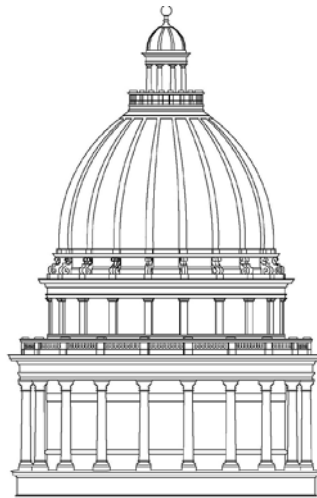


REPORT TO THE
UTAH LEGISLATURE
Number 2013-08



**A Performance Audit of the
Division of Adult Probation and Parole**

September 2013

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



STATE OF UTAH

Office of the Legislative Auditor General

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JOHN M. SCHAFF, CIA
AUDITOR GENERAL

September 17, 2013

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report, **A Performance Audit of the Division of Adult Probation and Parole** (Report #2013-08). A digest is found on the blue page located at the front of the report. The audit scope and objectives are explained at the close of the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

A handwritten signature in black ink that reads "John M. Schaff". The signature is stylized and cursive.

John M. Schaff, CIA
Auditor General

JMS/lm

Digest of A Performance Audit of the Division of Adult Probation and Parole

The Division of Adult Probation and Parole (AP&P) lacks guidelines for when to recommend revocation of community supervision; our audit found significantly different rates of revocation among AP&P offices throughout Utah. This variation results in disparate treatment of offenders in the state. We also found that, although AP&P has made good progress in implementing evidence-based practices (EBP), the division is not consistently applying them across the state, thereby weakening their positive impact on offender outcomes. Moreover, Utah has one of the highest revocation rates in the country and we believe the high rate is primarily due to the inconsistencies noted above. Over the last ten years, 67 percent of all prison admissions resulted from AP&P supervision revocations. Estimates show that the prison population and associated costs could be significantly reduced if AP&P could achieve more effective community supervision outcomes. We believe that much of the improvement needed can be done within AP&P; however, we note that many other agencies and stakeholders must participate to achieve successful community supervision of offenders.

Varied Agent Philosophies and a Lack of Guidelines Are Driving Revocation Rates in Utah. Historical data on offenders who were sent to prison shows that high-risk offenders make up the majority of revocations to prison. A further examination of this group found that offices throughout the state revoked high-risk offenders at differing rates. We also found that, in 2007, a Bureau of Justice Statistics analysis examining parolees found that Utah returned the second largest proportion of offenders in the country. The AP&P director agrees that more statewide uniformity is needed and recognizes that more can and should be done in this regard.

Other States Have Experienced a Reduction in Prison Admissions with Sanction and Revocation Guidelines. Some states have implemented guidelines to structure violation responses within the goals of evidence-based practices (discussed further in Chapter III). Policy objectives also included the creation of consistent and fair sanctioning. Measurement of the impact of these efforts shows that they are reducing admissions to prison.

Utah's Usage of Evidence-Based Practices (EBP) Should Be More Consistent and Focused. Research shows the effective usage of EBP can reduce recidivism and therefore reduce prison populations (Chapter IV provides more detail on potential cost savings). The Utah Department of Corrections (UDC) and AP&P leadership have stated that Utah is on the path of utilizing EBP. Our interviews and observations support this

Chapter I: Introduction

Chapter II: AP&P's Revocation Practices Lack Guidelines

Chapter III: Better Use of Evidence-Based Practices Could Reduce Supervision Violations

statement, but more needs to be done to implement these practices consistently across the state. Despite the availability of training, the application of EBP varies among AP&P offices in the state. We believe this inconsistency contributes to the variation in violation response discussed in Chapter II.

AP&P Should Better Measure Use and Impact of Evidence-Based Practices. AP&P does not sufficiently measure the usage of EBP by agents or the impact these techniques have on primary offender outcomes like violation behavior or recidivism rates. While AP&P has sought to audit the quality of offender assessments and interviewing techniques, these reviews have been done on a limited basis and should be better coordinated and emphasized. Continual monitoring allows an improving agency to more accurately track its progress toward strategic goals.

Chapter IV: Improved Supervision by AP&P Can Lead to Cost Savings

UDC Could Save Millions Through Improved Community Supervision Techniques. While we believe AP&P is moving in the right direction, as shown in Chapters II and III, there is still room for improvement. We estimate that further improvement by AP&P as it relates to improved community supervision and a lower recidivism rate could result in savings of \$2.6 million per year or more, though we caution that these numbers are estimates and generally realized through cost savings in the form of avoiding new prison space, rather than operational savings from AP&P. The potential for capacity reduction is especially important today as the Legislature contemplates relocating the prison.

Chapter V: Improved Coordination Can Bolster Success of Community- Supervised Offenders

CCJJ Corrections Working Group Should Focus Efforts on Improving Coordination Among Correctional Entities. The Legislature has been active in bringing meaningful change to Utah's correctional system. We believe there are even more opportunities for the Legislature to bring cohesiveness to the correctional system. Utah continues to see an increasing prison population and flat recidivism rates. Other states have pushed for and achieved better results from their correctional agencies.

Program Effectiveness Calculated by CCJJ Should Be Used to Improve Outcomes. Successful offender management is bolstered by the implementation of effective programs. Other states have found significant success in their efforts to measure program effectiveness. Utah's Commission on Criminal and Juvenile Justice (CCJJ) has begun measuring the cost-effectiveness of some correctional programs offered in the state. This is a good first step. Other steps include determining if staff are adequately executing the programs and monitoring for ways to improve the programs.

REPORT TO THE UTAH LEGISLATURE

Report No. 2013-08

A Performance Audit of the Division of Adult Probation and Parole

September 2013

Audit Performed By:

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Chapter I

Introduction

The Division of Adult Probation and Parole (AP&P) lacks guidelines for violation response, including when to recommend **revocation**¹ of community supervision; our audit found significantly different rates of revocation among AP&P offices throughout Utah. This variation results in disparate treatment of offenders in the state. We also found that, although AP&P has made good progress in implementing **evidence-based practices**² (EBP), the division is not consistently applying them across the state, thereby weakening their positive impact on offender outcomes. Moreover, Utah has one of the highest revocation rates in the country and we believe the high rate is primarily due to the inconsistencies noted above. Over the last ten years, 67 percent of all prison admissions resulted from AP&P supervision revocations. Estimates show that the prison population and associated costs could be significantly reduced if AP&P could achieve more effective community supervision outcomes. We believe that much of the improvement needed can be done within AP&P; however, we note that many other agencies and stakeholders must participate to achieve successful community supervision of offenders.

AP&P Supervises Offenders In the Community

AP&P is charged with supervising criminal offenders in the community and does so in five geographical regions throughout the state. The division also oversees four community correctional centers (also known as halfway houses), three treatment resource centers, the Women’s Treatment and Resource Center, Utah’s sex offender registry, the interstate compact program, and the DNA program.

¹ **Revoking** parole or probation terminates community supervision due to what authorities (i.e. the court or the Board of Pardons and Parole) deem to be excessive condition violations and sends the offender in question to prison.

