



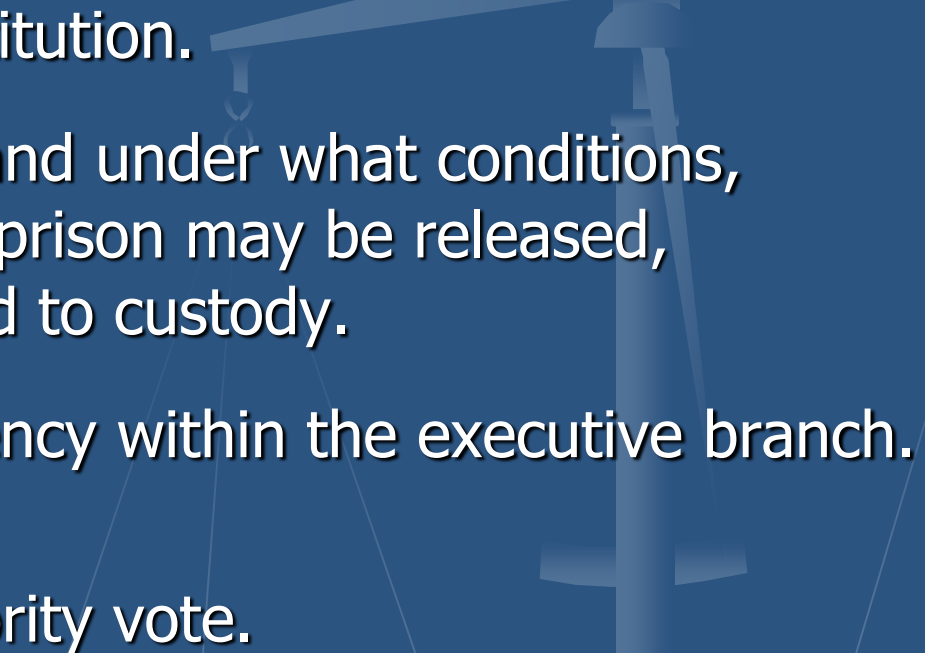
# UTAH BOARD OF PARDONS & PAROLE

## BOARD DECISION PROCESS // JRI UPDATE

UPC Spring Conference  
April 17, 2015

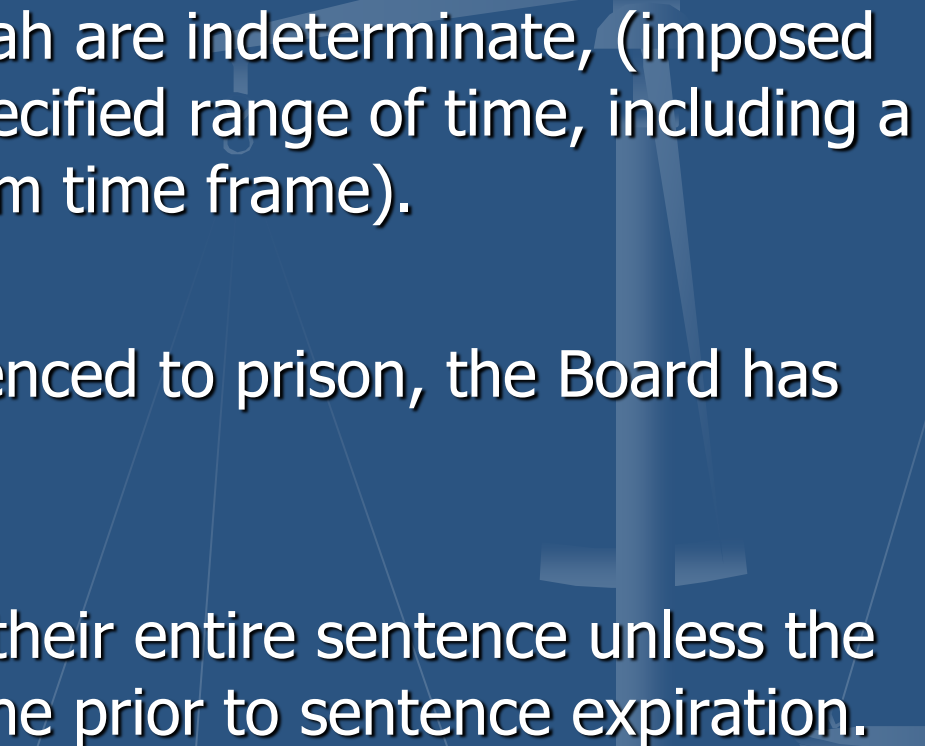
# Utah Board of Pardons & Parole

## BOARD JURISDICTION

- Created by Utah Constitution.
  - Determines whether, and under what conditions, persons committed to prison may be released, supervised, or returned to custody.
  - Independent state agency within the executive branch.
  - Decisions require majority vote.
- 

