



Board of Pardons & Parole Data Report FY 2023

Report to the Utah Legislative Law Enforcement
and Criminal Justice Interim Committee
2023



Letter from the Director

This report provides key outcome metrics for the Utah Board of Pardons and Parole (“Board”) as outlined in UCA Subsection 77-27-32 during the 2022 General Session of the Utah Legislature. This is the inaugural version of this report, which will be published annually on the Board’s website and also submitted to the Utah Law Enforcement and Criminal Justice Interim Committee.

This report symbolizes an important moment in the Board’s history. For the first time, the Board has the internal capacity to issue an extensive report that provides key outcome data on critical metrics. The ability to produce this report is a direct consequence of the longstanding legislative support to expand and enhance the Board’s electronic records, moving from paper-based files to electronic-based information management systems. Not a mere “system update,” this moment represents a sea change in how the Board does business, tracks its work, and enables it to make its work more accessible to others. The Board expresses its deep gratitude to the Utah Legislature for its ongoing support. Additionally, the Board appreciates the thoughtful recommendations of the Utah Office of the Legislative Auditor General, which helped guide the content of this report.

Only when public agencies have the capacity to generate meaningful data for public consumption are they able to be transparent and accountable in productive ways. The Board appreciates this opportunity for transparency about its efforts to enhance public safety and make high-quality decisions about prison release and parole.

As I have only recently joined the Board of Pardons and Parole, I can say that despite twenty-five years of experience in Utah’s justice system, I have faced a steep learning curve about the Board’s work. My challenge going forward is to find ways to help victims, the public, and individuals under the Board’s jurisdiction to better understand the work of the Board and its critical role in enhancing public safety and providing informed and just decisions. This report is a significant first step.

A handwritten signature in black ink, appearing to read "Jennifer MJ Yim", with a long horizontal flourish extending to the right.

Jennifer MJ Yim
September 25, 2023



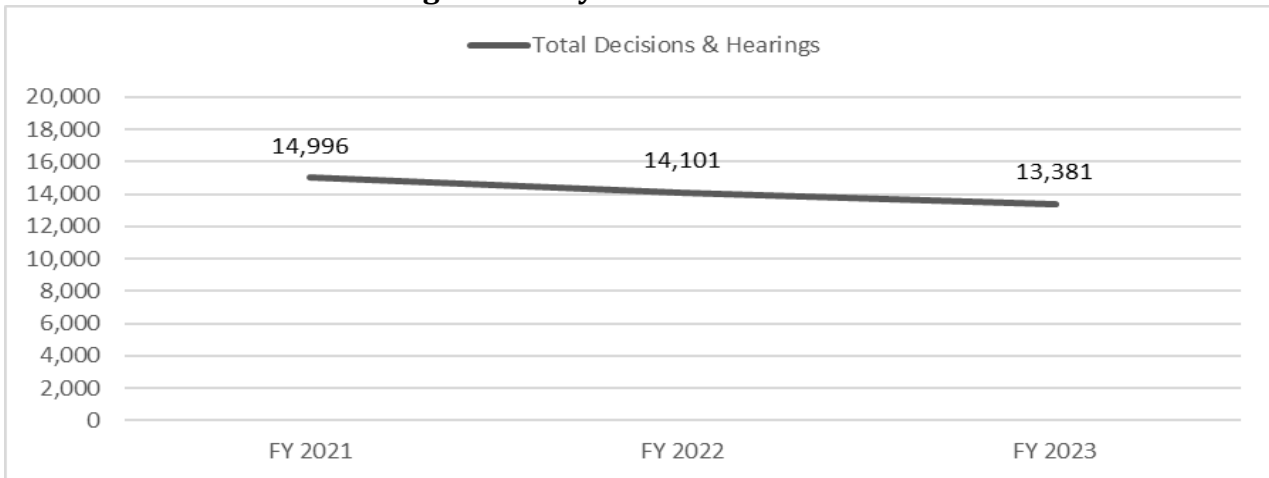
Overview

This report provides data and statistics on the Utah Board of Pardons and Parole (Board) in fulfillment of UCA §77-27-32.¹ It includes measures of recidivism, time under Board jurisdiction, prison releases, parole revocations, alignment with the Sentencing Guidelines, and reasons for departure from the Sentencing Guidelines. It also includes supplemental information on the number of decisions and hearings conducted by the Board. All information is based on fiscal year (FY) unless otherwise indicated. Information in the report is from the Utah Board of Pardons and Parole and the Utah Department of Corrections O-Track database and from Board files.

