

UTAH BOARD OF PARDONS & PAROLE

Decision Factors Used By The Board¹

As part of the Board's mission to render just decisions regarding release and supervision of offenders by balancing victim needs, offender accountability, and public safety, the Board considers a number of case specific factors, which may or may not be captured by the Utah Sentencing Guidelines.

While the characteristics of individual inmates and offenses vary, the following is a list of many of the factors that the Board will likely consider in determining if and when to grant a release from prison prior to the statutory expiration of sentence, as well as when ordering special conditions of parole:

1. Sentence imposed by the court, including:
 - a. Concurrent or consecutive sentences
 - b. Statutory minimum sentences imposed
 - c. Aggregate (combined) minimum or maximum sentences imposed
 - d. Comments, notations, or recommendations revealing the sentencing judge's intent
2. Applicable sentencing guidelines as calculated by the Board
3. Nature of the criminal offense
 - a. Use of weapon
 - b. Extreme cruelty or depravity
 - c. Abuse of position of trust or responsibility
 - d. Multiple incidents or victims
 - e. Personal gain reaped from offense
 - f. Offender's motive during the offense
 - g. Offender's role during the offense (e.g. organizer/leader vs. follower/minimal participant)
 - h. Obstruction of justice vs. early withdrawal or self-surrender
 - i. Extent of injury (physical, emotional, financial) to victim
 - j. Vulnerable victim vs. aggressive victim
4. Criminal history
 - a. History significantly underrepresented by guidelines
 - b. History of similar offenses
 - c. Pattern of increasingly or decreasingly serious offenses
 - d. Supervision history (probation and parole)
5. Behavior within the correctional facility
 - a. Programming
 - b. Treatment
 - c. Education
 - d. Work
 - e. Disciplinary action

¹ *This document is not intended to, and does not, restrict or circumscribe Board discretion in any manner. This document is a working document, meaning that it can be modified at any time. No expectation for any specific result in any individual case ought to be presumed from or predicated by this list, which is not exhaustive, and is representative only. Further, any one factor may outweigh all other factors, and decisions are not simply a summation of factors. Each decision the Board makes in each case is deliberative, and intended only for the particular facts and circumstances presented by an individual case.*

6. Treatment History
 - a. Substance abuse
 - b. Mental health (including psychological evaluations)
 - c. Sex offender
7. Education
8. Risk to public safety
 - a. Including standardized risk assessment evaluations or reports
9. Recommendations or letters from:
 - a. Judge
 - b. Prosecutor
 - c. Defense counsel
 - d. Victims or their representatives
 - e. Other interested parties, including the correctional institution
10. Likelihood of release to a detainer
11. Overall rehabilitative progress and potential
 - a. Honesty
 - b. Acceptance of responsibility
 - c. Timeliness and extent of efforts to pay restitution
 - d. Remorse and motivation to rehabilitate
 - e. Attitude displayed during hearings and in communications with Board representatives
12. Length of drug/alcohol use vs. apparent rehabilitation
13. Degree of meaningful support system
 - a. Family
 - b. Friends
 - c. Community
14. Employment possibilities and history
15. Nature and stability of release plans, including living arrangements