# Utah Board of Pardons & Parole

## SENTENCING IN UTAH

- Prison sentences in Utah are indeterminate, (imposed sentences are for a specified range of time, including a minimum and maximum time frame).
  - Once a person is sentenced to prison, the Board has jurisdiction.
  - Offenders must serve their entire sentence unless the Board grants release prior to sentence expiration.
- 

# ORIGINAL HEARINGS

**Board must give notice of month/year of inmate's original hearing (first Board appearance) within 6 months of commitment.**

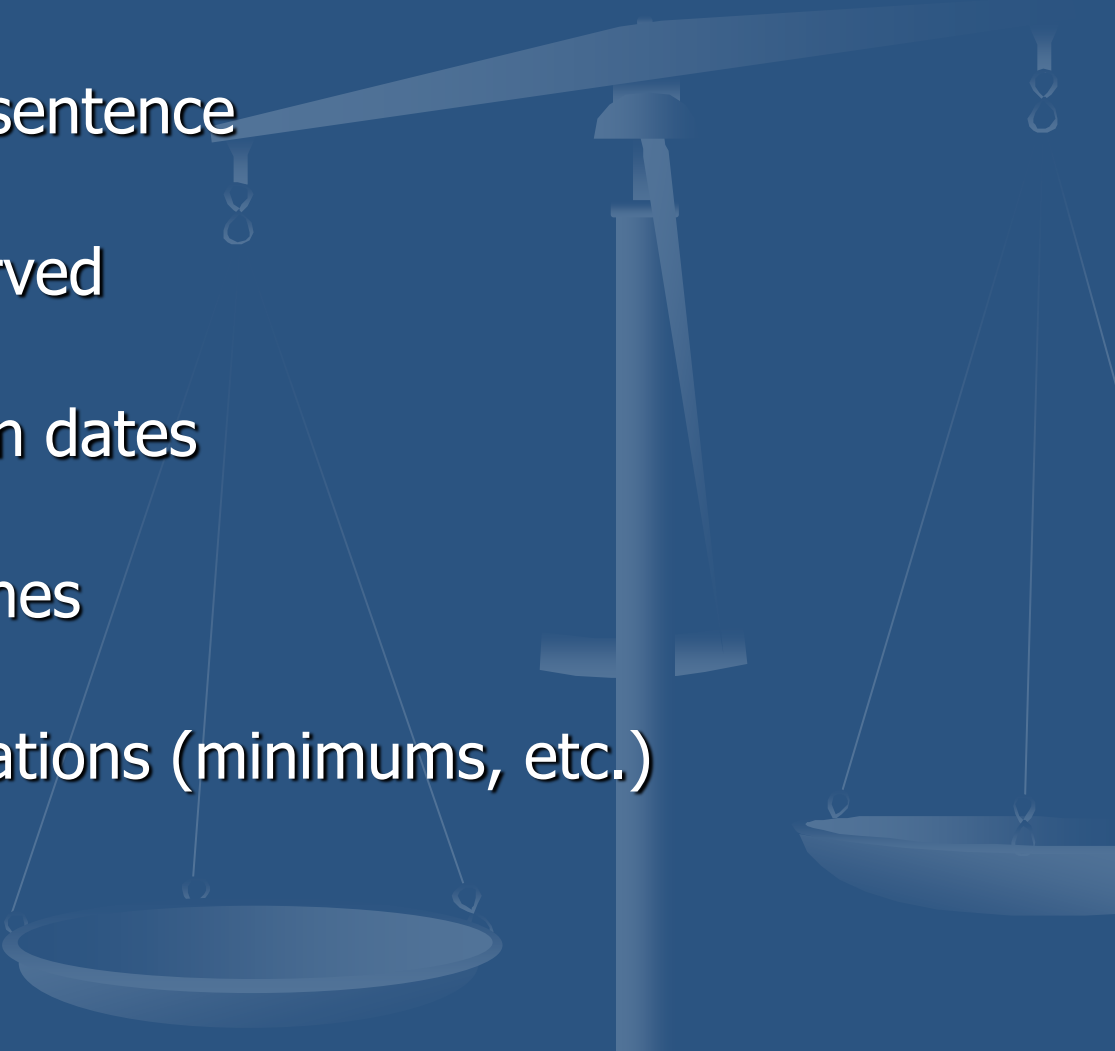
- **Homicide Sentences & Offenders Under Age 18:  
Board sets OH date within 6 months.**