² **Evidence-based practices** are offender management methods, tools, and programs proven by empirical research to reduce violation behavior by offenders.

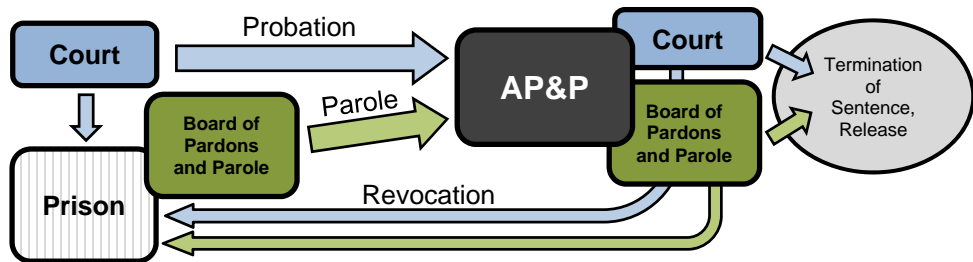
AP&P can improve how it manages offenders in the community, which can lead to a reduction in the prison population and associated costs.

AP&P supervises criminal offenders throughout Utah in five geographical regions.

If an offender violates the terms of his or her supervision, AP&P recommends sanctions to the local court or the Board of Pardons and Parole (board). The court or board then determines what response to pursue, up to and including incarceration. Figure 1.1 shows a basic outline of how AP&P fits into the correctional system. This flowchart is limited to areas germane to AP&P.

Figure 1.1 Basic Offender Interactions with AP&P. This flowchart illustrates how AP&P interacts with the rest of the correctional system.

The Board of Pardons and Parole and the courts have authority over offenders.



Source: Flowchart created by OLAG

Offenders begin in court (top left) where they are initially convicted and sentenced. An offender sentenced to probation reports directly to AP&P; the court district in which sentencing occurs will have authority over the case. If offenders are sentenced to serve prison time, they could be released early and placed under parole supervision for the time remaining on the original sentence. At that point, the Board of Pardons and Parole has authority over the case. Throughout the course of either type of supervision, AP&P recommends actions to be taken by the appropriate authority depending on the offender's compliance with supervision terms.

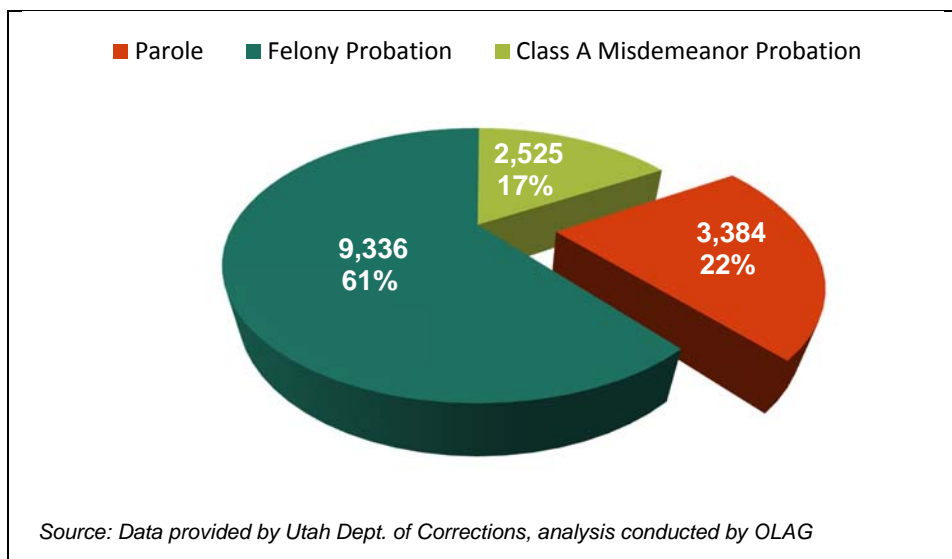
AP&P must protect public safety while avoiding the overuse of prison resources.

With over 16,000 offenders currently under AP&P supervision (by comparison, there are roughly 7,000 offenders incarcerated in the state prison system), the responsibility to enforce supervision standards and protect the public is substantial. Because many offenders violate the terms of their supervision, the task of protecting public safety, while also avoiding the overuse of expensive prison resources, can be a challenging balance to strike.

Majority of Offenders Are Probationers, But Parolees Account for Majority of Prison Returns

Probationers are offenders who have been convicted of a crime (usually a felony) who have been sentenced by the court to participate in public supervision as an alternative to prison. Parolees are offenders who have served time in prison and are then placed on public supervision by the board until the expiration or termination of their sentence. Figure 1.2 shows the average count for each type of offender under supervision from 2008 to 2012.

Figure 1.2 Average Count of Offenders on Supervision by Legal Type, 2008-2012. Probationers accounted for the majority (61% Felony, 17% Class A, 78% Total) of all offenders under supervision.



Although probationers account for the majority of offenders under supervision, parolees (discussed more in Chapter II) account for most of the returns to prison.

Offenders from AP&P Make Up the Majority of Prison Admissions

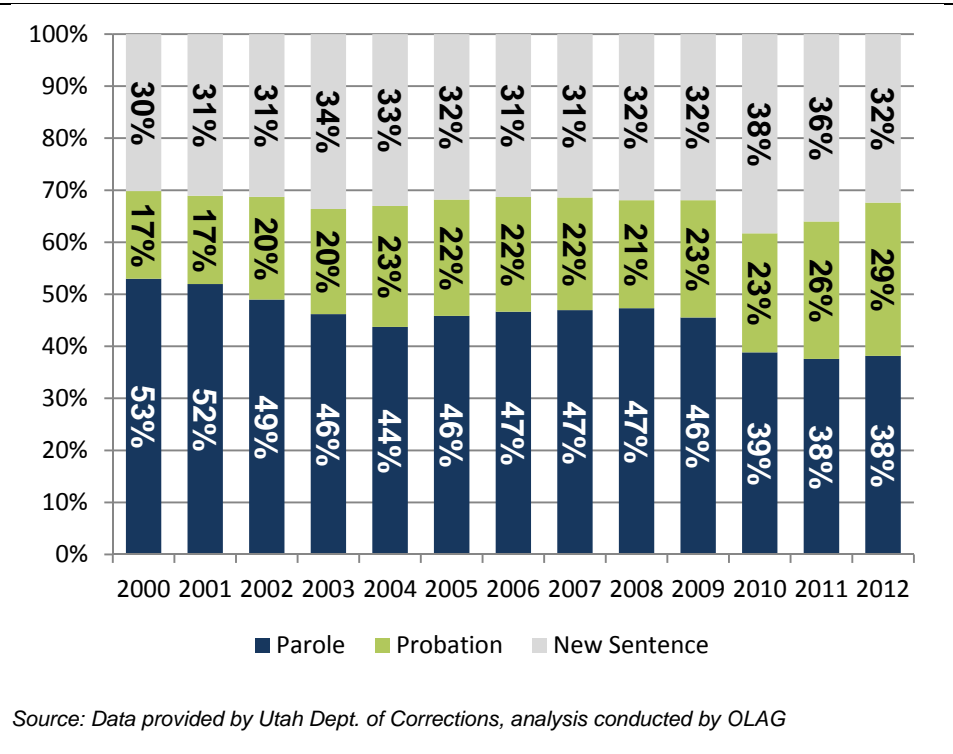
As illustrated next in Figure 1.3, offenders under AP&P supervision make up the majority of Utah prison admissions.

