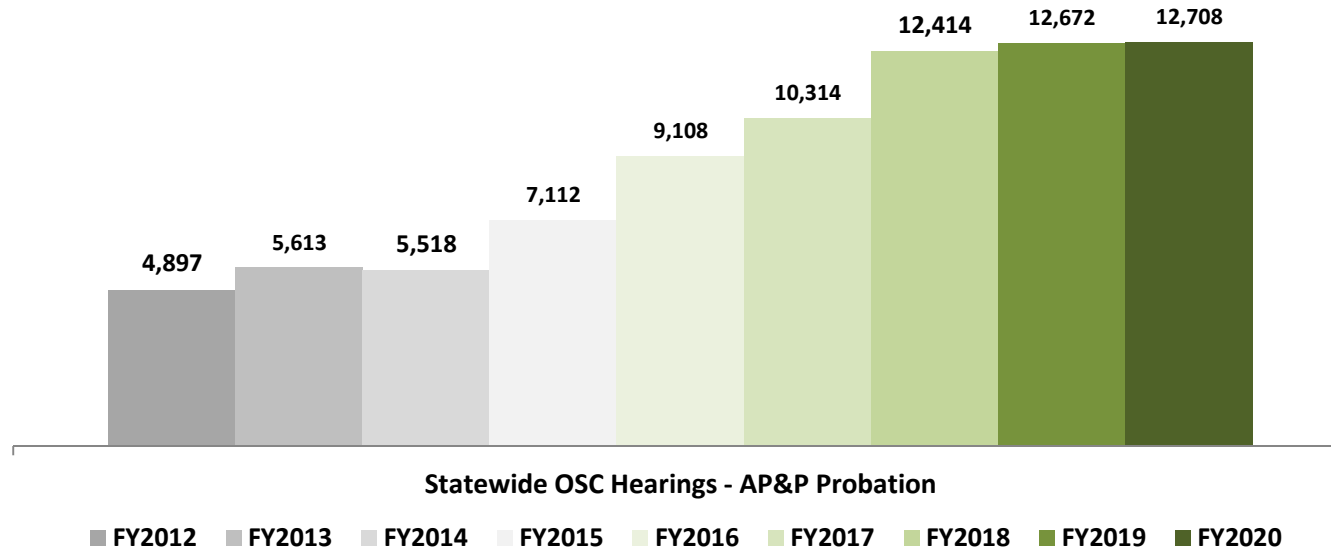


The figures on this page depict the large variation in the application of drug free zone enhancements across counties before the reforms restricted their definition and use. Only counties with enough drug cases were included in the analysis, and an effort was made to match counties that had particularly liberal uses of enhancements pre-reform to nearby counties with largely different practices related to these enhancements (Davis and Weber counties fell somewhere in between, but were included as the counties with the third and fourth highest number of drug cases). Clearly, Utah, Cache, Washington, and Carbon counties all made excessive use of drug free zone enhancements relative to other counties. Utah County alone accounted for 45% of all enhancement cases pre-reform. The practice has clearly been standardized with the reforms, likely resulting in a significant decrease in jail bed days across the state, but particularly in these five counties.

Source: Utah Administrative Office of the Courts, CORIS database; cumulative quarterly data pulls

**There has been an increase in orders to show cause (OSC) hearings for probation violations in Courts throughout the state, though there are differences across districts.**

Statewide Orders to Show Cause (OSC) Hearings for Probation Violations in District Courts  
Involving AP&P Probationers, FY2012-20



