



# Board of Pardons & Parole Benchmark Report FY 2023

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A Companion Report to the FY 2023  
Utah Board of Pardons and Parole Data Report



## Background & Development

This report provides an overview of the development and establishment of key benchmark performance measures for the Board of Pardons and Parole. This was completed in fulfillment of the requirements of the 2022 Legislative Audit and the Board Strategic Plan. The benchmarks also align with the key performance measure outlined by the legislature in statute under UCA §77-27-32. 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.

The Board of Pardons and Parole (BOPP) followed the approach outlined in the agency's strategic plan to develop the key benchmark performance measures. First, potential data sources were identified, and baseline data was analyzed. After this was completed, the inaugural 2023 Board of Pardons and Parole Data Report was published using this analysis. Next, the Board defined what constituted successful improvement for each measure based on the guiding philosophy. Then, using the baseline data and guiding philosophy, the Board established initial key benchmarks for each performance measure. During this inaugural year, the key benchmarks are reported separately from the annual data report. In future years, this information is intended to be included as part of the annual data report.

## Guiding Philosophy

Below is the guiding philosophy for the Board of Pardons and Parole.<sup>1</sup> This guiding philosophy was used to develop and establish the key benchmark performance measures.

- Public safety is the primary objective of the Board. We achieve public safety through intentional, conscientious, and evidence-based decision making that considers the nature and circumstance of offenses, criminal history, conduct and progress in prison and on parole, risk assessments, reentry plans, victim impact, and any other relevant factors. We promote sustained rehabilitation for individuals under our jurisdiction to enable them to safely reintegrate into society.
- The Board demonstrates the highest professional and ethical standards in making decisions about release, clemency, and pardons.
- The Board is accountable to the people of the state of Utah. Stakeholders include the public, local communities, victims, and their representatives, and those who are under our jurisdiction, as well as our criminal justice system partners, including the Governor's Office, Utah State Legislature, and the Utah State Courts.
- The Board believes outcomes need to be measured and performance continually improved.
- The Board believes fairness and equity is achieved through collaborative decision making and diversity of thought among Board members.



## Benchmark Outcome Overview FY 2023

Measure	Key Performance Benchmark	Target	FY 2023 Actual	Benchmark Outcome
<b>1. Recidivism</b>	70 percent or more of individuals will not recidivate	70% or More	78.6%	Met
<b>2. Time Under Board Jurisdiction</b>	The average time under Board jurisdiction will be 5 years or more because a lower average would suggest potential issues with the population committed to prison or time under jurisdiction	5 Years or More	7.0 Years	Met
<b>3. Prison Releases</b>	75 percent of prison releases or more will be to parole to help support successful reintegration into the community	75% or more	84.0%	Met
<b>4. Parole Revocations</b>	The parole revocation rate will be .30 or less per year	.30 or less	.33	Not Met
<b>5. Alignment of Board Decisions &amp; Guidelines</b>	60 percent or more of annual prison releases will be within 12 months of the guidelines	60 percent or more	79.8%	Met
<b>6. Reasons for Departure from Guidelines</b>	95 percent or more of applicable hearings will include the reasons for deviating from the guidelines on the record	95% or more	80.5%	Not Met