Source: Data provided by Utah Dept. of Corrections, analysis conducted by OLAG

Probationers make up the majority of offenders under AP&P supervision.

Offenders on AP&P supervision accounted for 67 percent of all admissions to prison.

Figure 1.3 AP&P Portion of 2000-2012 Prison Admissions. AP&P offenders accounted for an average of 67 percent of all prison admissions during this time. Parolees returning to prison alone accounted for an average of 45 percent.



From 2000 to 2012, probationers and parolees accounted for an average of 67 percent (blue and green bars) of the approximately 3,300 offenders incarcerated per year. Parolees alone accounted for an average of 45 percent, though that number is declining slightly faster than increases in probation admissions over time.

Research Shows a Clear Path to Reduced Incarceration

A large body of research in jurisdictions and universities in the United States and Canada has identified programs and practices that consistently reduce the tendency of offenders to engage in criminal and supervision violation behavior. These proven methods are referred to as evidence-based practices (EBP). The Utah Department of Corrections (UDC) and AP&P leadership have been using EBP to structure programs to achieve the proven results. However, as discussed in Chapter III, our audit found that the practices have not

Utah is making limited use of evidence-based practices in offender management.

yet been consistently applied throughout the state. The partial application of EBP appears to have had little effect on the parolee recidivism rate in the state, as discussed in Appendix B. If AP&P can successfully implement programs that reduce violations and, subsequently, the number of offenders returning to prison, Utah could potentially benefit from improved public safety and significant cost savings. These cost estimates are examined further in Chapter IV.

As the correctional system expands well beyond the reach of just AP&P, research also states the value of a collaborative effort among stakeholders involved in the process. These include prison administrators, judges, local treatment providers, and law enforcement. Our observations on this topic are found in Chapter V.

Offender management could improve with increased collaboration among stakeholders.

Audit Scope and Objectives

We were asked to conduct an in-depth budget review of UDC operations. During the risk assessment period of that audit, we identified two other areas we deemed important to review in more detail in addition to the budget review. The first area dealt with matching records between UDC and the Department of Workforce Services (DWS) to determine what public assistance programs probationers and parolees were receiving. Our analysis of these records identified individuals that were inappropriately receiving public assistance. We released that report, *A Limited Review of Fugitives and Inmates Inappropriately Receiving Public Assistance* (Audit #2013-06), in July 2013.

The second area dealt with risk at AP&P. Risks associated with AP&P included the length of time since our last audit in 1983 and the variations among regions identified during risk assessment. We accordingly conducted a full audit of AP&P with the objective to examine AP&P operations to determine whether or not it was efficiently and effectively managing its offender population. Specifically, the scope of the audit included the following:

- Review consistency of practices and programs among the various AP&P regions
- Review AP&P's use and application of best practices

- Determine the effect of improving community supervision of offenders
- Review AP&P interactions with other entities within the correctional system

Please note that our budget review of UDC, which is titled *An In-depth Budget Review of the Utah Department of Corrections* (Audit #2013-09) is being released concurrently with this report on AP&P.

Chapter II

AP&P's Revocation Practices Lack Guidelines

Our examination of historical offender data found significantly different rates of **revocation**³ of high-risk offenders among the Division of Adult Probation and Parole (AP&P) regions and offices. We also observed what appears to be a difference in the threshold for revocation from office to office. That is, an offender in one office may be allowed multiple violations before supervision is revoked, while in other areas of the state fewer violations will result in revocation. We believe that the variation in the rate and threshold for revocation illustrates a lack of fundamental fairness in parolee and probationer management. AP&P should therefore develop guidelines for violation response, including supervision revocation, and identify best practices and benchmark measures for performance that could be applied throughout the state.

We acknowledge there are many factors AP&P cannot directly control, for example, local crime rates, offender risk pool, ratio of parolees to probationers, and offender attitude. However, we believe the variations identified in this report are driven more by inconsistent and unclear strategy from within AP&P than by these external factors and are therefore within AP&P's ability to improve. Other states have successfully created and implemented violation response guidelines and we believe that AP&P can achieve greater control over offender outcome by doing the same.

³ **Revoking** parole or probation terminates community supervision due to what authorities (i.e. the court or the Board of Pardons and Parole) deem to be excessive condition violations and sends the offender in question to prison. Revocation rates vary from recidivism rates in subtle but important ways. For example, recidivism rates result from a specialized 36-month longitudinal study that only accounts for parolees and does not identify the AP&P office responsible for supervision. Please refer to Appendix B for a full description of the difference between revocation and recidivism and further consideration of Utah's recidivism rate as it compares to other states.

Our review found variation in AP&P operations throughout the state.

Other states have successfully implemented violation response guidelines.

Varied Agent Philosophies and a Lack of Guidelines Are Driving Revocation Rates in Utah

Historical data on offenders who were sent to prison shows that high-risk offenders make up the majority of revocations to prison from 2008 through 2012. A further examination of this group found that offices throughout the state revoked high-risk offenders at differing rates. We also found that, in 2007, a Bureau of Justice Statistics analysis examining parolees found that Utah returned the second largest proportion of offenders in the country. The previous director of AP&P repeatedly expressed his desire to bring more uniformity to the state and we are encouraged by the progress that has been made. The current director agrees that more statewide uniformity is needed and recognizes that more can and should be done in this regard.

High-Risk Offenders Make Up The Majority of Revocations

Understanding the disparate treatment of offenders involves a close review of high-risk offenders, who account for most of the revocations in the state. Because of the higher likelihood of incarceration, the way AP&P agents deal with these offenders is an important factor in the successful management of community supervision.

All offenders under AP&P supervision are categorized using a nationally recognized assessment tool called the Level of Service Inventory–Revised or LSI-R. AP&P uses the LSI-R to group offenders by needed supervision intensity (intensive, high, moderate, or low). The LSI-R helps predict parole outcome and recidivism by assessing 54 predetermined factors dealing with an offender’s past and current behavior as well as environmental factors. The factors are ultimately combined, resulting in a total score and risk classification.