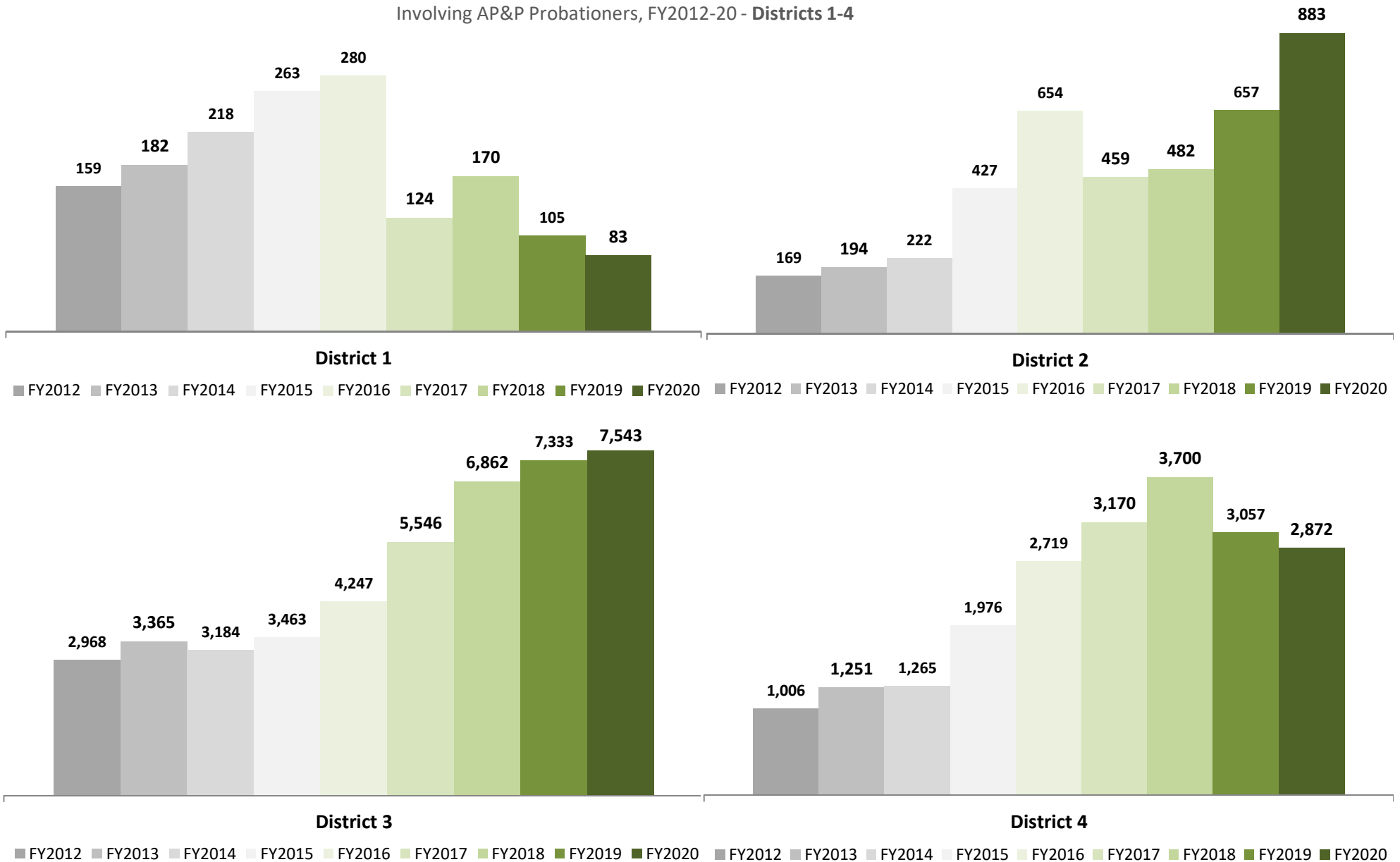
*Note: Hearings where defendant present, cases that showed with AP&P probation on that hearing date*

*Source: Utah Administrative Office of the Courts, CORIS database; data pulled November 2020*

The issues discussed in Section B with community supervision, particularly probation, have likely been felt at the local level as well, as the figure above shows the increase in orders to show cause (OSC) hearings in District Courts across the state that are directly associated with probationers supervised by AP&P. This increase had started in FY2014 but continued through FY2018 before leveling off at a rate 79% higher than in FY2014. These trends, however, were not standard across districts, as the figures on the next two pages show (Districts 1-4 on E4 and 5-8 on E5). While Districts 2-5 mostly mirror the statewide trends, Districts 1 and 6 showed a decline in OSC hearings post-reform and Districts 7 and 8 remained relatively unchanged. These overall OSC case trends from AP&P probation are important to present first, as they then lead into the subsequent figures on E6-8 that show the trends in jail sentences that result from the OSC hearings for probation violations. This analysis is discussed further on E6 below.

