



# KEY BUDGET DRIVER FRAMEWORK

*Maintaining Utah's competitive edge and quality of life requires that we proactively manage and address the multiple demands being placed on limited resources—the taxpayer dollar. Utah's growing and changing population along with new dynamics in our revenue streams places an increased demand on everything from infrastructure to education and the state's natural resources to our correctional system. Reacting to new demands and changes within the economy without a proactive approach to budget design and strategy could potentially leave Utah vulnerable to a diminished future prosperity.*

*For Utah, there are six key elements that drive approximately 80 percent of expenditures: Corrections, Employee Compensation and Liabilities, Higher Education, Infrastructure (transportation, buildings, and debt), Medicaid, and Public Education. The ability to develop sound planning strategies and to resolve the challenges within these key areas is fundamental to a thriving economy. These planning strategies, or what we in GOMB refer to as **key budget drivers**, have been developed in consultation with subject-matter experts and key stakeholders.*

## CORRECTIONS AND RECIDIVISM REFORM

### Objective

To develop correctional polices and funding that:

- ensure public safety;
- hold offenders accountable; and
- control prison costs by lowering recidivism rates through an expansion of evidence-based behavioral health treatment and reentry resources.

### Background

A strong criminal justice system ensures the protection of Utah's citizens, helps victims feel justice has been served, and allows released offenders to become contributing members of society rather than return to prison. Utah struggles with persistently high recidivism rates, as does the nation as a whole. Today, about 65% of Utah inmates released on parole return to prison within three years for technical parole violations or for committing a new crime.

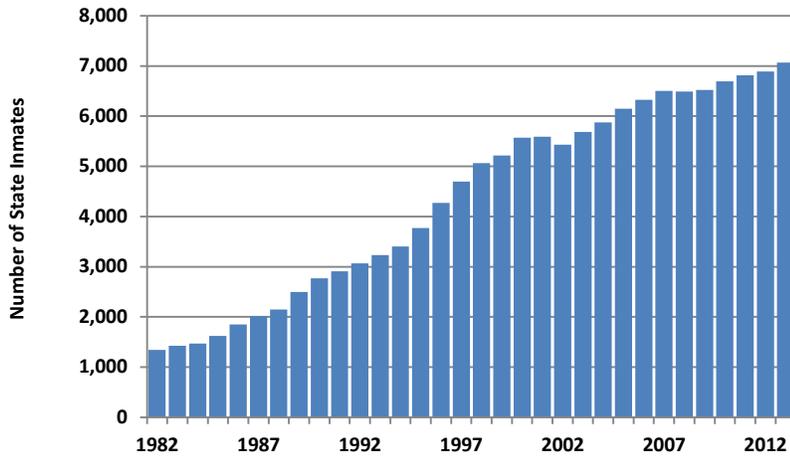
### Utah's Prison Population

While the majority of Utah's prison beds are filled with violent and sex offenders, the prison population also includes a significant number of other offenders. In 2013, eight of the top ten offenses at admission were non-violent. As a result of the increase in the length of time the average drug offender spends in prison, drug possession offenders occupy an increasingly larger number of prison beds. By 2033, Utah's prison population is projected to increase by 37% and, if current trends continue, this growth will necessitate additional funding for the Department of Corrections.

The State of Utah currently incarcerates 244 people per 100,000 residents (0.24% of the total population). Although this number is significantly lower than both the average incarceration rate of Western states (388 per 100,000) and the overall national rate (448 per 100,000), Utah's incarceration rate increased by 175% between 1982 and 2013, as depicted in Figure 1. Despite falling crime rates, Utah's prison population grew by 18% in the past decade—more than six times as fast as the national

growth rate of 3%. Absent any reform, the prison population is projected to grow 37% over the next 20 years.

Figure 1: 1982 – 2013 Average Annual Incarcerated Population



The size of the prison population is affected by the number of offenders incarcerated, the amount of time that an inmate remains in prison for a crime, the number of released inmates that return, and the enactment of new laws passed by the legislature. The time that an offender remains in prison depends on the offense type and individual criminal history and risk factors.