- **1<sup>st</sup> Deg. (16+ to Life): OH at 15 years.**
- **1<sup>st</sup> Deg. (10-15 to Life): OH at 7 years.**
- **1<sup>st</sup> Deg. (>10 to Life): OH at 36 months.**
- **2<sup>nd</sup> Deg. (sex offenses): OH at 18 months.**
- **2<sup>nd</sup> Deg.: OH at 6 months.**
- **3<sup>rd</sup> Deg. (sex offense): OH at 12 months.**
- **3<sup>rd</sup> Deg.: OH at 3 months.**

**Inmates who are sentenced to death or LWOP have no OH.**

# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

- a) Total (aggregate) sentence
  - b) Credit for Time Served
  - c) Sentence expiration dates
  - d) Sentencing guidelines
  - e) Statutory considerations (minimums, etc.)
- 

# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

### a) Total (aggregate) sentence

***Example:** If an offender is sentenced for separate crimes or cases to serve two second degree felonies **consecutively**, the total sentence would be 1 to 15 years + 1 to 15 years, equaling a minimum of 2 years and a maximum of 30 years.*

# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

### b) Credit for Time Served – Sentence Start Date

***Example:** If an offender arrives at the prison to start serving a sentence on July 1<sup>st</sup> and has 90 days of credit for time served (CTS), the applicable "start date" for the sentence will be April 1<sup>st</sup>.*

# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

### c) Sentence Expiration Date

Using the total sentence and the sentence “start date”, the Board calculates an offender’s expiration date, which is the maximum length of all imposed prison sentences.