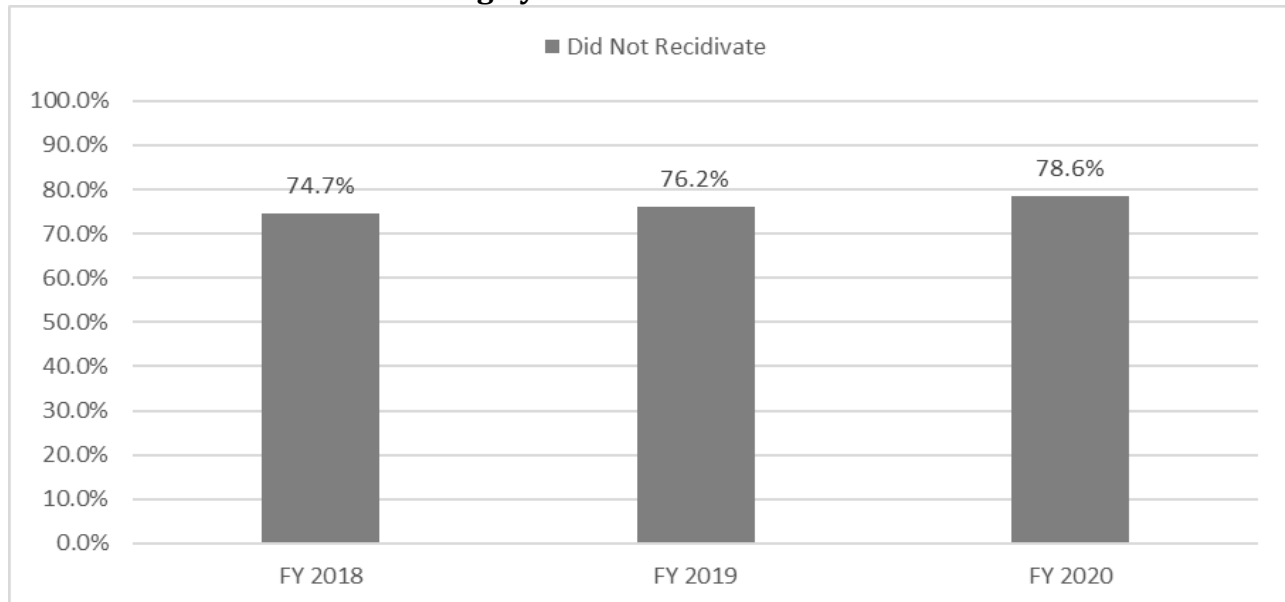
## Benchmark 1: Recidivism Benchmark

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.”

**Benchmark:** 70 percent or more of individuals will not recidivate

**Outcome:** Met

**Chart 1. Percent Not Recidivating by Fiscal Year**



This chart shows the percentage of individuals who didn’t recidivate by year. In FY 2020, which is the base year for the FY 2023 reporting year because there is a three-year follow up window, 78.6 percent of individuals did not recidivate within the three-year follow-up window.

### 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.<sup>2</sup>

### 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.<sup>3</sup> 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.<sup>4</sup> This measure examines individuals who were under the jurisdiction of the Utah Board of Pardons and Parole and were released from prison.<sup>5</sup> 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.”<sup>6</sup> The recidivism follow-up window is based on any return to prison for a new conviction<sup>7</sup> within 1,095 days<sup>8</sup> of the date of the baseline release date. The recidivism window is within the three subsequent fiscal years following the baseline fiscal year.<sup>9</sup> 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.

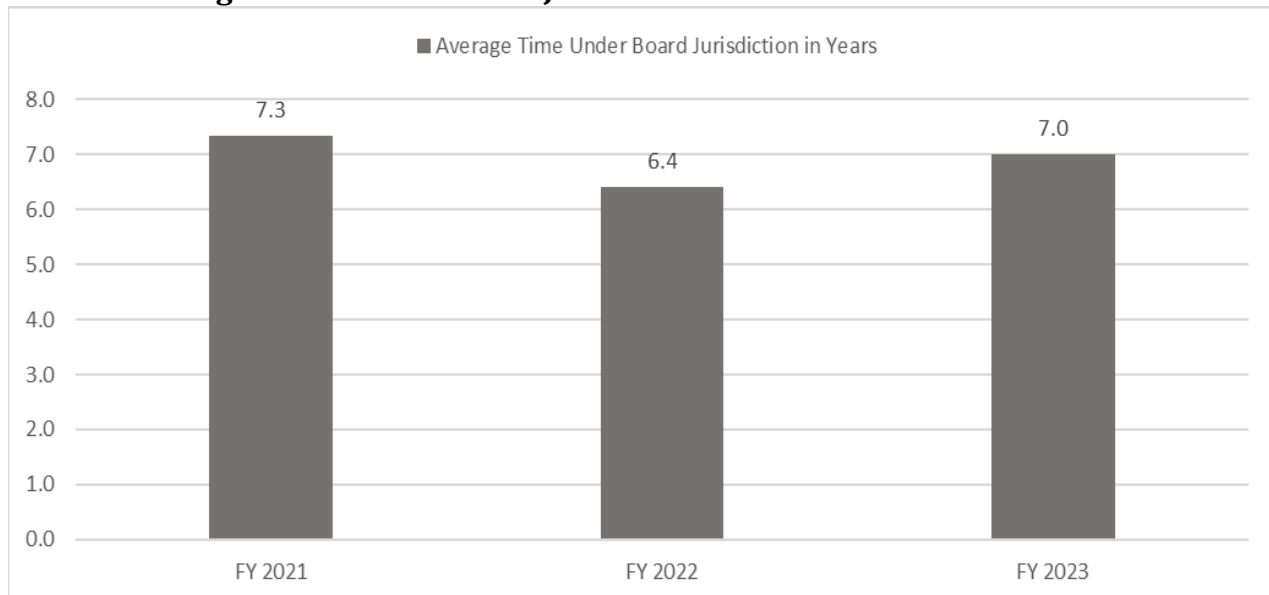
## Benchmark 2: Time Under Board Jurisdiction