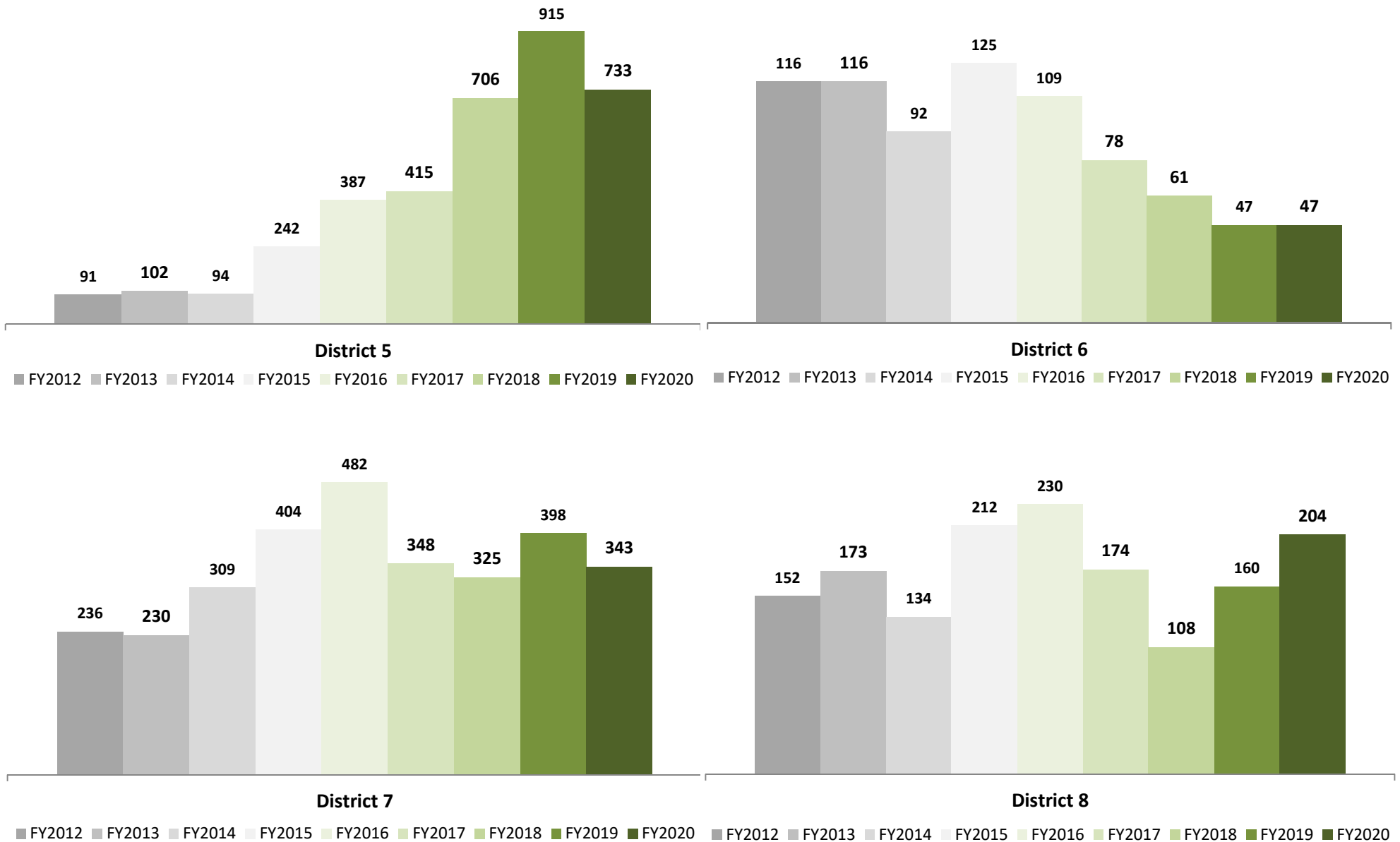
**There has been an increase in orders to show cause (OSC) hearings for probation violations in Courts throughout the state, though there are differences across districts.**

Orders to Show Cause (OSC) Hearings for Probation Violations in District Courts  
Involving AP&P Probationers, FY2012-20 - **Districts 1-4**



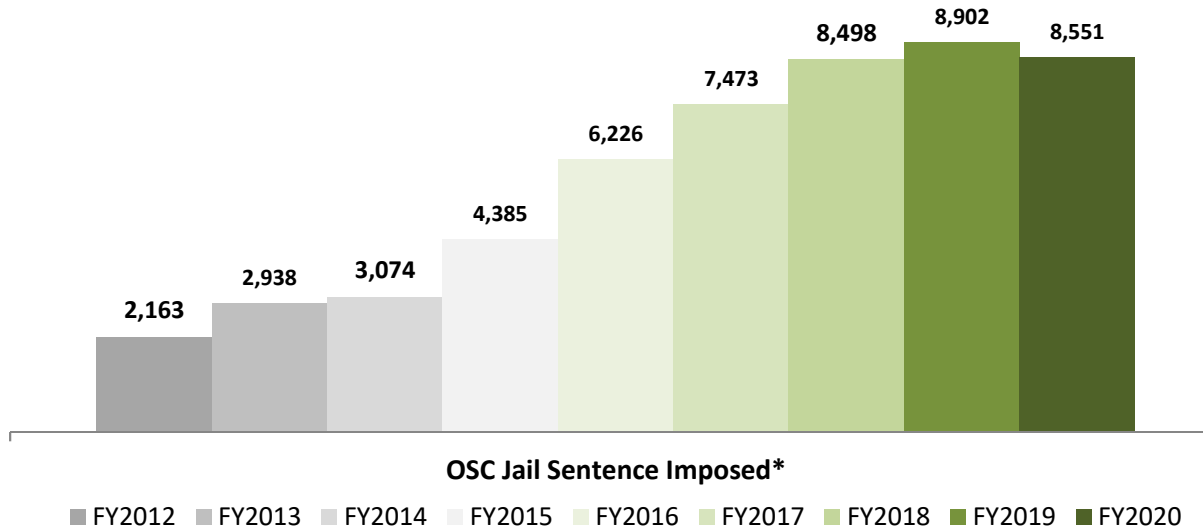
**There has been an increase in orders to show cause (OSC) hearings for probation violations in Courts throughout the state, though there are differences across districts.**