**NOTE:** Maximum sentence must be served unless Board releases earlier.

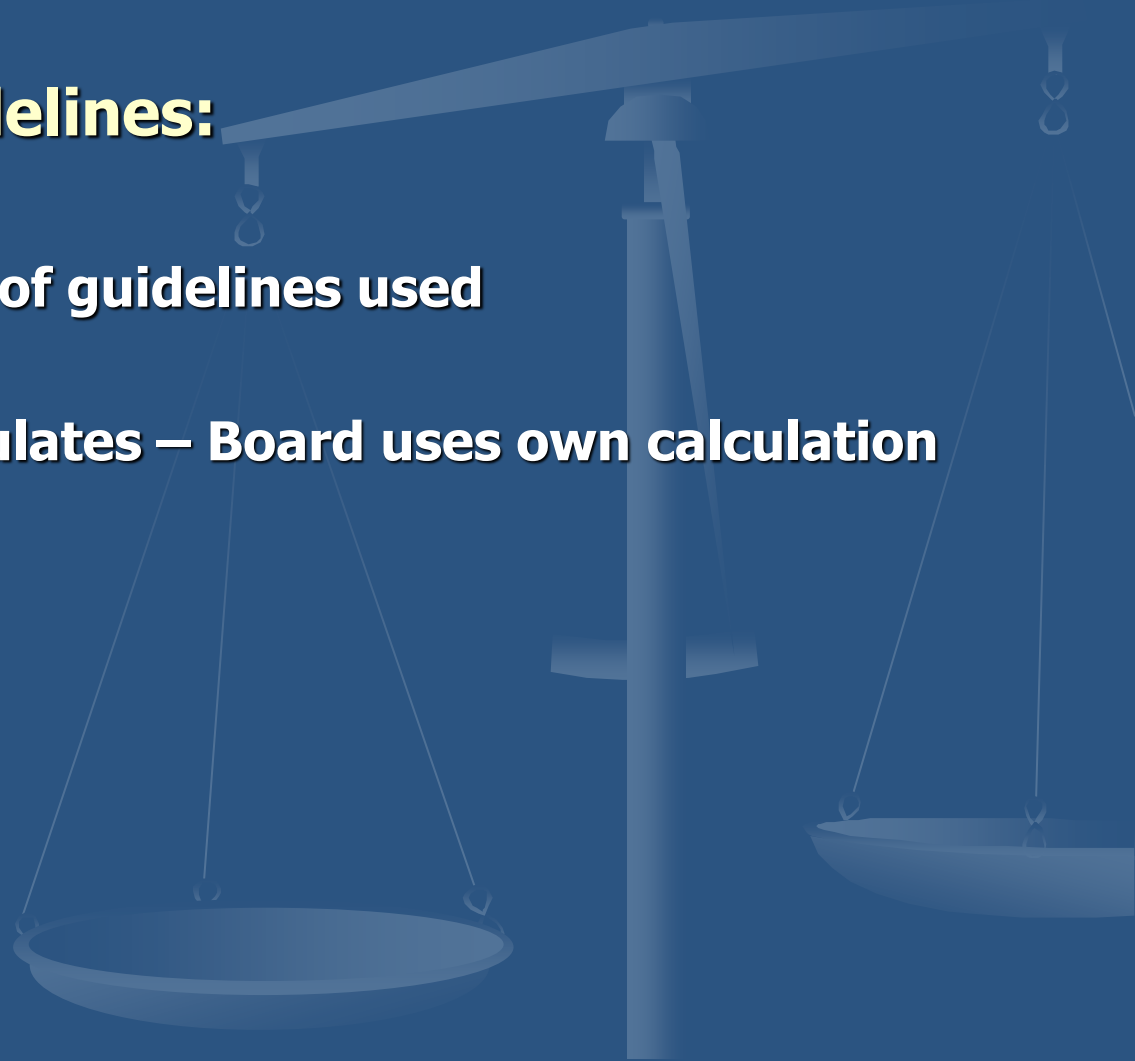


# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

### d) Sentencing Guidelines:

- ❖ **Current Version of guidelines used**
- ❖ **Board staff calculates – Board uses own calculation only**