Section 1: Decisions & Hearings

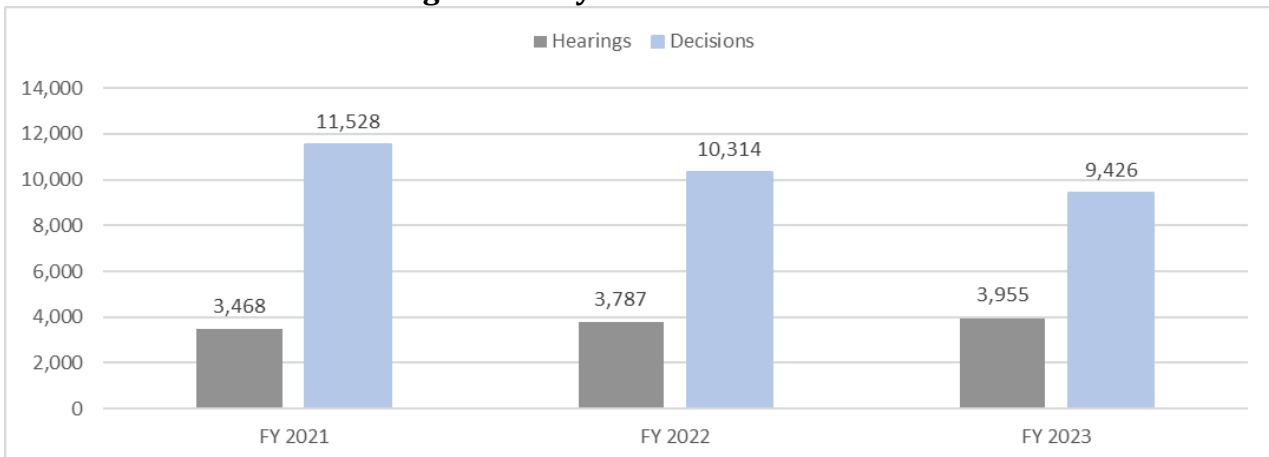
The Board of Pardons and Parole conducts hearings and makes decisions for individuals in prison and on parole who are under their jurisdiction. The Board conducts in-person hearings for some decision types, such as Original Hearings, before issuing the official Board Order; these decision types are classified as Hearings. For other decision types, the Board reviews information and the file before making a decision; these decision types are classified as Decisions. This section examines the total number of hearings and decisions completed by the Board within the previous three years.

Chart 1. Decision and Hearing Trends by Fiscal Year



This chart shows the total number of decisions and hearings by fiscal year.

Chart 2. Decision and Hearing Details by Fiscal Year



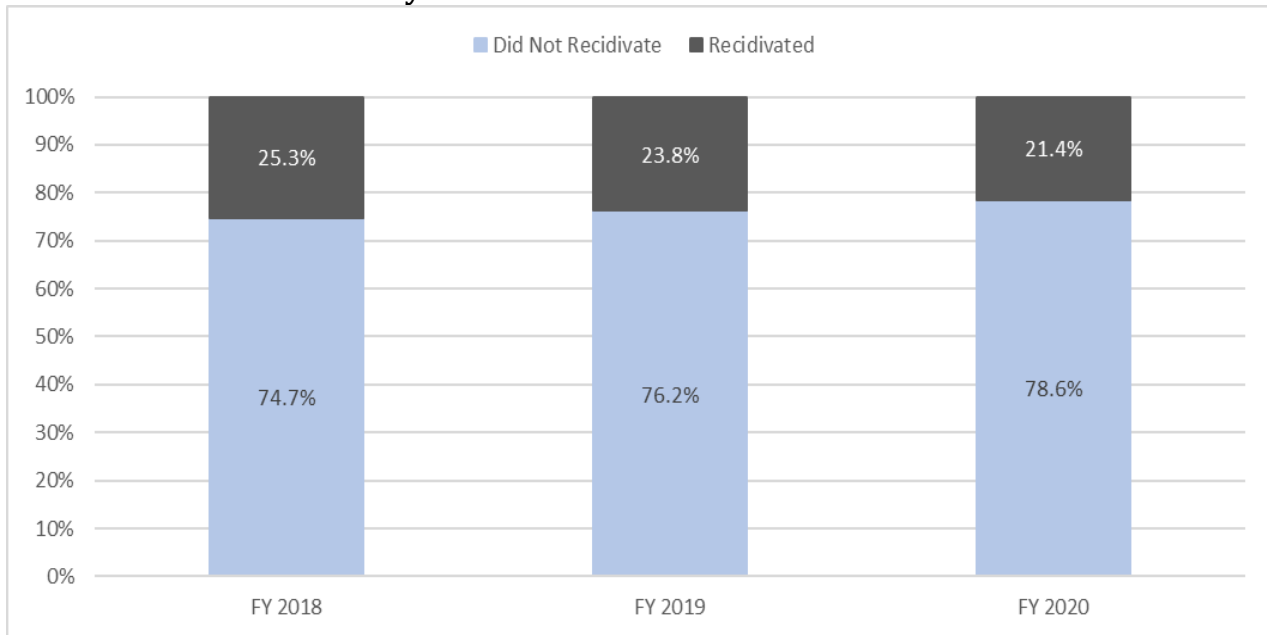
This chart shows a breakout of decisions and hearings by fiscal year.