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

**Benchmark:** The average time under Board jurisdiction will be 5 years or more because a lower average would suggest potential issues with the population committed to prison or time under jurisdiction

**Outcome: Met**

**Chart 2. 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.

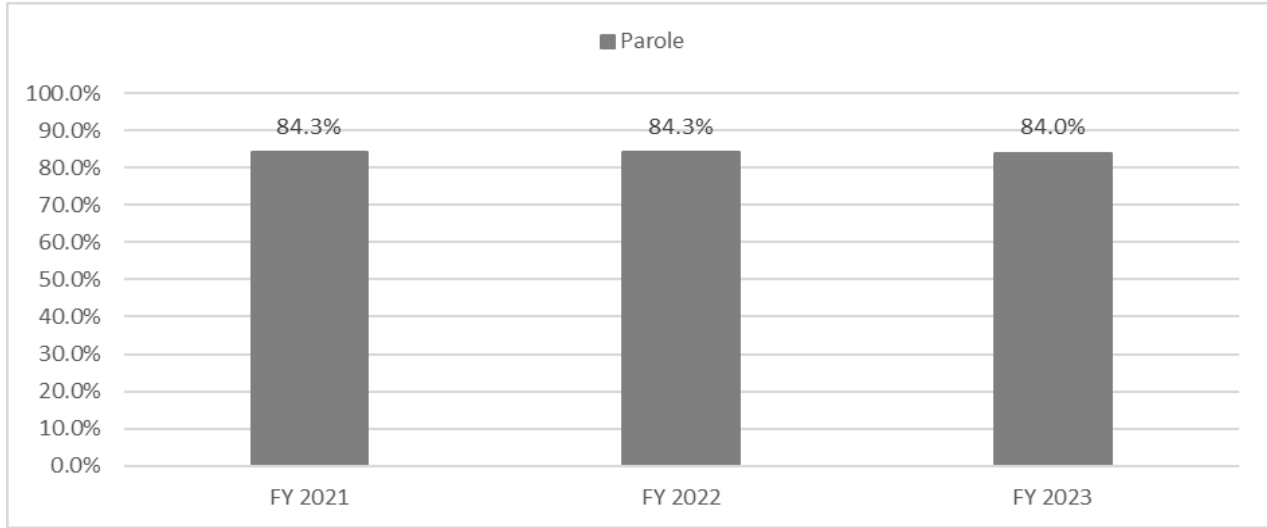


### Benchmark 3: Prison Releases

This section examines the type of prison releases for individuals who were under the jurisdiction of the Board of Pardons and Parole.

<b>Benchmark:</b> 75 percent of prison releases or more will be to parole to help support successful reintegration into the community	<b>Outcome: Met</b>
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**Chart 3. Prison Releases to Parole**