# Board Decision Process, Factors & Considerations

## 1. Initial determinations:

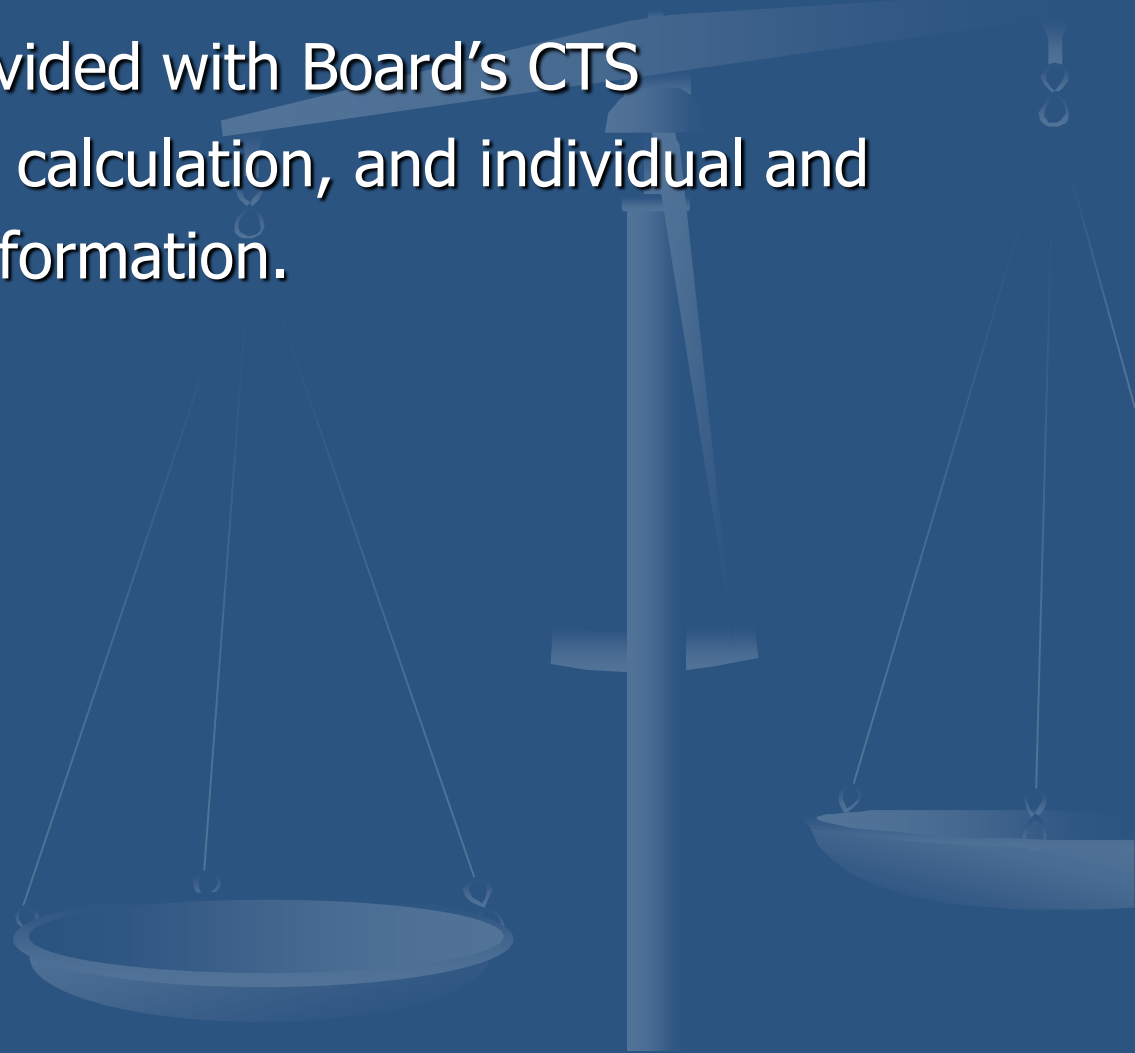
### e) Statutory considerations:

- ❖ Statutory minimum?
- ❖ Aggregate minimum?
- ❖ Pre-4/29/1996 mandatory minimum?
- ❖ Legislatively mandated minimum sentence ?
  - ❖ (DUI, Sex Offender Registration)

# Board Decision Process, Factors & Considerations

## **Hearing disclosure:**

At OH, offender is provided with Board's CTS calculations, Guideline calculation, and individual and aggregate sentence information.