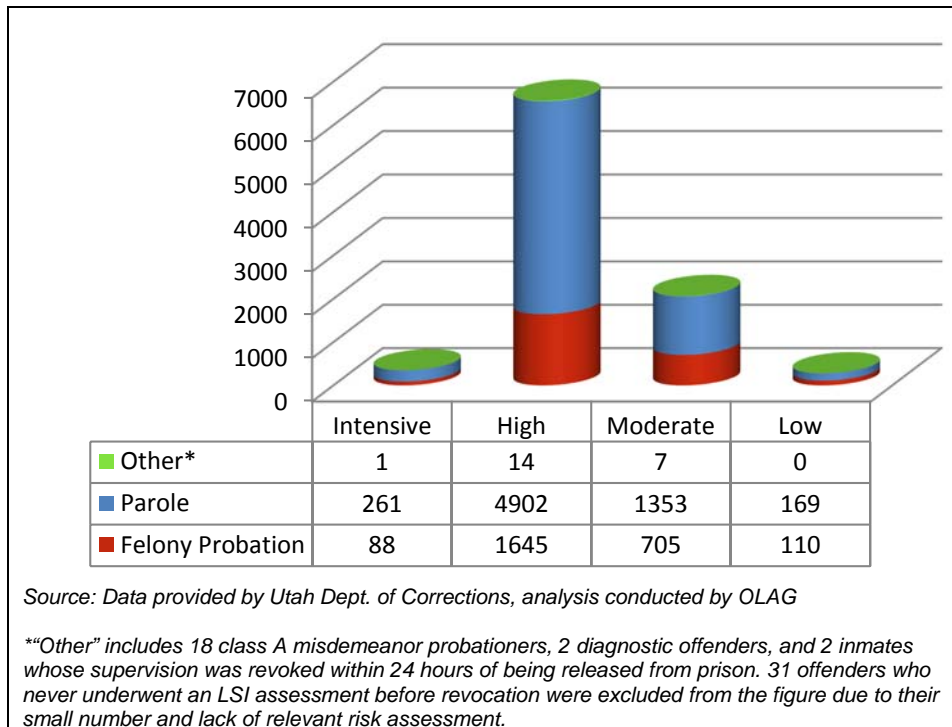
Though offenders categorized as intensive represent a larger risk than high-risk offenders, there are generally very few in the state. From 2008 to 2012 there was an average of 105 intensive offenders per year. That represents less than one percent of total offenders under supervision. By contrast, the annual average for high-risk offenders during the same period was just over 5,000 or 33 percent of total offenders under supervision.

Historical data shows that supervision was revoked at different rates from office to office.

High-risk offenders accounted for one-third of offenders under supervision from 2008-2012.

In the last five years, high-risk offenders accounted for the majority of the revocations in the state, as shown in Figure 2.1. This figure shows a breakdown of revocations from 2008 through 2012 categorized by risk level and offender type. It is evident from this chart, and not entirely unexpected, that high-risk offenders are the driving force of revocations in the state.

Figure 2.1 Revocations per Risk Type 2008-2012. High-risk offenders accounted for 71 percent of 9,255 revocations. Within that category, parolees accounted for 75 percent of high-risk revocations.



High-risk offenders accounted for 71 percent of 2008-2012 supervision revocations.

Despite accounting for just 33 percent of total offenders under supervision as previously mentioned, high-risk offenders accounted for 71 percent of revocations. More specifically, high-risk parolees accounted for 53 percent of all revocations even though, as shown in Chapter I (Figure 1.2), parolees account for a much smaller proportion of offenders under supervision (22 percent) compared to probationers. While much of the focus in this report is on high-risk individuals due to their large number and increased probability of re-offense, we also make note that intensive offenders must be treated with special focus and attention alongside high risk offenders.

High-risk parolees accounted for 53 percent of all 2008-2012 revocations.

Each level of risk corresponds with AP&P supervision standards, defined as a specific number and type of contacts (e.g. at home, work,

Agents should react more consistently to supervision violations.

AP&P office) that each category of offender should receive from the assigned probation or parole officer. These standards are well-defined and consistently applied throughout the state. Note that in the next sections, when we discuss the need for consistent revocation guidelines, we are not referring to these risk-based supervision standards but rather to the way agents react inconsistently once violations have taken place. For example, an AP&P agent can recommend further community treatment or incarceration following a supervision violation.

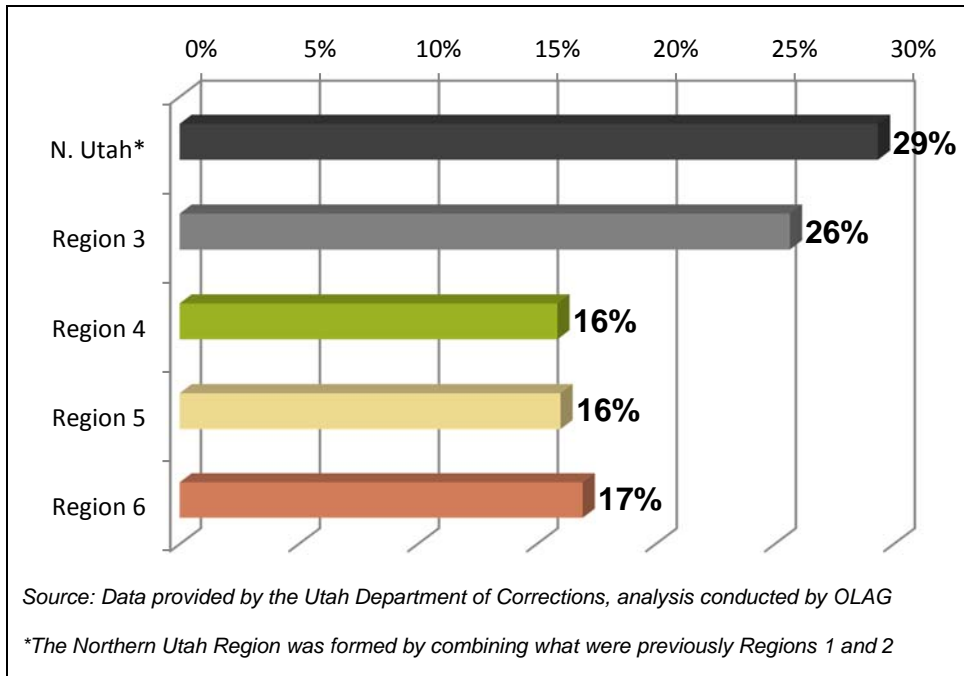
Supervision of High Risk Offenders Is Revoked at Varying Rates

Revocation strategies vary among AP&P staff.

We found that administrators, supervisors, and agents have varying opinions and strategies regarding when to recommend offenders be sent to prison. Even among offices within a single region, AP&P employees expressed markedly different views. In an attempt to find a statewide benchmark level of performance, we analyzed agents' responses to parole and probation violations committed by high-risk offenders. From 2008 through 2012, we found significant inconsistencies across different areas of the state.

Our analysis compared the total number of high-risk offenders under supervision to the number of high-risk offenders who were revoked in a given year and location. The resulting revocation rates, shown in Figure 2.2, show significant variation from region to region in the proportion of high-risk offenders who were sent to prison.

Figure 2.2 Average Annual Revocation Rate for High-Risk Offenders per AP&P Region 2008-2012. This rate indicates how many high-risk offenders were revoked compared to the total number of high-risk offenders under supervision. The state average revocation rate during this time was 21 percent.



The proportion of high-risk revocations in the Northern Utah Region (Weber, Davis, Cache, and Tooele counties)⁴ is nearly twice as large as the same measure in Region 4 (Utah County, central Utah)⁴. Also, Region 3 (Salt Lake Valley)⁴, the largest in the state, is slightly above the state average of 21 percent. Considering that the Northern Utah Region and Region 3 together supervise roughly 70 percent of all offenders (approximately 11,300 as of June 2013), the impact of the larger rates in those areas is substantial.