Section 2: Recidivism Measures

This section examines recidivism rates related to individuals who were under the jurisdiction of the Utah Board of Pardons and Parole. It uses the definition of recidivism determined by state statute. Recidivism is defined in UCA §63M-7-201 as “the number of individuals who are returned to prison for a new conviction within the three years after the day on which the individuals were released from prison.”

Chart 3. Recidivism Rates by Fiscal Year²



This chart shows the percentage of individuals who recidivated and who did not recidivate based on fiscal year (FY). Because recidivism requires a three-year follow up, the most recent base-year that can be measured is FY 2020.

Chart 4. Number of Times Recidivated by Category and Fiscal Year³

	FY 2018	FY 2019	FY 2020
Did Not Recidivate	74.7%	76.2%	78.6%
Recidivated: 1 Time	23.1%	21.4%	19.6%
Recidivated: 2 Times	2.2%	2.3%	1.7%
Recidivated: 3 Times or More	0.1%	0.1%	0.1%
Total	100%	100%	100%

This chart shows the number of times individuals recidivated during the three-year follow-up period. For example for fiscal year 2020, 78.6 percent of individuals did not recidivate, 19.6 percent recidivated once, 1.7 percent recidivated twice, and 0.1 percent recidivated three times or more during the three-year follow-up period.



Chart 5. Time to Recidivism by Category and Fiscal Year⁴

	FY 2018	FY 2019	FY 2020
Did Not Recidivate	74.7%	76.2%	78.6%
Less than 6 Months	4.7%	4.6%	2.7%
6 to 12 Months	7.3%	6.9%	4.6%
13 to 24 Months	8.8%	7.5%	8.5%
25 to 36 Months	4.4%	4.8%	5.6%
Total	100%	100%	100%

This chart shows the amount of time till the initial recidivism event by category. For example, 2.7 percent of individuals recidivated within six months of release from prison for fiscal year 2020.

Methodology

This measure of recidivism is defined in state statute and uses the “Standard Recidivism Metric” outlined in UCA §63M-7-201. It is defined as “the number of individuals who are returned to prison for a new conviction within the three years after the day on which the individuals were released from prison” as outlined in UCA §63M-7-201.⁵

Baseline Population

The baseline population for this report includes individuals who were released from prison in fiscal year 2018, fiscal year 2019, and fiscal year 2020.⁶ Individuals with an O-Track offender legal status of inmate or parole violation whose subsequent status did not include inmate or parole violation were included.⁷ This measure examines individuals who were under the jurisdiction of the Utah Board of Pardons and Parole and were released from prison.⁸ This measure does not include incarcerated individuals who were under other jurisdictions and released, such as individuals who were held on out-of-state interstate compact cases. To determine the baseline cohort, the individual’s initial release from prison in the base year was counted, and this measure uses an unduplicated count of individuals within the base year. Base year FY 2020 is the most recent year that recidivism can be measured because a three-year follow-up window is required.