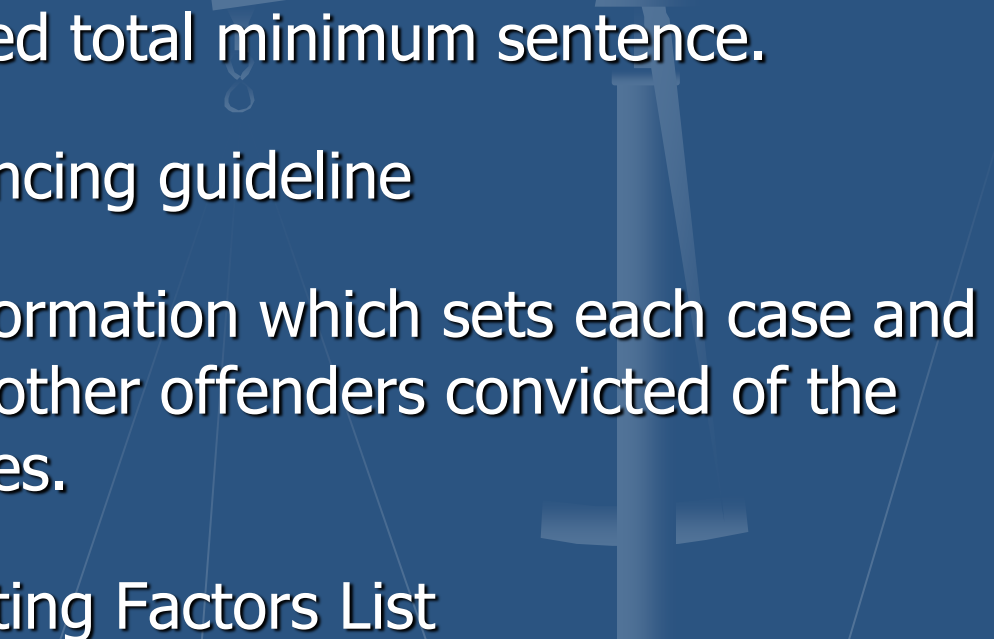
# Board Decision Process, Factors & Considerations

## 2. Board Decisions:

- Grant parole.
- Grant termination of the sentence.
- **Schedule a Re-hearing** (allows BOP to review the offender's sentence, case action plan progress, behavior inside the prison or jail, and risk to society or public safety at a future hearing).
  - Completion of Required Treatment.
- **Deny release (expire sentence)**, court's imposed sentence is served in full.

# Board Decision Process, Factors & Considerations

## 3. **Decision Factors & Considerations:**

- Start w/ court-ordered total minimum sentence.
  - Then consider sentencing guideline
  - Then consider all information which sets each case and offender apart from other offenders convicted of the same or similar crimes.
  - Aggravating / Mitigating Factors List
- 

# Board Decision Process, Factors & Considerations

## 3. Decision Factors & Considerations:

### ➤ Aggravating / Mitigating Factors List

- Decision regarding each offender is specific to that offender.

*Example: GL for a 2<sup>nd</sup> Theft (of a motorcycle) [1x, 1 victim] and GL for 2<sup>nd</sup> Secur. Fraud [10x, 20 victims, \$2 million loss] may be same GL – BUT crimes and impact very different.*

- Not all of these factors are present in every case
- No single factor is controlling.
- Not a simple comparison or total of factors.
- Each factor considered /weighed Board and individual Board members make their own decision.

# Board Decision Process, Factors & Considerations

## 4. Orders & Rationale Sheets:

- Offenders receive written Order:
  - Order includes Board's decision
  - Order may include notes to the offender or the Department of Corrections regarding future Board expectations regarding the offender or the possibility of Board review for case action plan completion.
- Following personal appearance hearings, Order is accompanied by rationale sheet showing which aggravating and mitigating factors the Board found relevant to its decision.

# HB 348S01

## Criminal Justice Programs and Amendments

- Sponsored by Rep. E. Hutchings and Sen. J. S. Adams
- 51 House co-sponsors
- Some provisions take effect 5/12/2015
- Some provisions take effect 7/1/2015
- Some provisions take effect 10/1/2015
- JRI: CCJJ & PEW Research



# HB 348 - Criminal Justice Programs & Amndmts.

- Traffic, Boating, Trucking Penalty Changes
- Drug Use/Possession Changes
- Drug Zone Enhancement Changes
- Reverses State v. Hunt *in part*
- Div. Substance Abuse & Mental Health changes, directives, etc.
- Dept. of Corrections & AP&P directives
- CCJJ responsibilities
- Sentencing Comm. responsibilities

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Counties

### ■ CCJJ

- Requires CCJJ to study and report on programs initiated by state and local agencies to address recidivism.
  - Cost Reductions?
  - Resources required?
  - Goals met?