Orders to Show Cause (OSC) Hearings for Probation Violations in District Courts  
Involving AP&P Probationers, FY2012-20 - **Districts 5-8**

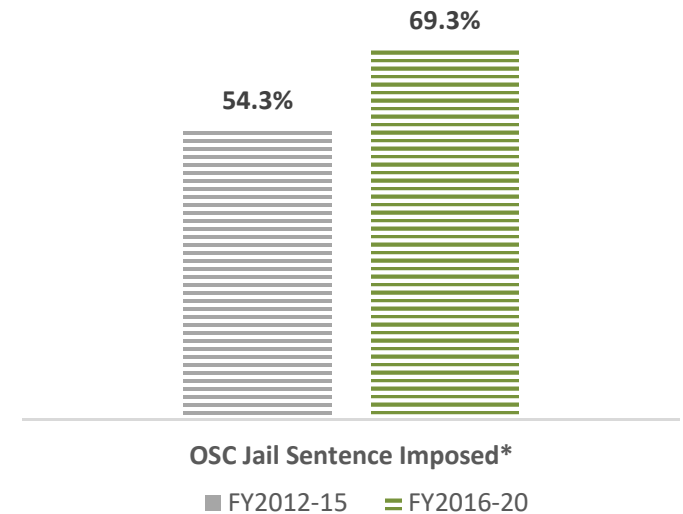


**This increase in OSC hearings has resulted in more jail sentences for probation violations, though this is again more evident in certain districts, and average sentence lengths have decreased significantly.**

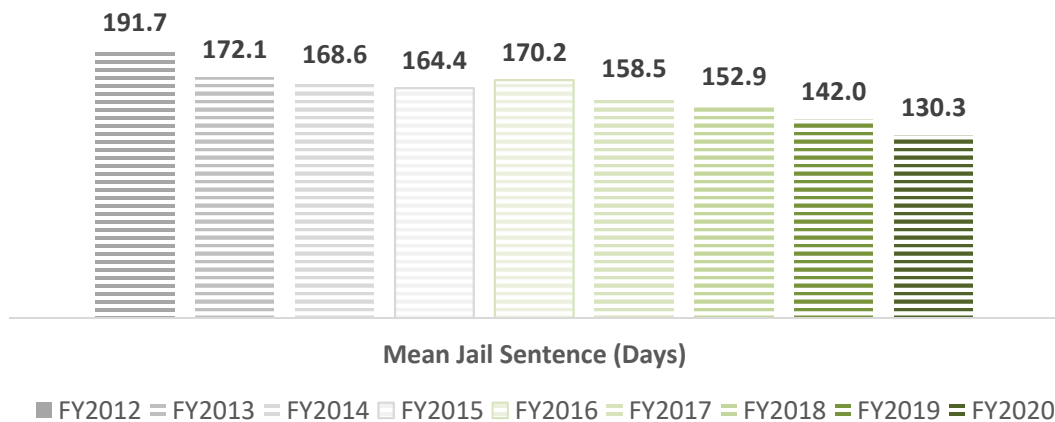
Jail Sentence Imposed\* by Judge at OSC Hearing for Probation Violations Involving AP&P Probationers, FY2012-20



Proportion of Jail Sentences Imposed\* at Probation Order to Show Cause Hearings



Average Jail Sentence Imposed\* at Probation Order to Show Cause Hearings



Note: Hearings where defendant present, cases that showed with AP&P probation on that hearing date

\* OSC hearing resulted in a Post Jail Sentence

Source: Utah Administrative Office of the Courts, CORIS database; data pulled November 2020

The figures on this page and the two subsequent pages follow up on the OSC probation violation hearing trends by showing the impact this increase may have on local jails through jail sentences imposed. As the above figures show, the trends in jail sentences imposed for probation violations in the AP&P probation population mirror those seen for hearings as a whole. In FY2018-20, there have been close to double the amount of jail sentences imposed for probation violations at OSC hearings across the state, and the proportion of hearings where a jail sentence is imposed has jumped from 54% pre-reform to 69% on average in the years since reform. On the positive side, the probation revocation caps that were instituted as part of the reform package appear to have decreased the average jail sentence (left) that is imposed, somewhat lessening the impact of the increased numbers. As with the general OSC hearing trends, there was variation across the districts in the number of hearings with jail imposed (see E7 below for Districts 1-4 and E8 for Districts 5-8). Districts 2 and 8 saw a large jump in jail sentences in recent years, while Districts 1 and 7 saw a large decrease. Others mostly mirrored their hearing trends.