Recidivism Event

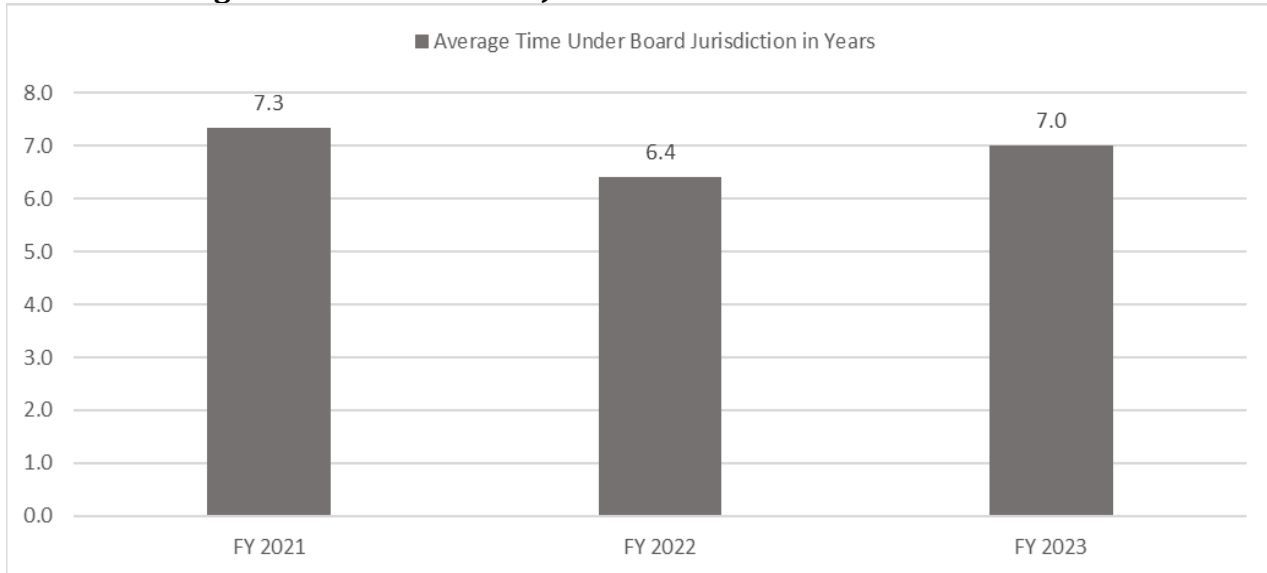
Based on statute, a recidivism event is defined as “a return to prison for new conviction within three years of the day on which the individual was released from prison.”⁹ The recidivism follow-up window is based on any return to prison for a new conviction¹⁰ within 1,095 days¹¹ of the date of the baseline release date. The recidivism window is within the three subsequent fiscal years following the baseline fiscal year.¹² This measure uses an unduplicated count of individuals, with the initial new conviction counted as the recidivism event. If multiple recidivism events occurred during the three-year follow-up window, a count of the number of recidivism events was measured. The measure of days or months to recidivism is based on the base year initial release date to the initial recidivism event date.



Section 3: Time Under Board Jurisdiction

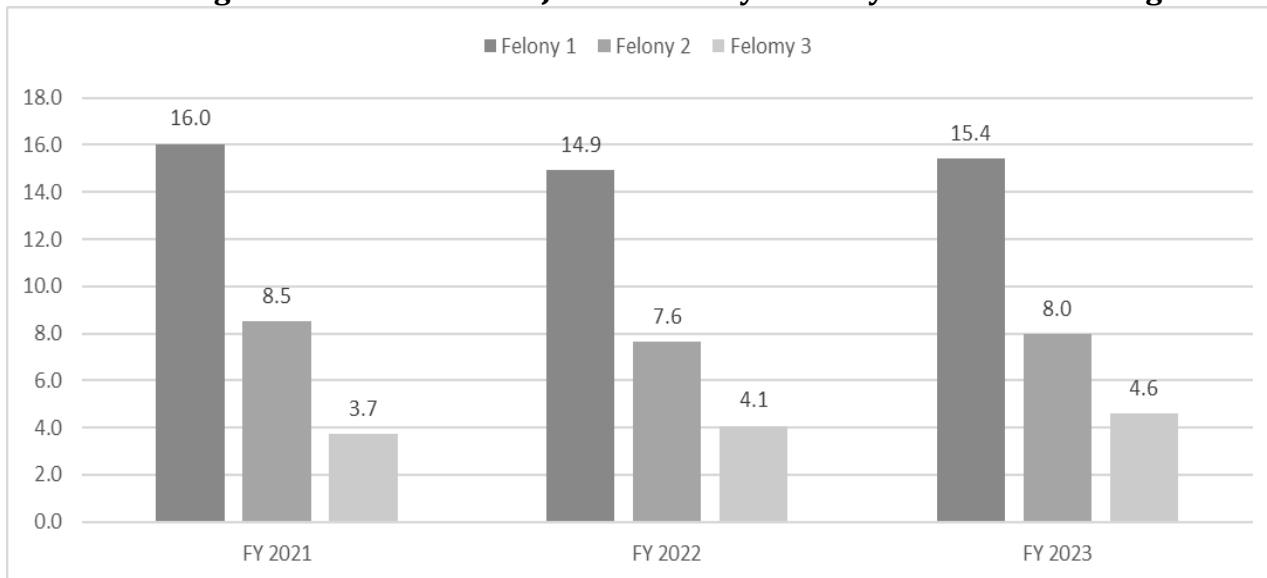
This section examines the amount of time individuals were under Board jurisdiction.¹³ It is measured based on the start of the prison commitment episode to the end of Board jurisdiction¹⁴.