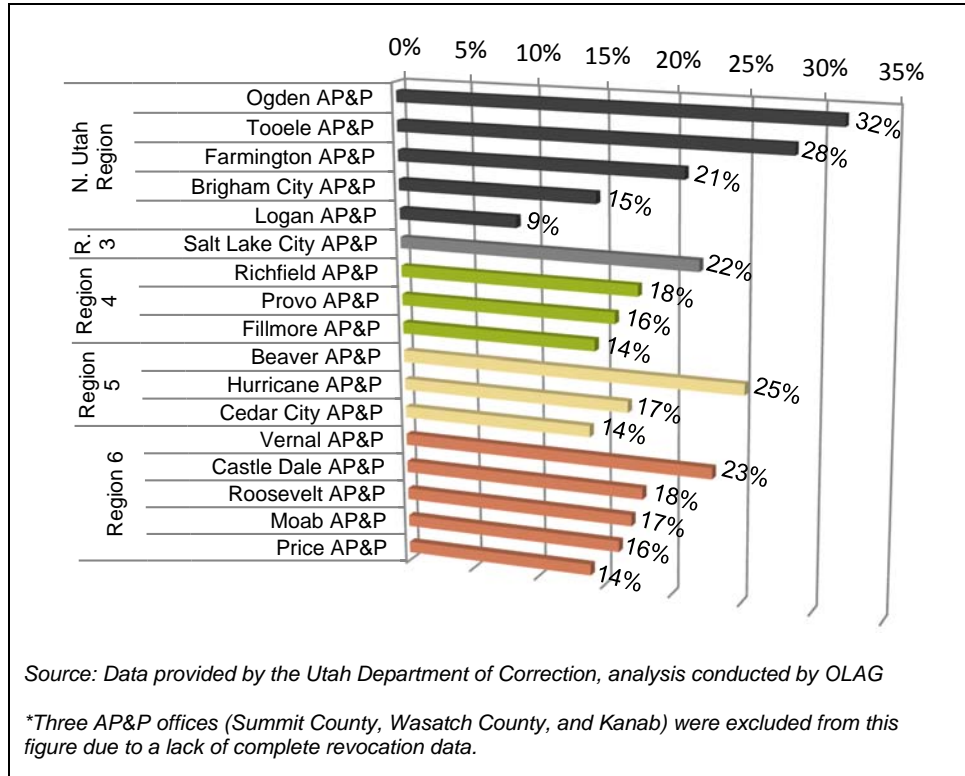
AP&P should carefully consider whether the Northern Utah Region and Region 3 could more actively control the number of offenders sent to prison, with the goal of encouraging a higher level of community rehabilitation as achieved in other regions. There would be a clear cost savings to the state if AP&P could safely retain offenders in the community as opposed to sending them to prison. We examine these potential savings in Chapter IV.

⁴ See Appendix A for complete map of region boundaries.

The two largest regions (70 percent of offenders) revoke a larger portion of high-risk offenders.

Offices Within the Same Regions Are Also Inconsistent in Their Revocation Rates. In addition to seeing variations in revocation rates at the region level, we further subdivided the data and saw that individual offices within these regions were revoking high-risk offenders at substantially different rates, as shown in Figure 2.3.

Figure 2.3 Average Annual Revocation Rate for High-Risk Offenders per AP&P Office 2008-2012. The same pattern of variation at the region level also exists from office to office within those regions.



Individual office revocation rates also varied within AP&P regions.

We believe that local leadership makes decisions independent of any statewide standard.

Figure 2.3 shows that, even among offices reporting to the same regional leadership, significant variation exists in when and how high-risk parole or probation supervision is revoked. In the Northern Utah Region alone, there was a 23 percent difference from the Ogden office to the Logan office. We believe that this is evidence that local leadership and agents make offender management decisions with a high level of independence from any statewide standard. We recommend that AP&P make better use of revocation data to develop a concise set of metrics to allow management at all levels to actively and easily hold staff accountable to performance benchmarks and statewide performance.

Utah Revokes a High Number of Parolees Compared to Other States

A national analysis of parolees returned to incarceration in 2007, performed by the Bureau of Justice Statistics (BJS), shows that Utah incarcerates a high proportion of parolees compared to other states. Similar to our method of measuring revocation, the BJS analysis shown in Figure 2.4 measures the number of parolees returned to incarceration (revoked) against the total population of parolees.

In 2007, Utah incarcerated the second largest proportion of parolees in the country.

Figure 2.4 Parolees Returned to Incarceration in 2007. Utah incarcerated the highest portion of parolees compared to all western states and ranked second highest in the country after Connecticut (29.9 percent).

Western States	Total Population At-Risk of Re-Incarceration	Returned to Incarceration	
		Number	Percent
Utah	5,866	1,648	28.1%
California	296,753	81,431	27.4
Colorado	18,640	4,361	23.4
Arizona	21,325	2,934	13.8
Montana	1,613	195	12.1
Idaho	4,421	501	11.3
Hawaii	3,002	313	10.4
Oregon	31,241	2,823	9.0
Wyoming	982	75	7.6
Nevada	7,477	509	6.8%

Region			
West	391,320	94,790	24.2%
Midwest	235,694	35,368	15.0
Northeast	156,866	23,125	14.7
South	332,387	29,780	9.0
U.S. total	1,248,337	193,636	15.5%

Source: Bureau of Justice Statistics, *Probation and Parole in the United States, 2007 – Statistical Tables – Table 6*

As the data in Figure 2.4 shows, Utah incarcerated a higher proportion of parolees than any other western state in 2007 and, at 28.1 percent, was substantially higher than the national average of 15.5 percent. UDC believes this reflects overarching factors in the corrections system including Utah’s relatively low incarceration rate and the relatively long period of parole supervision (see Appendix B

for additional information). UDC has attempted to mitigate some of these factors by opening a 300 bed facility specifically for parole violators earlier this year. Because it has only been in operation a short time, the effects of this facility on recidivism and the prison population are not yet known.

We acknowledge that these are significant factors but believe that, as previously stated, actions taken by the agency can be refined to reduce Utah's incarceration rates and increase consistency and fundamental fairness between regions and offices.

Threshold for Revocation Appears To Differ Throughout the State

Different thresholds for revocation are indicators of a lack of overall revocation guidelines. Offenders typically violate their supervision multiple times before their supervision is revoked and they are sent to prison. In an attempt to find a benchmark threshold for revocation, we analyzed the average number of violations preceding revocation of high-risk offenders. From 2008 through 2012, we found significant inconsistencies across different areas of the state. We observed an apparent variation in the threshold at which high-risk offenders were revoked, depending on the office to which they were reporting. Figures 2.5 (probation) and 2.6 (parole) use the total revocation data from 2008 through 2012 to show, by office, the average number of violations high-risk offenders committed before supervision was revoked and the offender sent to prison. The charts show a substantial range from largest to smallest, especially for felony probationers. Violations include such things as a positive drug test, curfew violation, failure to report to AP&P, failure to complete treatment, or even a new criminal charge.

The threshold for supervision revocation appears to differ from office to office.

Figure 2.5 Average Violations per High-Risk Felony Probation Revocation, 2008-2012. This data is one indicator that regions seem to have different violation thresholds for revocation.