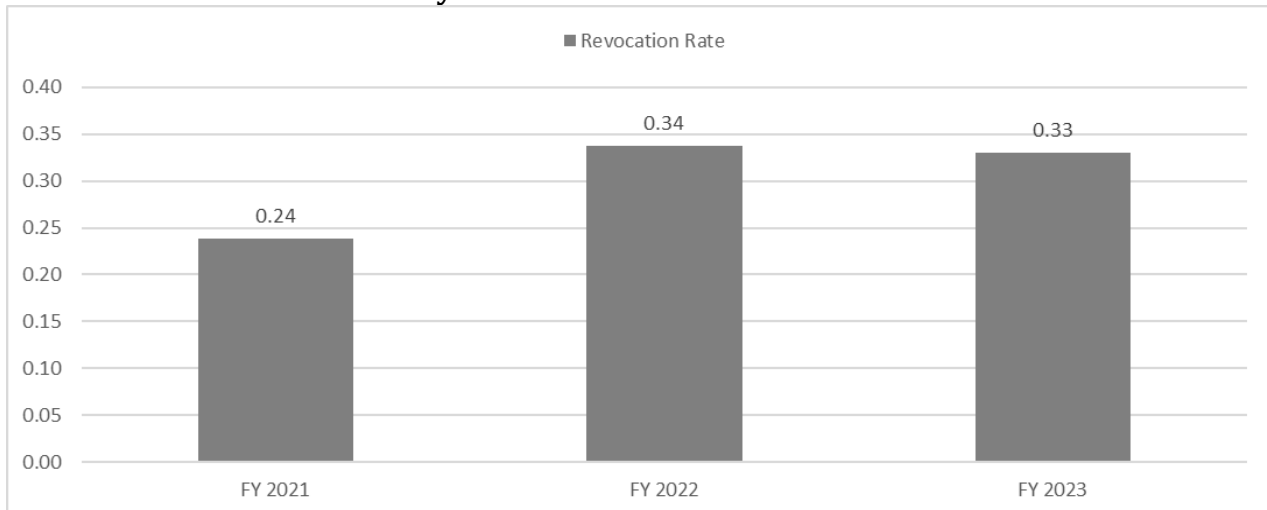
This chart shows the percentage of prison releases to parole by fiscal year.

### Benchmark 4: Parole Revocations

This section examines the total number of individuals revoked per year divided by the total number of individuals on parole per year, as a rate.

<b>Benchmark:</b> The parole revocation rate will be .30 or less per year	<b>Outcome: Not Met</b>
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**Chart 4. Parole Revocations by Fiscal Year**



This graph shows the parole revocation rate by fiscal year.<sup>10</sup>



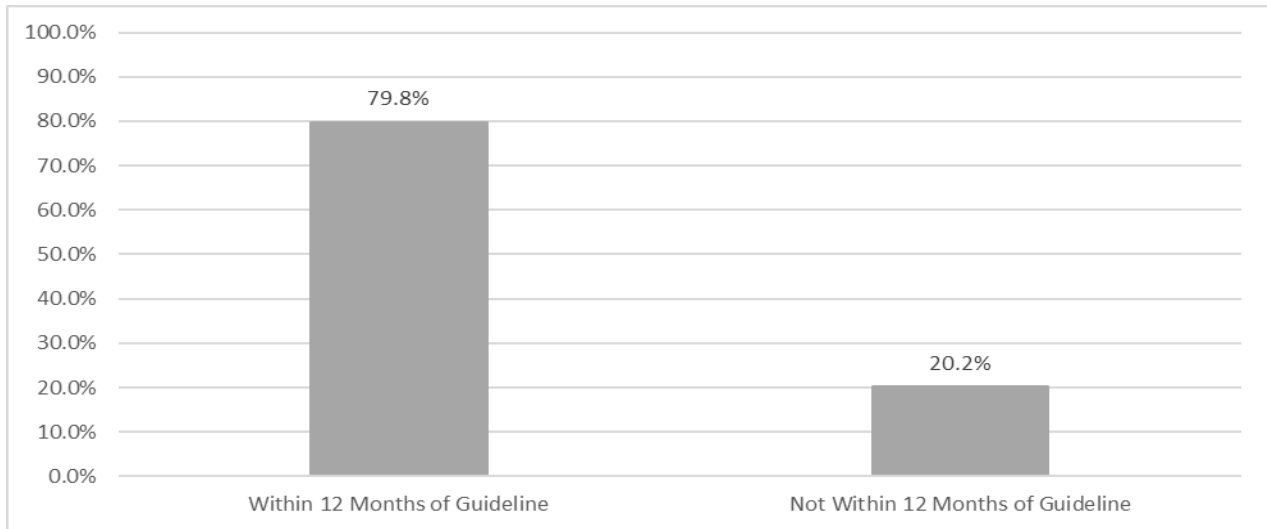
## Benchmark 5: Alignment of Board Decisions & Guidelines

This section examines the alignment between Board decisions and the Utah Sentencing Guidelines for fiscal year 2023, with a guideline date between July 1, 2022 and June 30, 2023.