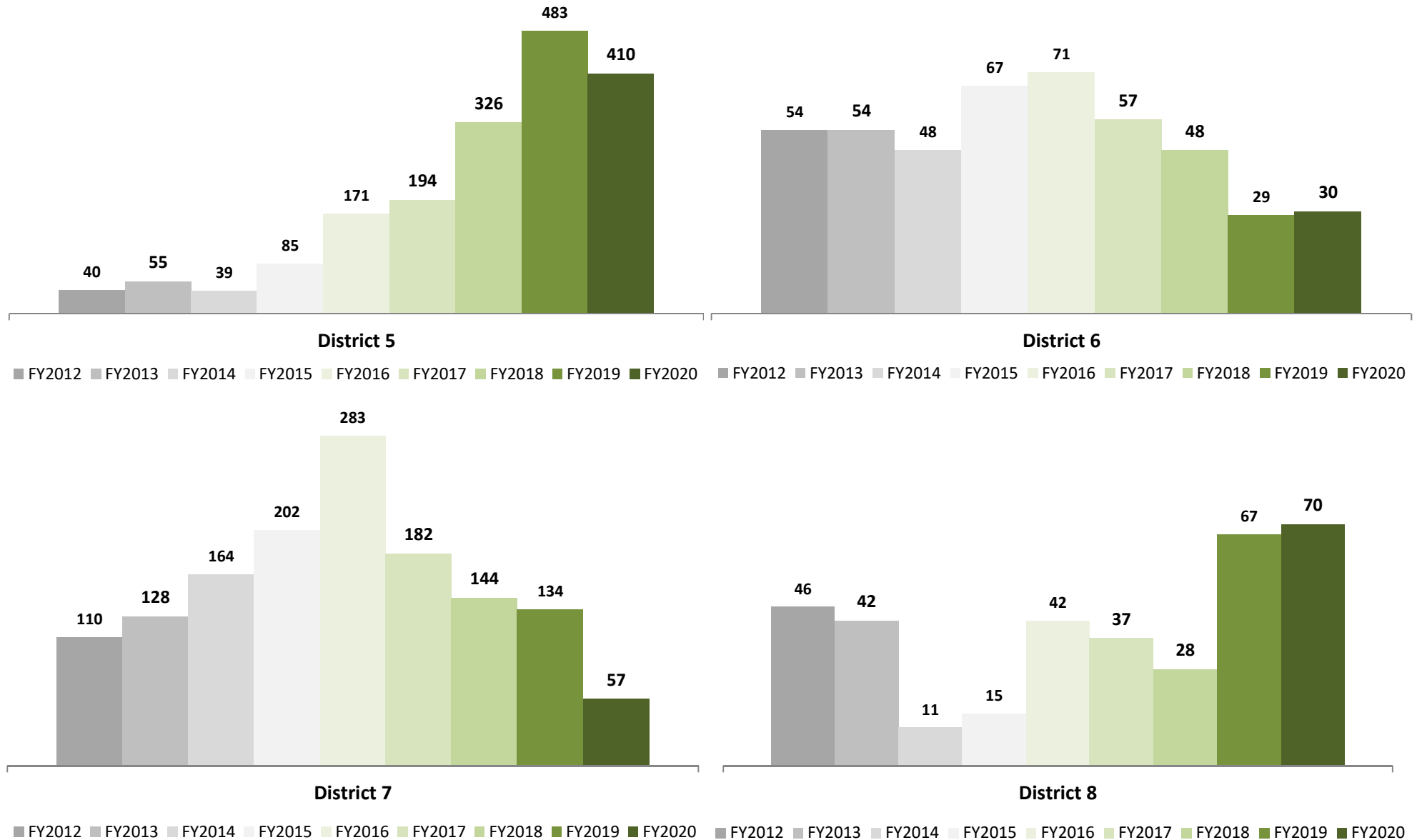
**This increase in OSC hearings has resulted in more jail sentences for probation violations, though this is again more evident in certain districts, and average sentence lengths have decreased significantly.**

Jail Sentence Imposed at OSC Hearings for Probation Violations in District Courts  
Involving AP&P Probationers, FY2012-20 - **Districts 1-4**