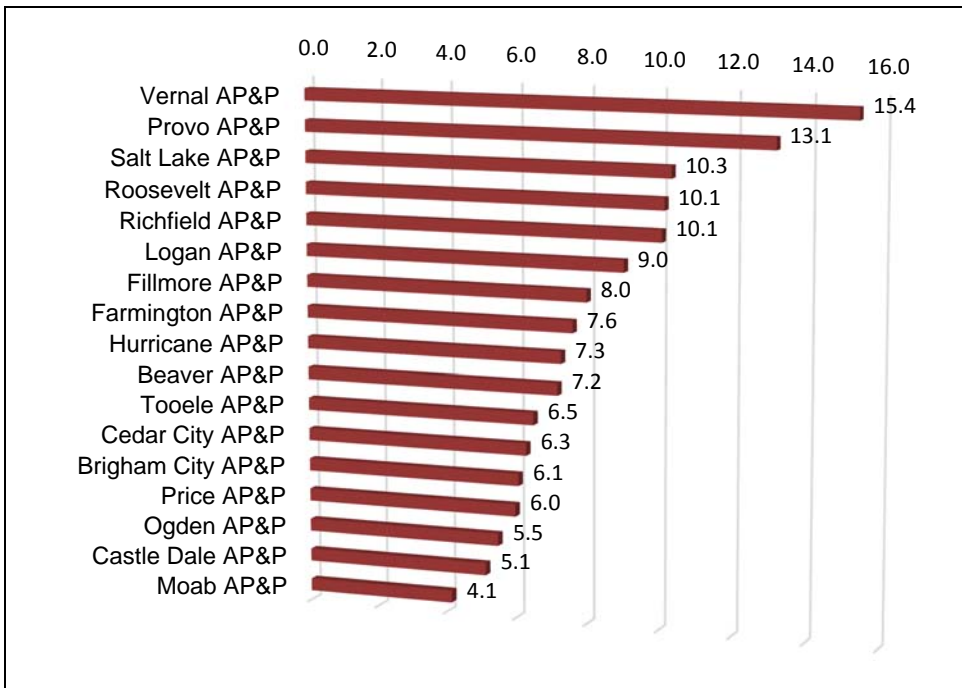
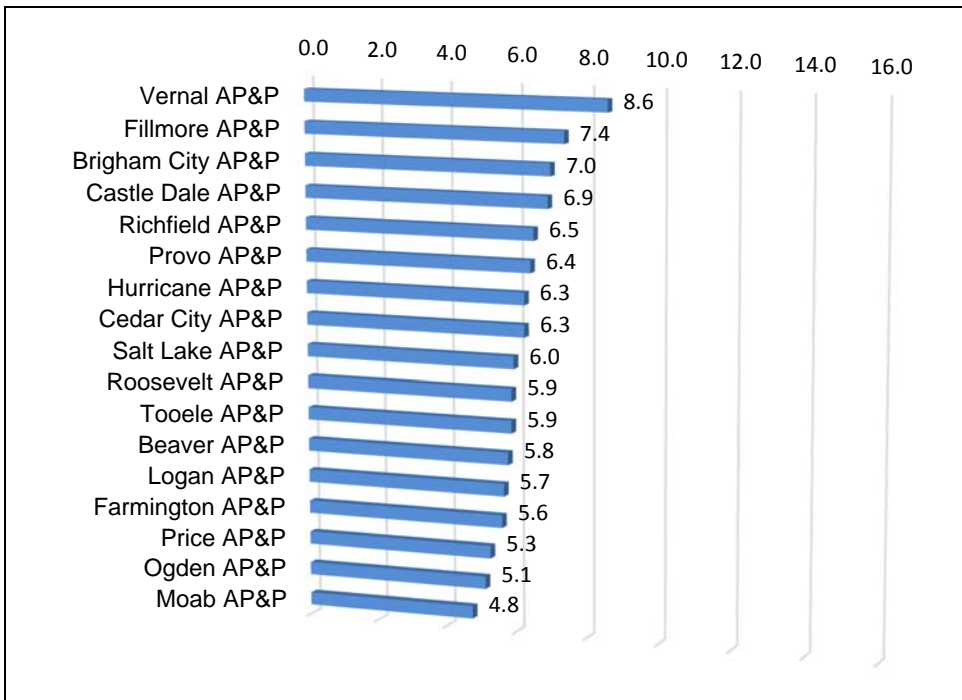


Figure 2.6 Average Violations per High-Risk Parolee Revocation, 2008-2012. This data is one indicator that regions seem to have different violation thresholds for revocation.



The number of violations allowed before revocation occurs varies across the state, raising questions of equity and fairness.

All revocations begin as a recommendation made by AP&P to either the local court or the board. Some judges said that they are very likely to adopt AP&P recommendations while others stated that they are likely to favor more harsh or lenient sanctions. The chair of the board stated that the recommendations carry significant sway as the agents are in constant contact with offenders.

We acknowledge that the court or board can significantly impact the thresholds illustrated in Figures 2.5 and 2.6 as the authority to sanction offenders ultimately rests with them. However, a correlation analysis⁵ of this data found that AP&P offices in which offenders had higher violations per revocation with one body (i.e. court or board) were likely to have a higher relative average with the other. Because the court and board operate independent of one another, this suggests that the reports and recommendations submitted by AP&P agents also have a significant impact on the threshold for supervision revocation. We believe, therefore, that the variation can be reduced with more consistent AP&P policy. As discussed in Chapter V, we recommend that additional coordination between AP&P, the courts, and the board take place.

Correlation suggests that AP&P offices have a significant impact on the threshold for revocation.

Differences in AP&P Operations Are the Primary Cause of Revocation Variation

In our opinion, despite many variables at play in offender management, the way AP&P manages offenders is the most significant factor in the variations detailed in this chapter. It should be emphasized here that these revocation rates and thresholds reflect many variables in the offender population, local demographics, and the corrections system as a whole. These variables make the interpretation of the results less precise. We attempted to control a certain amount of variation by focusing our examination on offenders who had been assigned a similar level of risk.

Literature on this subject suggests, however, that the policy decisions and subsequent actions taken by each unique jurisdiction most heavily influence offender outcome. In the case of AP&P, no clear revocation guidelines or policy serve as a benchmark. In our

⁵ The coefficient of correlation (Pearson's r) for this data is 0.576. This indicates a moderate to strong relationship between the variables compared.

We believe that the way AP&P manages offenders is the driving force of revocation variation.

discussions with agents, supervisors, and regional administrators, it became apparent that each office has a high level of autonomy when determining its response to violations of supervision terms. We believe that this is the primary driving factor in the observed variation.

Our main concern is that Utah’s revocation practices are not guided by clear guidelines or vision; thus, opportunities to identify and incorporate best practices statewide are being lost. The lack of clear guidelines can also lead to unwelcome outcomes and higher costs. We believe, based on the information presented in this chapter, that the overall state revocation rate could be responsibly reduced with a consistent statewide policy.