Chart 6. Average Years Under Board Jurisdiction



This chart shows the average time under Board jurisdiction in years. For example, for prison commitment episodes ending in FY 2023, individuals spent on average 7.0 years under Board jurisdiction. This includes both time in prison and on parole. Prison aggregate commitments are complicated and include many factors, such as multiple offenses, concurrent or consecutive sentences, sentencing guidelines, varying crime degrees, credit for time served, and other factors. Board decisions take these factors into consideration.

Chart 7. Average Years Under Board Jurisdiction by Primary Offense Crime Degree



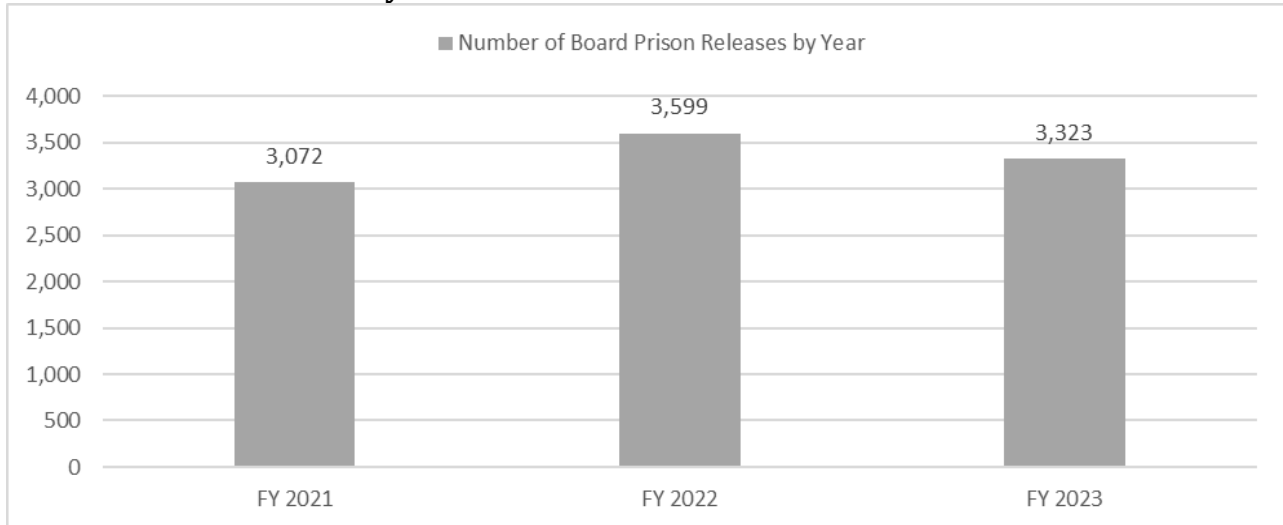
This chart shows the average time under Board jurisdiction in years by lead offense crime degree. Prison aggregate commitments are complicated and include many factors, such as multiple offenses, varying crime degrees, consecutive or concurrent sentencing, sentencing guidelines, credit for time served, and other factors. Board decisions take these factors into consideration.



Section 4: Prison Releases

This section examines the number of prison releases for individuals who were under the jurisdiction of the Board of Pardons and Parole.¹⁵ It shows prison releases by fiscal years and the type of release.

Chart 8. Prison Releases by Fiscal Year



This chart shows the number of releases from prison by fiscal year for individuals under Board jurisdiction.

Chart 9. Prison Releases by Release Type

	FY 2021	FY 2022	FY 2023
Discharged to Incarceration by Another Jurisdiction	0.6%	1.5%	1.5%
Expiration of Sentence	1.3%	1.7%	1.7%
Parole	84.3%	84.3%	84.0%
Paroled to Custody of Another Law Enforcement Agency	4.1%	2.9%	3.3%
Passed Away in Prison	1.3%	0.6%	0.5%
Released by Courts	0.0%	0.1%	0.2%
Termination of Board Jurisdiction	8.4%	8.9%	8.8%