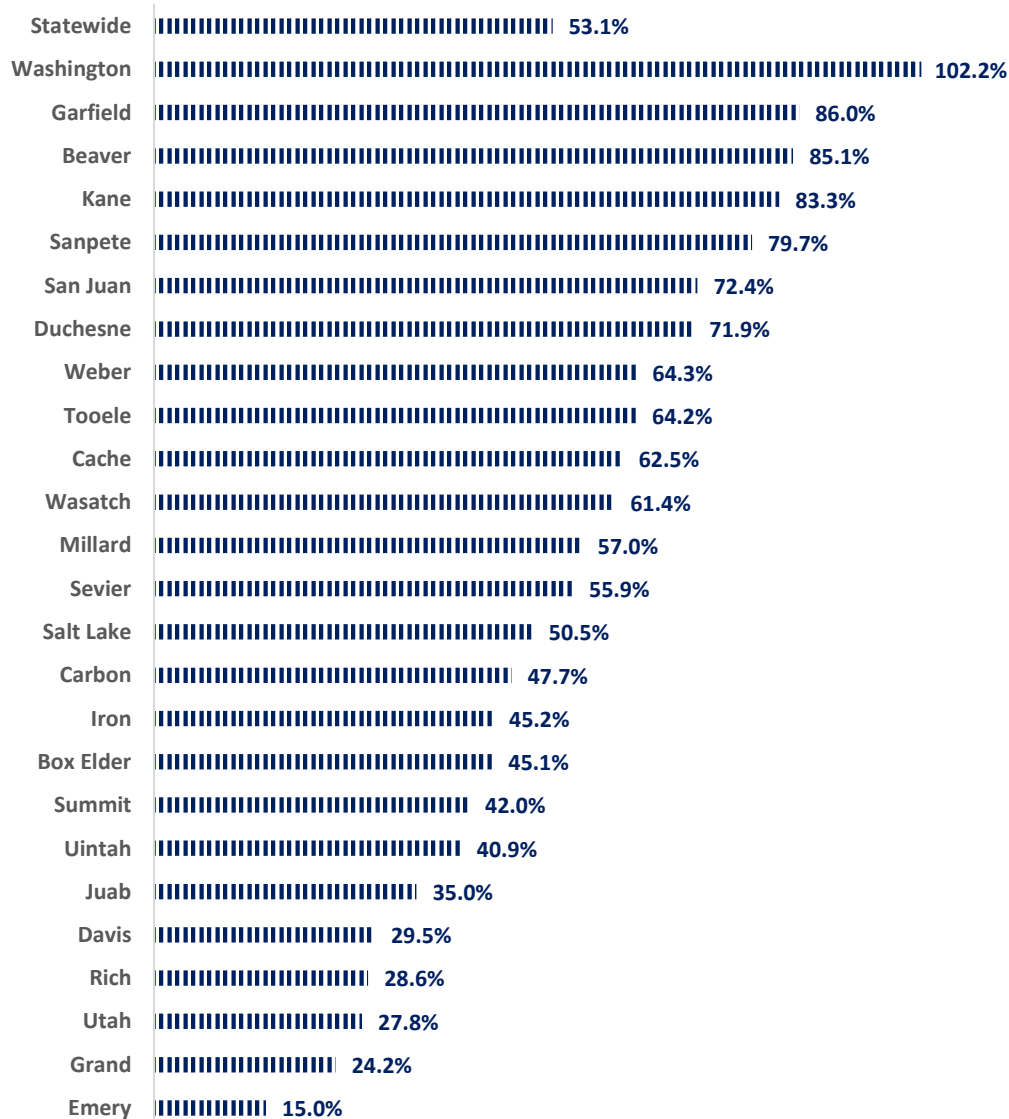
**This increase in OSC hearings has resulted in more jail sentences for probation violations, though this is again more evident in certain districts, and average sentence lengths have decreased significantly.**

Jail Sentence Imposed at OSC Hearings for Probation Violations in District Courts  
Involving AP&P Probationers, FY2012-20 - **Districts 5-8**



**As of June, an informal CCJJ survey of the jails found that many were well below their maximum capacity three months into the COVID-19 pandemic.**

Percent of Maximum Jail Capacity for County Jails COVID Snapshot  
 CCJJ Survey of Jails, June 2020