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Counties

- **CCJJ Performance Incentive Program**
  - Grant funds for counties that implement their own programs and practices that reduce recidivism.

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Counties

- **CCJJ / Dept. of Corr. / UAC / DSAMH**
  - Collect information regarding treatment and programming.
    - Including recidivism reduction and cost savings.

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Counties

### ■ CCJJ

- Potential increases in jail reimbursement funding.
- Jail Reimbursement is \$\$ State pays to counties, on a per day basis, for inmates serving time in county jails as a condition of felony probation, or on parole violation holds.

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Counties

### ■ Dept. of Corrections

- Must establish standards and certifications for treatment provided by county jails.

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Prison Sentences

- **Early Termination Credits** (Probation & Parole)
  - Requires DOC to establish a program allowing offenders to earn credits of days for compliance with terms of probation or parole, reducing time on probation or parole (day for day);
  - Doesn't apply to offenders on parole for person crimes (Title 76, Chapter 5 crimes)

# **HB 348 - Criminal Justice Programs & Amndmts.**

## **Key Impacts for Prison Sentences**

- **Supervision Incentive & Sanction Matrix**  
**(Sent. Comm., AP&P, Courts & BOPP)**
  - **Swift, Graduated incentives for rehabilitation**
  - **Swift, Certain, Graduated responses to violations**
  - **Implement JRI Report recommendations**
    - **Short Jail Stays (Up to 3 Days per violation)**  
**(No more than 5 days in 30)**



# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Prison Sentences

- **New Sentencing Guidelines (Sent. Comm)**
  - **Modify GL months and Criminal History Scores**
  - **Implement JRI Report recommendations**
    - No double counting of history factors
    - Lower guidelines for drug & non-violent crimes
    - Use recognized risk factors

# **HB 348 - Criminal Justice Programs & Amndmts.**

## **Key Impacts for Prison Sentences**

- **Case Action Plans (Dept. of Corrections)**
  - **Rehabilitation plan based upon offender risks and needs**
  - **Rehabilitation plan based upon risk analysis**
  - **Prison programming and opportunities based on CAP**
  - **CAP applies to probation, prison and parole**
  - **CAP updated for parole re-entry needs**

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Prison Sentences

- **Credit for Time Served** *changes*
  - **CTS mandatory** for time served as sanction for probation violation.
  - **CTS mandatory** for time served as a condition of probation
  - **Applies to prison sentences imposed on/after 10/01/2015**

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Prison Sentences

### ■ CAP Completion Adjustments

- **BOPP to grant at least 4 mos. reduction to release date for successful completion of CAP priority #1**
- **BOPP to grant additional minimum 4 mos. reduction to release date for successful completion of CAP recommended programming (other than #1)**
- **Excludes LWOP, Expire Life Sentence**
- **Excludes impossibility (not enough time left)**

# HB 348 - Criminal Justice Programs & Amndmts.

## Key Impacts for Prison Sentences

- **Parole Violation guidelines** (Sent. Comm. & BOPP)
  - **Parole Revocations – Time to be served as sanction for violation.**

# THE UTAH BOARD OF PARDONS & PAROLE

**Address:** 448 East Winchester Street  
Suite 300  
Murray, Utah 84107

**Telephone:** (801) 261-6464  
**FAX:** (801) 261-6481  
**E-Mail:** [bopinfo@utah.gov](mailto:bopinfo@utah.gov)  
**Web:** [www.bop.utah.gov](http://www.bop.utah.gov)

<b>Board Chair:</b>	<b>Angela F. Micklos</b>
<b>Administrative Coordinator:</b>	<b>Greg Johnson</b>
<b>Senior Hearing Officer:</b>	<b>Jan Nicol</b>
<b>Administrative Secretary:</b>	<b>Julie K. Brown</b>