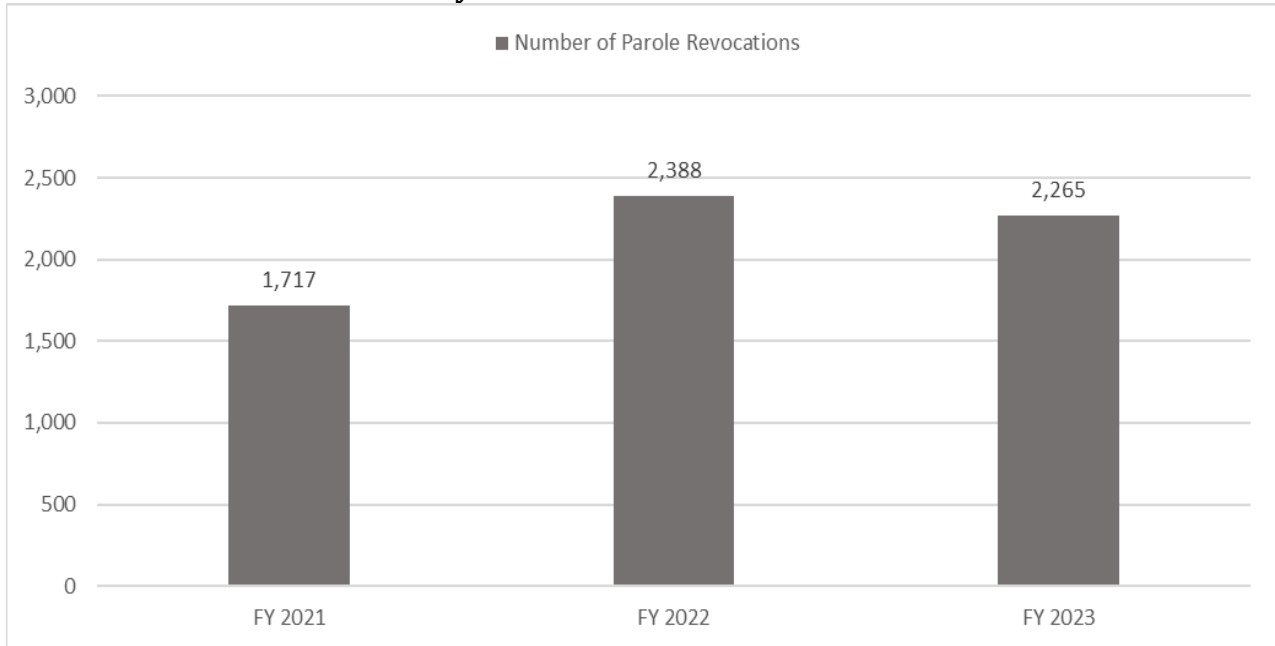
This chart shows the type of prison release by fiscal year. For example in FY 2023, 84 percent of prison releases were to parole. There are a number of different release types. The release type of “Discharged to Incarceration by Another Jurisdiction” means the Utah Board of Pardons and Parole jurisdiction was ended when the person was released and the person was transferred to incarceration with another jurisdiction, such as federal prison. An “Expiration of Sentence” release means the person was held in prison until the maximum end of the Board’s jurisdiction. A “Paroled to Custody of Another Law Enforcement Agency” release means that the Board placed the person on parole and transferred physical custody of the individual to another agency, such as a federal law enforcement agency or federal prison. A “Termination of Board Jurisdiction” release means the person was released from prison and the Board’s jurisdiction was ended.



Section 5: Parole Revocations

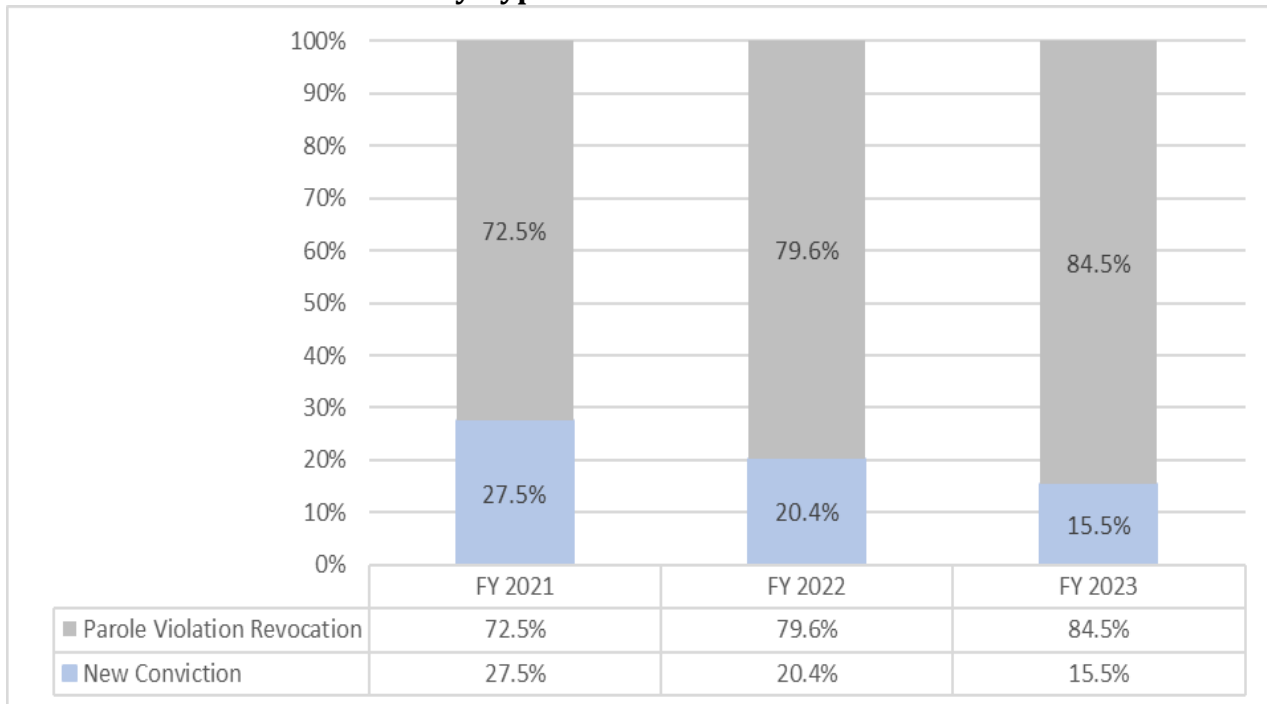
This section examines parole revocations for individuals who were under the jurisdiction of the Board of Pardons and Parole. It shows the number of parole revocations by fiscal year.