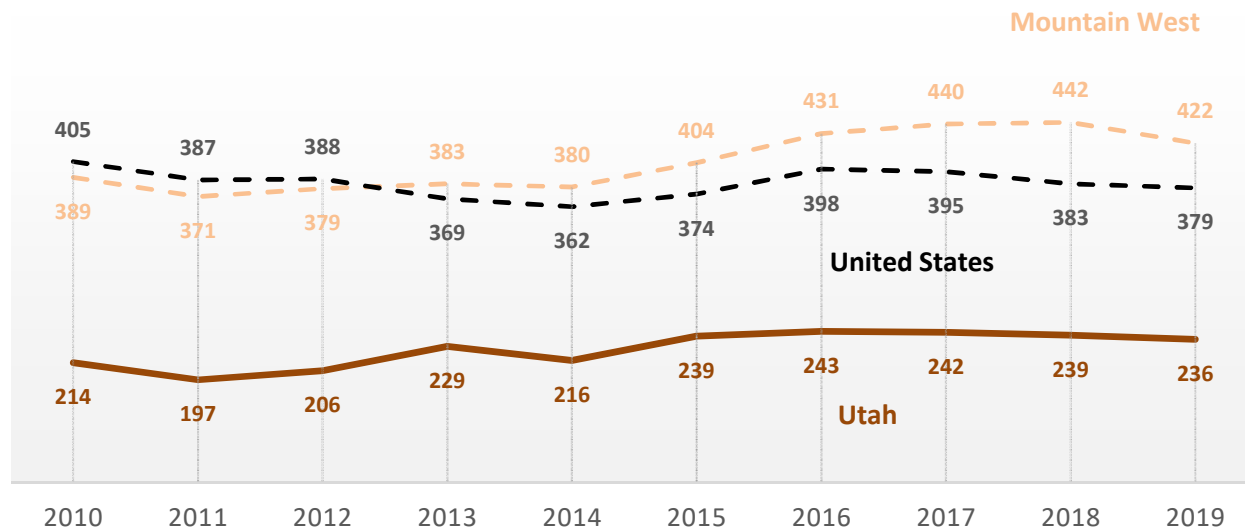


The figure on the left shows the results of an informal survey of jail commanders and associated staff at the county jails by CCJJ in June 2020 to get a sense of the impact of the COVID-19 pandemic on jail populations at the time. Statewide, jails collectively were operating at around 53% of their maximum capacity three months into the pandemic. There was a wide range, however, with a low of 15% (Emery) and a high at or above maximum capacity at the time of the survey (Washington). The vast majority of the county jails (18 out of 25 total) were operating at under two-thirds of their maximum capacity.

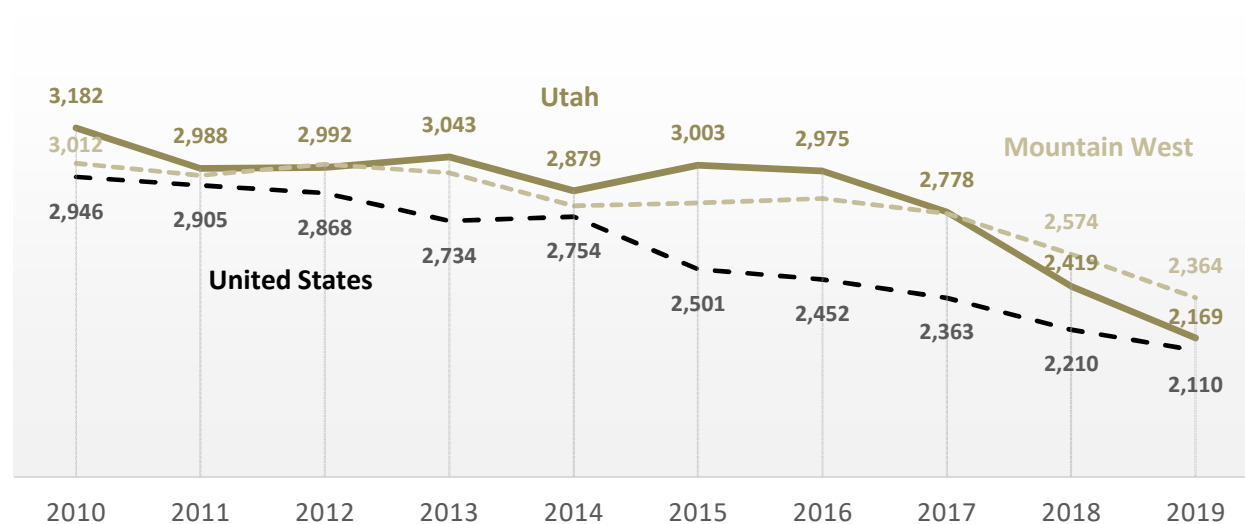


**The reforms have not had a negative effect on Utah's crime rates; violent crime has remained relatively stable since 2015, while property crime has declined significantly.**

FBI UCR Violent Crime Rate\* Trends - Utah vs. Mountain West and National  
(\* Rate per 100,000 population)



FBI UCR Property Crime Rate\* Trends - Utah vs. Mountain West and National  
(\* Rate per 100,000 population)



The figures on the left show the ten year trends in reported crime, both violent crime (top) and property crime (bottom), for Utah compared to the collective rates of the Mountain West region that includes Utah and the national rates.

Utah is well below the national and regional rates for violent crime historically, and Utah's rates have been fairly stable across the ten year period, with the exception of a slight bump between 2014 and 2016 that was also reflected nationally and regionally. Since 2016, the violent crime rate in Utah has declined almost 3%.

Property crime in Utah, on the other hand, has historically been higher than national rates (and slightly above regional rates recently). Rates in Utah were relatively flat between 2011-15, and even had risen close to 1% in 2015. Since 2015, however, property crime rates in Utah have decreased 28% from 3,003 per 100,000 population to 2,169 - far lower than it has been in decades and now in line with national rates (and below regional rates).