Other States Have Experienced a Reduction in Prison Admissions with Sanction and Revocation Guidelines

Some states⁶ have implemented guidelines to structure violation responses with goals of risk control, risk reduction, increased offender compliance, gradual and fair sanctions, agent discretion, and greater use of evidence-based practices (discussed further in Chapter III). Measurement of the impact of these efforts shows that they are consistently improving offender outcomes. We recognize that AP&P is currently using or working to implement violation response matrices with separate court districts, but these efforts are isolated and limited to probationers.

Other states have performed a more comprehensive review and improvement of their violation response, utilizing resources like the National Institute of Corrections’ handbook titled *Responding to Parole & Probation Violations*. This review allows leaders to systematically evaluate practices and performance in the context of current research and best practices.

We are not alone in observing disparate revocation rates and questioning the appropriateness of such variation. The PEW Center on the States explored the issue in a 2007 policy brief titled *When*

⁶ These states include Georgia, Kansas, Kentucky, New Jersey, Ohio, Pennsylvania, and South Dakota.

Offender outcomes could improve with clear guidelines.

Other states are improving offender outcomes with violation response guidelines.

Variations in revocation rates raise questions about fairness and strategic opportunities.

Offenders Break the Rules: Smart Responses to Parole and Probation Violations, which states:

The decision to seek revocation of community supervision can be inconsistent, the result of wide variability in staff members' interpretation of when revocation is appropriate. Revocation rates also vary widely within a single state—high in one region, much lower in another—and even among judges and parole officers in the same district. This raises questions about evenhandedness and fundamental fairness. It also suggests a significant opportunity to be more strategic in using the power to revoke release.

In light of our findings and the statements of leading probation and parole authorities cited above, AP&P management, along with the administration of the Department of Corrections and relevant parties from the Utah Sentencing Commission should examine the overall impact of violation responses on the statewide corrections system. This examination should culminate in the establishment of clear guidelines, with policies supported by current research and successful, evidence-based efforts in other jurisdictions.

Recommendations

1. We recommend that Adult Probation and Parole management work with the Utah Sentencing Commission to develop policy that will guide the response to violations of both probation and parole supervision. These guidelines should incorporate current research and best practices and should be clearly communicated to staff throughout the state to increase fundamental fairness in offender management and reduce violation behavior and incarceration.
2. We recommend that Adult Probation and Parole make better use of revocation data to develop a concise set of metrics that will allow management at all levels to hold staff accountable to performance benchmarks and statewide performance.

Chapter III

Better Use of Evidence-Based Practices Could Reduce Supervision Violations

While Chapter II discussed the need to establish guidelines for responding to probation and parole violations, the way agents work to prevent those violations from occurring is also critical. A large body of research shows that the Division of Adult Probation and Parole (AP&P) can tailor its supervision and offender treatment in specific ways that have been empirically proven to reduce the overall number of probation and parole violations and, subsequently, the prison population (Chapter IV details the potential cost savings). These supervision techniques and programs are referred to collectively as evidence-based practices (EBP).

We conducted numerous interviews of agents in every region of the state and found inconsistent usage of EBP from office to office. The inconsistencies were wide in nature. In fact, some agents and supervisors reported that they had not even heard of some of the fundamental EBP based programs AP&P is using.

The cause of the wide variation in EBP implementation appears to be three fold. First, AP&P management has not adequately developed and executed policies driving consistent implementation of EBP. Second, management needs to ensure all agents are continually trained and committed to utilizing EBP. Finally, management has not developed adequate metrics to measure the impact of EBP on violation behavior or **recidivism**⁷. Without this information, management's ability to accurately identify and resolve areas needing improvement is weakened. AP&P management recognizes that there are inconsistencies in EBP application and has been working to correct these concerns. Recommendations in this report should further help solidify management efforts to fully implement and utilize EBP.

⁷ **Recidivism** is the return of a parolee to prison over a certain length of time. Most of the research on evidence-based practices discussed in this chapter uses recidivism as its primary measure of effectiveness. For this reason, we shift from our focus on revocation in Chapter II. See Appendix B for an expanded definition and discussion of both of these terms and how Utah compares to other states.

Chapter II discussed the need to establish revocation guidelines, this chapter focuses on the way agents work to prevent violations from occurring.

To ensure consistent usage of EBP, management should implement better policies, train and re-train staff on EBP programs, and develop metrics that will successfully measure program success.

Utah's Usage of Evidence-Based Practices Should Be More Consistent and Focused

Research shows the effective usage of EBP can reduce recidivism and therefore reduce prison populations. The Utah Department of Corrections (UDC) and AP&P leadership have stated that Utah is on the path of utilizing EBP. Our interviews and observations support this statement, but more needs to be done to implement these practices consistently across the state. Despite the availability of training, the application of EBP varies among AP&P offices in the state. We believe this inconsistency contributes to the variation in violation response discussed in Chapter II. Management needs to implement better policies supporting EBP, ensure consistent training of agents, and develop metrics to measure and rate how individual agents are utilizing the practices to reduce recidivism.

Further, as mentioned in Chapter II, our audit also found that, despite parolees accounting for a minority of total offenders under supervision, they accounted for most of the offenders who were sent to prison from AP&P supervision in 2008 through 2012. Past policy appears to have once addressed this fact, directing agents to place special focus on recently released parolees. We are not entirely clear why this policy was modified.

Management Should Ensure More Consistent Use of Evidence-Based Practice

Our audit found that AP&P offices vary in the way they use EBP. AP&P management recognizes that there are inconsistencies in EBP application throughout the state and acknowledges the need to improve the way agents use these skills and programs. EBP have been empirically proven to be effective in reducing criminal activity among inmates or offenders under public supervision. This includes, but is not limited to, practices such as the following:

- Risk assessment instruments that seek to identify specific factors leading offenders to commit crime
- Cognitive restructuring classes to teach new ways of thinking and stress management

Utah is on the path of utilizing EBP, but more needs to be done to implement these practices consistently across the state.

EBP have been empirically proven to be effective in reducing criminal activity among offenders.

- Offender communication techniques geared toward more positive interaction between agents and offenders

Generally speaking, some offices appeared to be making better use of EBP than others, though we did not perform a precise comparison. We consulted with criminologist Dr. Ed Latessa from the University of Cincinnati regarding a full evaluation of the effectiveness of Utah's EBP usage. He explained that an in-depth evaluation required significant resources and a standard assessment tool that would allow for a uniform measurement from office to office. Due to limitations on our time and resources, we were unable to obtain or perform a full evaluation, but instead traveled to every region in the state and many of the offices. We interviewed roughly 90 AP&P employees and 20 other individuals involved in corrections both inside and outside of Utah. Some of these interviews were done as we accompanied agents on field visits in multiple locations. Our observations here are based largely on these staff interviews and interactions. Included below are some observed examples of inconsistent use of EBP.

Some Staff Question the Validity of the Current Offender Assessment Tool. EBP emphasize the importance of accurately assessing each offender's risk of reoffending. To this end, Utah utilizes an instrument known as the Level of Service Inventory-Revised (LSI-R)⁸. The reliability of this assessment tool was questioned in several of our interviews, largely by supervisors. It was explained that because some agents do not have full confidence in the LSI-R results, they focus less of their supervision efforts on addressing the specific risk areas the instrument identifies. Instead, these agents focus on minimum contact standards and managing day-to-day supervision violations.