Chart 10. Parole Revocations by Fiscal Year



This chart shows the number of parole revocations by fiscal year.¹⁶

Chart 11. Parole Revocations by Type



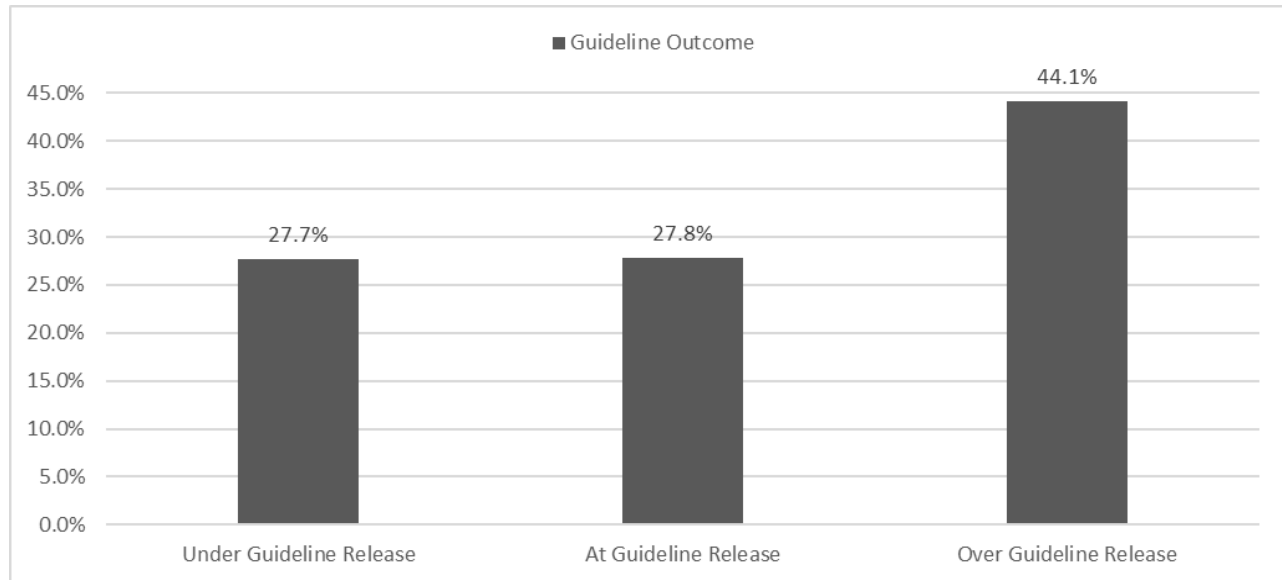
This chart shows the percent of parole revocations by type and fiscal year. For example in FY 2023, 84.5 percent of revocations were for parole violations and 15.2 percent were for new convictions.¹⁷



Section 6: Alignment of Board Decisions & Guidelines

This section examines the alignment between Board decisions and the Utah Sentencing Guidelines. The Utah Sentencing Guidelines are complex and attach at the time of sentencing. Due to this, the version applicable to one individual in prison can vary from another individual in prison who has committed the same offense and has the same criminal history score. This section examines guidelines for fiscal year 2023 with a guideline date between July 1, 2022 and June 30, 2023.

Chart 12. Guideline Outcome Fiscal Year 2023



This chart examines the alignment between Board decisions and the Utah Sentencing Guidelines.¹⁸ The category of “At Guideline Release” includes individuals released within seven days of their guideline date because the Utah Department of Corrections generally only releases individuals from prison one day a week and guidelines are a specific date. Consequently, when someone is given a guideline release by the Board, they are usually released a few days earlier or later to coincide with the prison’s weekly release day schedule on Tuesday.