**Benchmark:** 60 percent or more of annual prison releases will be within 12 months of the guidelines

**Outcome: Met**

**Chart 5. Guideline Outcome Difference**



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

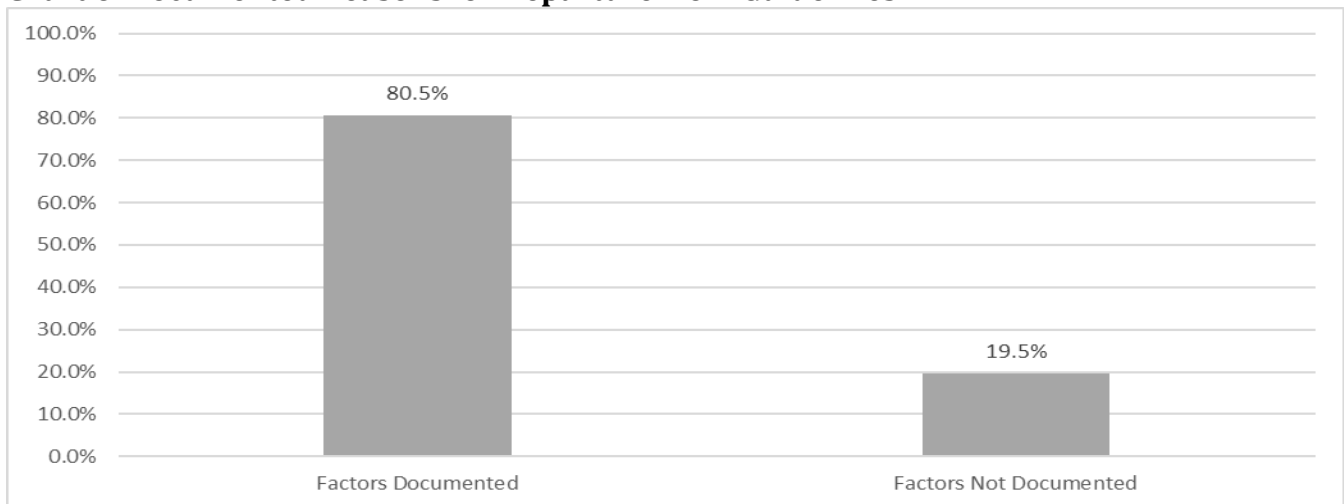
## Section 6: Reasons for Departure from Guidelines

This section examines the reasons the Board departed from the sentencing guidelines based on decision rationales. It examines Original Hearings in fiscal year 2023.<sup>11</sup>

**Benchmark:** 95 percent or more of applicable hearings will include the reasons for deviating from the guidelines on the record

**Outcome: Not Met**

**Chart 6. Documented Reasons for Departure from Guidelines**





This chart shows the percentage of Original Hearing rationale sheets in Fiscal Year 2023 that document the aggravating and mitigating factors. This was a manual paper process in FY 2023. The Board of Pardons and Parole with funding support from the legislature, has developed an electronic system to capture aggravating and mitigating factors beginning in Fiscal Year 2024 that is aimed to increase this documentation, improve transparency, and enhance consistency.

## End Notes

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<sup>1</sup>Source: Utah Board of Pardons and 2023-2028 Parole Strategic Plan. Retrieved electronically at: <https://bop.utah.gov/wp-content/uploads/2023/BOPP%2023-28%20Strategic%20Plan.pdf> on February 20, 2024.

<sup>2</sup> For the complete text of the statute, please see <https://le.utah.gov/xcode/Title63M/Chapter7/63M-7-S201.html>.

<sup>3</sup> Fiscal years run from July 1 of the initial year to June 30 of the subsequent year. Fiscal year 2020 was from July 1, 2019 to June 30, 2020.

<sup>4</sup> 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.

<sup>5</sup> Individuals who passed away in prison were not included in the base year data.

<sup>6</sup> For the complete text of the statute, please see <https://le.utah.gov/xcode/Title63M/Chapter7/63M-7-S201.html>.

<sup>7</sup> 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.

<sup>8</sup> The measure of 1,095 days is based on 365 days a year multiplied by three years.

<sup>9</sup> Fiscal years run from July 1 of the initial year to June 30 of the subsequent year.

<sup>10</sup> The Utah Board of Pardons and Parole is undertaking efforts, in collaboration with the Utah Department of Corrections, to address parole violation returns to prison. This includes such factors as examining and working to address the reasons for warrants, evaluating the violations that are leading to prison parole violation prison returns, and analyzing the warrant process.

<sup>11</sup> This information is based on data from UDOCA. O-Track information is anticipated to be available in FY 2024.