Figure 2 – Prison Population by Offense Type

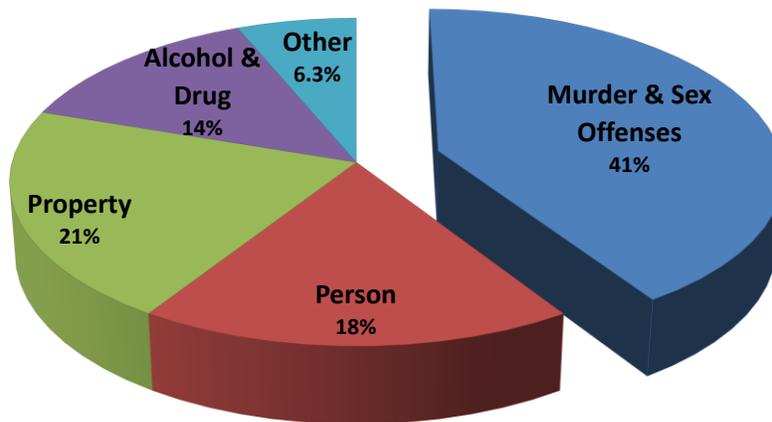


Figure 2 depicts the prison population by offense type and shows that 41% of Utah's prisoners are incarcerated for homicide and sex offenses. In general, the average length of stay for these offenses is much longer as compared to other offenses such as person, property, and alcohol/drug offenses.

### Prison Relocation

During the 2014 General Legislative Session, HCR-8 Concurrent Resolution Regarding Moving the State Prison, was enacted. The resolution concluded that it is in the best interest of the state to relocate the prison from its current Draper location. The decision was based on the following reasons:

- the substantial expense to maintain, replace, and upgrade current prison infrastructure;
- the cost savings over time from operating a more efficient facility;
- the opportunity to tailor new facilities to improve correction programs to reduce recidivism; and
- the substantial economic benefits from changing the use of the current prison location.

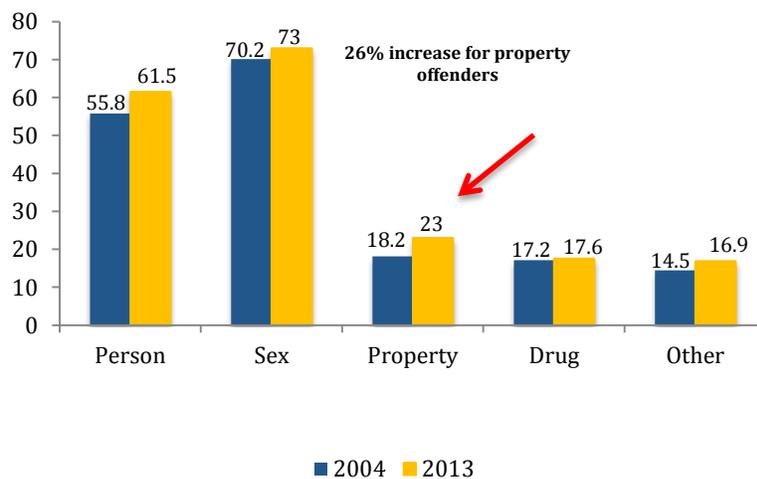
### The Justice Reinvestment Initiative (JRI)

Despite efforts to reduce recidivism, 63% of parolees return to prison within three years of release. In his 2014 State of the State address, the Governor addressed this issue by calling for a “full review of our current system to develop a plan to reduce recidivism, maximize offenders’ success in becoming law-abiding citizens, and provide judges with the tools they need to accomplish these goals.”

Following the Governor’s address, state leaders from all branches of government joined together to request technical assistance from the Public Safety Performance Project of The Pew Charitable Trusts and the U.S. Department of Justice to develop a package of data-driven policy recommendations to reduce recidivism and safely control the growth in the state prison population. In April of 2014, the Commission on Criminal and Juvenile Justice (CCJJ) began to analyze the state’s criminal justice system, which included an in-depth review of sentencing and corrections data.