Chart 13. Guideline Outcome Difference

	FY 2023
Over 1 Year Before Guideline	1.1%
6 Months to 1 Year Before Guideline	4.1%
Less than 6 Months Before Guideline	22.9%
At Guideline	27.8%
Less than 6 Months After Guideline	21.1%
6 Months to 1 Year After Guideline	3.9%
More than 1 Year After Guideline	0.2%
Over Guideline - Currently in Prison	18.9%

This chart shows the time difference between the individual’s sentencing guideline date and the individual’s prison release date based on the Board decision.



Section 7: Reasons for Departure from Guidelines

This section examines the reasons the Board departed from the sentencing guidelines based on decision rationales. It examines Original Hearings in fiscal year 2023.¹⁹ Both aggravating and mitigating factors are examined.

Chart 14. Mitigating Factors for Guideline Departure Fiscal Year 2023

	FY 2023
Nature of Offense or Offense Conduct	9.7%
Victim Impact	1.1%
Program or Treatment Completion or Compliance	68.8%
Significant Prosocial Behavior After Commitment	4.8%
Age, Cognitive Abilities, Developmental Disabilities, or Mental Health	2.2%
Risk or Behavior	1.1%
Other	12.4%
Total	100.0%

This chart shows the mitigating factors for departure from the guidelines in FY 2023. For example, the most commonly cited mitigating factor was program or treatment completion or compliance. The Other Factor category includes such items as: to connect with treatment, or align with transition needs.

Chart 15. Aggravating Factors for Guideline Departure Fiscal Year 2023

	FY 2023
Nature of Offense or Offense Conduct	9.5%
Victim Impact	12.9%
Risk or Behavior Warrant Additional Incarceration	71.6%
Other	6.0%
Total	100.0%

This chart shows the aggravating factors for departure from the guidelines in FY 2023. For example, the most commonly cited aggravating factor for departing from the guidelines was that risk or behavior warranted additional incarceration. The Other Factor category includes such items as: awaiting transportation to a federal detainer, volume of offense type, or to align with transition needs.



End Notes

¹ Report versioning: This report was last updated September 27, 2023.

² The number of individuals released from prison and the number of individuals released from prison under Board jurisdiction are not synonymous. There are individuals in prison who are not under the jurisdiction of the Utah Board of Pardons and Parole. Consequently, differences in recidivism rates are to be expected between these two populations.

³ Due to rounding or truncating by statistical computer software, totals may not sum to 100.0 percent.

⁴ Due to rounding or truncating by statistical computer software, totals may not sum to 100.0 percent.

⁵ For the complete text of the statute, please see <https://le.utah.gov/xcode/Title63M/Chapter7/63M-7-S201.html>.

⁶ Fiscal years run from July 1 of the initial year to June 30 of the subsequent year. Fiscal year 2018 was from July 1, 2017 to June 30, 2018. Fiscal year 2019 was from July 1, 2018 to June 30, 2019. Fiscal year 2020 was from July 1, 2019 to June 30, 2020.

⁷ This includes individuals in the O-Track database whose offender legal status code was not equal to I or V and whose previous offender legal status code was equal to I or V.

⁸ Individuals who passed away in prison were not included in the base year data.

⁹ For the complete text of the statute, please see <https://le.utah.gov/xcode/Title63M/Chapter7/63M-7-S201.html>.

¹⁰ This is defined as an O-Track offender legal status of inmate with a legal status change code of new conviction or new conviction/probation violation. This indicates a return to prison on a new conviction.

¹¹ The measure of 1,095 days is based on 365 days a year multiplied by three years.

¹² Fiscal years run from July 1 of the initial year to June 30 of the subsequent year.

¹³ This measure doesn't include individuals who passed away in prison.

¹⁴ A prison commitment episode is defined as the aggregate prison sentence by the Board. It includes the aggregate start date to the aggregate completion date, which is generally the date the person was committed to prison till the date Board jurisdiction was terminated.

¹⁵ Not all individuals in prison are under the jurisdiction of the Utah Board of Pardons and Parole. This is a count of releases; individuals may be released multiple times.

¹⁶ This is a count of parole revocations; individuals can receive multiple revocations.

¹⁷ The new conviction category includes the O-Track categories of New Conviction and New Conviction/Probation Violation.

¹⁸ A small number of individuals passed away in prison before they reached their guideline date; they are not displayed on this chart because it is unknown if they would have been held above or below their guideline. For example, 0.4 percent of individuals were in this category in FY 2023.

¹⁹ This information is based on data from UDOCA. O-Track information is anticipated to be available in FY 2024.