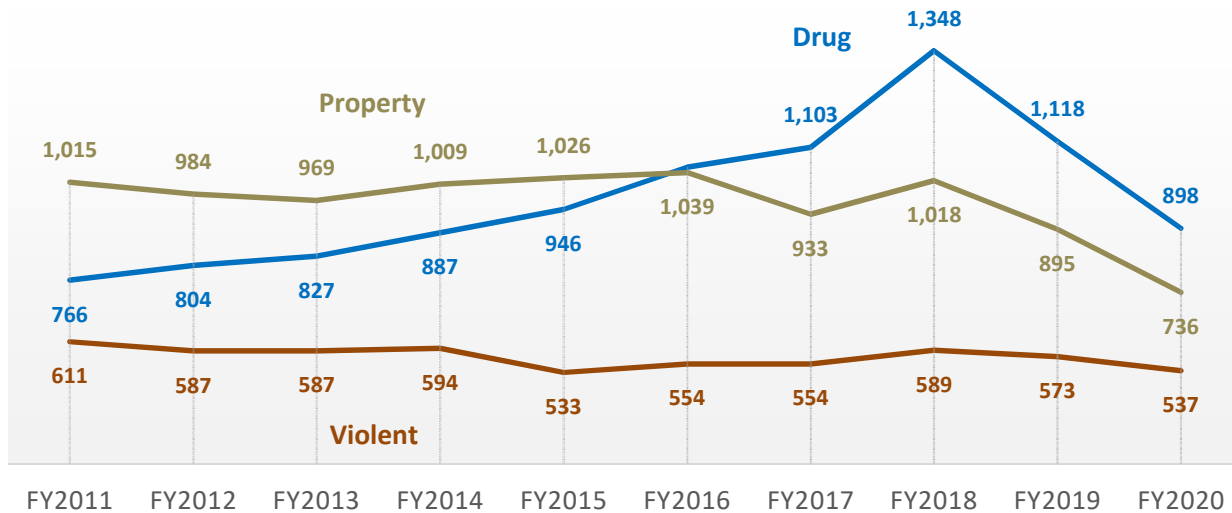
Neither of these trend lines on the left are indicative of a negative impact on crime from the reform effort (which would generally be seen sometime between 2016-19 if it were to have occurred).

Source: FBI Uniform Crime Reports (UCR) - most recent report is for calendar year 2019

Note: Reported crimes in each are Category 1 offenses only, which include murder/nonnegligent manslaughter, rape, robbery, and aggravated assault for violent crime; and burglary, larceny-theft, motor vehicle theft, and arson for property crime.

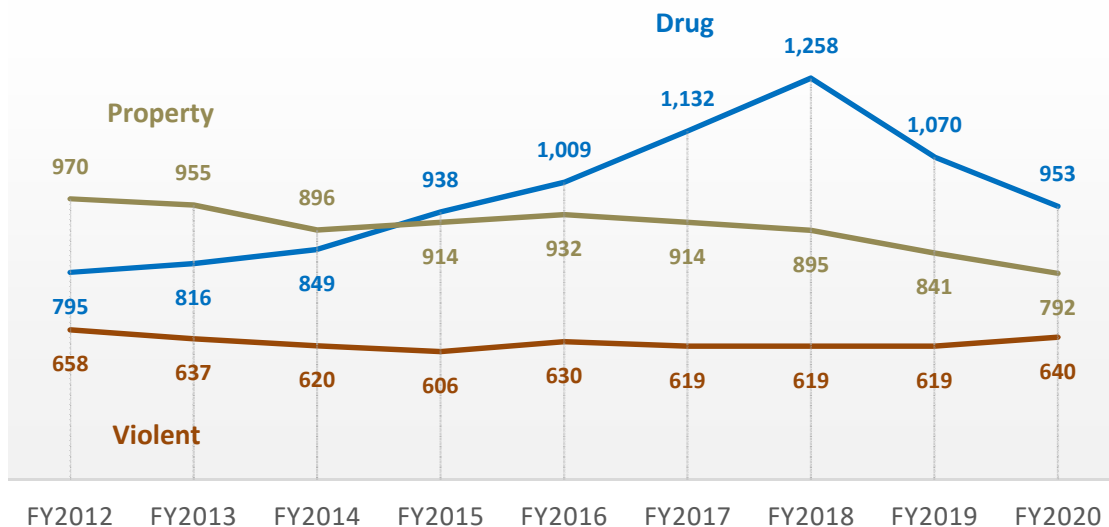
**Other crime indicators, including arresting activity and Court case filing rates, reflect similar trends to the crime reports data.**

Fingerprint-Based Arresting Incident Rates\* by Type of Crime Charges Contained  
(\* Rate per 100,000 population)



The first figure on the left shows the trends in fingerprint-based arresting incident rates for violent, property, and drug-related offenses. Both violent and property crime arrest rates follow the trends seen above (F1) for reported crime, while drug-related arrest rates match that seen in Section C (C1).

Court Case Filing Rates\* by Type of Crime Charges Contained  
(\* Rate per 100,000 population)



The second figure on the left Court case filing rates for the same three categories. Once again, the trends mostly mirror that seen for crime reports and arrests, though violent case filings were somewhat up in FY2020.

Source (arrests and citations): Utah Department of Public Safety, Bureau of Criminal Identification

Source (case filings): Utah Administrative Office of the Courts, CORIS database

Note: Cases are counted in each category if there is at least one charge in the case, and they are not mutually exclusive - a case can fall into both the drug and property categories, for example, if the case includes both types of charges.