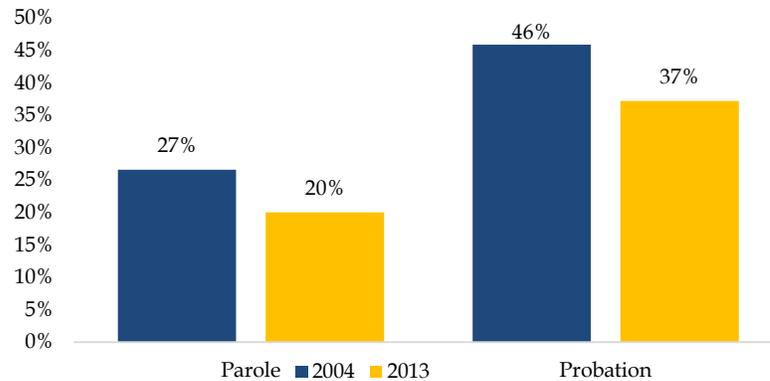
The analysis found that length of stay is up across all offense types, with property offenders spending 26% longer in prison than in 2004, and drug possession offenders spending 22% longer as shown in Figure 3. For example, newly sentenced property offenders released in 2013 spent 4.8 months longer than those released in 2004. This increase in the length of stay for property offenders (considered non-violent offenders) contributed to 183 more prison beds being filled today than for new property offenders in 2004.

**Figure 3: Average Time Served by Offense Type, NCC Only, 2004 and 2013 Releases (Months)**



Another key finding of the review addressed recidivism and data showing that Utah has experienced an overall decline in offender success during the last 10 years. For parolees, successful discharge rates have decreased from 27% to 20% and for probationers, from 46% to 37% as shown in Figure 4. Overall, almost half (46%) of offenders released from prison in Utah return within three years—including 63% of offenders released on parole supervision.

**Figure 4: Parole and Probation Successful Discharge Rates, 2004 vs. 2013**



The analysis concluded that these low success rates are, in part, driven by insufficient treatment resources that adhere to evidence-based practices. It should be noted that the cost to supervise a probationer or parolee in the community is approximately \$8 per day, which is significantly lower than housing an inmate in prison at \$79 per day or \$29,000 per year.

Based on these findings, the Commission on Criminal & Juvenile Justice (CCJJ) developed a comprehensive set of evidence-based policy recommendations to reduce recidivism, hold offenders accountable, and control growth to the state's prison population. These 18 policy recommendations fall into the following five categories:<sup>1</sup>

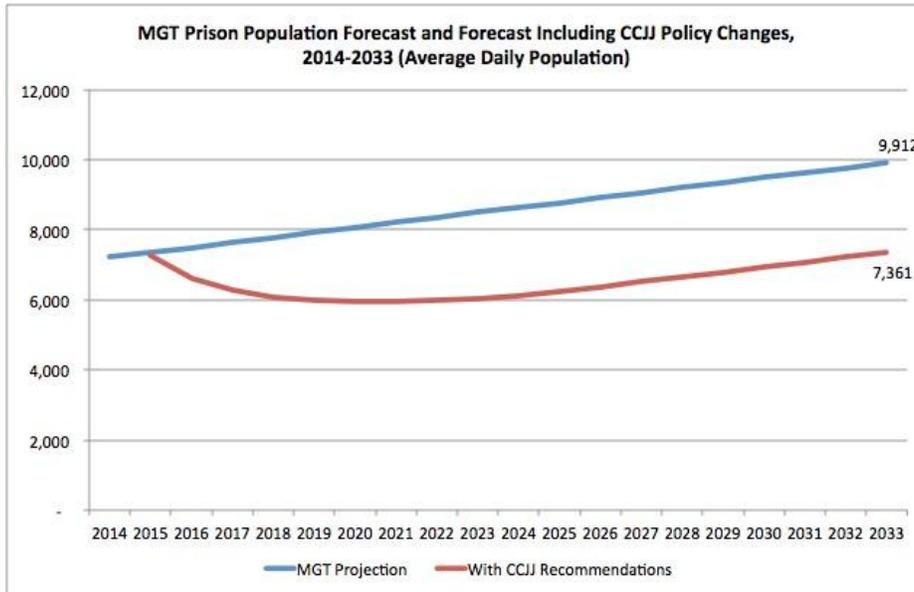
- Focus prison beds on serious and violent offenders
- Strengthen probation and parole supervision
- Improve and expand reentry and treatment services
- Support local corrections systems
- Ensure oversight and accountability

If adopted, these recommendations, **which target nonviolent offenders**, are projected to divert 98% of the projected prison growth over the next 20 years and avert \$542 million in corrections spending as shown in Figure 5. The Governor recommends reinvesting part of these averted funds into programs and practices proven to reduce recidivism and cut crime. The Governor also recommends \$10.5 million to help implement the initiative, with the majority of the money being spent on enhanced community treatment and incentive grants to counties.

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<sup>1</sup> The full Justice Reinvestment Report is available at:  
[http://justice.utah.gov/Documents/CCJJ/Reports/Justice\\_Reinvestment\\_Report\\_2014.pdf](http://justice.utah.gov/Documents/CCJJ/Reports/Justice_Reinvestment_Report_2014.pdf).

Figure 5: Projected Growth vs. Projected Growth with Recommended Policy Change



### Offender Transition

Pew research, as well as Utah-specific data, clearly demonstrates that offenders leaving prison are most vulnerable to return within the first six months after release. Here, the CCJJ recommendations also focus on improvements that will impact prison growth and offender success. Investment will be made in transition agents who will begin working with inmates approximately six months prior to release. These agents will be responsible for identifying the greatest risks and needs of individual offenders, and then working with the offenders to ensure risks are mitigated and needs are met. This may include finding stable housing, gaining employment, accessing medical/ mental health care, and attaching to specific community-based treatment providers immediately upon release. By focusing on this transition period and providing immediate support and assistance, offender success will improve during this period of vulnerability.

In sum, the CCJJ recommendations are not guaranteed at this time. Some recommendations will require statutory adjustment. Others will require changes in processes and coordination among stakeholders. Many will change the way the justice system operates in Utah and where resources are located. Although these recommendations provide a glimpse of a decreased and stable prison population and improved offender outcomes—outcomes cannot be realized without a strong investment. In the short-term, corrections operating expenses will increase. Long-term, however, offender success will improve dramatically.

### SUCCESS Initiative

The Department of Corrections’ goal is to reduce recidivism by operationalizing Pew research findings and applying the management principles and tools of the SUCCESS Framework. Significant progress is being made in the following areas:

- **Division of Adult Probation and Parole.** Reduce the risk factors that lead to recidivism by providing agents with more time to case manage offenders using evidence-based practices.

- ***Institutional Programming Division.*** Deliver more effective evidence-based programming, services, and treatments. Improve the case action plan process to focus first on addressing criminal history, behavior, attitude and education.
- ***Division of Institutional Operations.*** Improve the offender management process to provide correctional officers more time to perform security and offender management functions.
- ***Utah Correctional Industries.*** Increase work opportunities for inmates and train them with marketable skills.

### Guiding Principles

- Serious and violent offenders should fill prison beds. Certain nonviolent offenders should be diverted away from the prison system.
- Improved recidivism rates will create future cost avoidance. To the extent that recidivism rates drop enough over time to allow the state to experience actual cost savings, resources would be made available to invest into the community to ensure parolees' prospects for success.
- Expand treatment resources and ensure treatment plans adhere to evidence-based principles proven to reduce recidivism. Increase funding for institutional and community-based treatment with an emphasis on community options.

### Proposed Solutions

- Eliminate unintended consequences of drug sentencing enhancements, such as drug-free zones.
- Distinguish between drug dealers and those with serious substance abuse disorders.
- Reduce the length of stay for certain offender categories such as non-violent, low-level possession offenders, and first time non-violent offenders with no prior criminal history.
- Modify the sentencing guideline's criminal history score calculation by eliminating factors that result in inflated prison lengths of stay.
- Utilize proportional lengths of stay for technical probation revocations.
- Develop and implement a matrix for supervision violations/compliance, including proportional length of stay caps on probation and parole revocations and earned time incentives.
- Institute collaborative transition planning for offenders being released from prison.
- Reinvest in halfway house (Community Correction Centers) capacity and expand the use of the parole violator center.
- Invest in correctional officer compensation in order to attract and retain a qualified and stable workforce. In recent years, turnover in the Department of Corrections has been particularly acute among workers with less than four years of tenure, which has depressed the average level of expertise held across all officers and has resulted in increased training costs.
- Address offenders' criminogenic needs and establish standards for recovery and reentry support.
- Authorize a single organization or agency to establish statewide treatment standards.
- Establish a certification process to ensure the use and sustainability of evidence-based practice for treatment providers.
- Establish performance measures and oversight.