Furthermore, some staff members stated that agents have not been trained on the proper administration of the LSI-R, instead learning on the job from other employees and self-study. Research shows that, without adequate training, the ability of the LSI-R assessments to

⁸ The LSI-R is an offender assessment tool used by AP&P to classify offenders in groups of supervision intensity (intensive, high, moderate, or low). It has been proven to help predict parole outcome and recidivism by assessing 54 predetermined factors regarding an offender's past and current behavior and his or her environmental factors. The factors are ultimately combined, resulting in a total score and risk classification.

Our review involved interviews with many AP&P staff members throughout the state.

Some agents question the value and accuracy of a fundamental EBP tool called the LSI-R.

accurately predict re-imprisonment diminishes substantially.⁹ While the feedback we received varied widely on the use of the LSI-R tool, the cause of the inconsistency is the same. Management needs to implement better policies, training, and performance metrics to track the successful use of the assessment tool.

Agents Are Trained in an Offender Interaction Technique but Do Not Consistently Use It. Another EBP tool is an offender interaction technique called motivational interviewing (MI). AP&P agents undergo 32 hours of MI training. However, we received varying reports on the understanding and utilization of this program. In part, MI instructs agents to engage more personally and positively with offenders—something research cites as being effective at reducing supervision violations. Staff members expressed widely differing opinions of the value and appropriateness of this technique and we therefore observed widely differing levels of usage.

Even though agents get a set amount of training on the program, as stated above, understanding of the program still varied widely. To bolster training of supervisors, one region director recently instituted an additional training program where supervisors are taught to record and score agents' interviews with offenders in an effort to ensure proper and consistent usage of MI. It is this type of training that management needs to ensure happens statewide on a consistent basis.

Cognitive Restructuring Classes Are Inconsistently Administered Throughout the State. EBP research shows that programs focused on teaching offenders to think and behave differently (cognitive restructuring) are effective in reducing new criminal activity.¹⁰ Usage of these cognitive restructuring programs was mixed from office to office. For example, two offices we visited were largely unfamiliar with the programs. In five other offices, agents are trained to facilitate cognitive restructuring classes but are not doing so. Instead of using trained agents, offenders are being referred to local private counselors for somewhat similar treatment. AP&P

Despite uniform training, usage of motivational interviewing is inconsistent.

Usage of cognitive restructuring classes is mixed from office to office.

⁹ Christopher T. Lowenkamp, et al., "Empirical Evidence on the Importance of Training and Experience in Using the Level of Service Inventory-Revised," *Topics in Community Corrections*, Dept. of Justice, National Institute of Corrections, Annual Issue 2004: 49-53

¹⁰ Joan Petersilia, "What Works in Prisoner Reentry? Reviewing and Questioning the Evidence," *Federal Probation*, Volume 68, Number 2: 4-8

management needs to ensure that this program is being used effectively across the state.

The Use of Case Action Planning (CAP) Is Sparse Among Agents with Whom we Spoke. The consistent use of CAP is another EBP that management needs to improve through better policies, training and measurement. AP&P policy states that agents should develop a case action plan for high and moderate risk offenders that aligns supervision and treatment with specific needs identified during the LSI-R offender assessment. However, it appears this policy is either unclear or simply not being followed.

In our attempts to examine the application of this technique, we found only a few agents who had made use of case action planning. Data provided by UDC shows that 21 percent of probationers and 51 percent of parolees had action plans prepared as of July 31, 2013. In March 2013, AP&P launched a newly designed CAP software module intended to improve the process. Fifteen of twenty-four AP&P staff members with whom we specifically spoke about CAP in the months following the launch expressed concerns with the new module. These concerns included complaints that the effort required to maintain the CAP information is cumbersome or redundant and that the agents simply do not have sufficient time to attempt to use it or complete associated online training. These complaints could be the result of insufficient training on the CAP program. An online training module has been developed, but most agents we spoke with have not taken the training, and it does not appear that management has required it.

We believe that AP&P can more effectively leverage the time and money that has already been invested in EBP. First, management should develop better policies that ensure uniform usage of EBP. Second, management should ensure proper training is occurring and re-occurring throughout the state. Third, management should develop baseline levels of acceptable EBP use and associated metrics to monitor usage and guide staff in the application of these proven techniques. This need for metrics and accountability is discussed in more detail later in this chapter.

Usage of Case Action Planning can be better coordinated with better management oversight.

Policies, training and metrics are needed to get the most out of EBP investments.

Research shows that focusing resources on higher-risk offenders soon after release creates better outcomes.

High-Risk Parolees Should Be The Focus of AP&P Efforts

Research has shown that focusing supervision resources on higher risk offenders soon after their release from prison or jail (when applicable) creates better outcomes for both offenders and the community.^{11,12} AP&P addresses this at least partially by means of the supervision standards established in division policy. The policy stipulates that higher-risk offenders receive more contact from agents and thereby allocates agents' time accordingly. However, incarceration data shows that parolees are still more likely to be sent to prison from AP&P supervision.

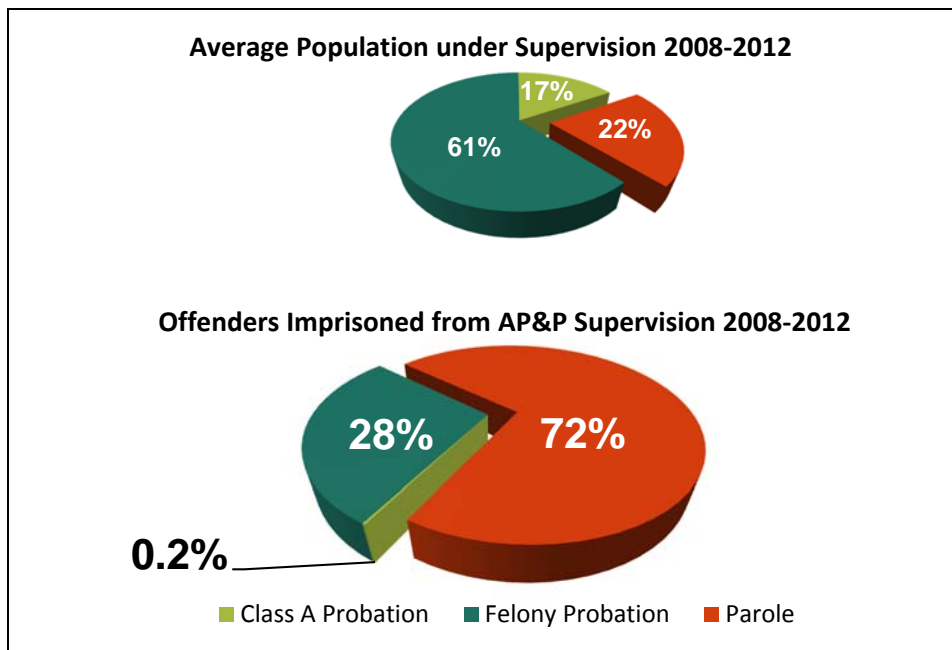
AP&P policy previously focused special attention on recently released parolees by means of a 90-day transition period consisting of a curfew and heightened contact requirements. However, this practice was discontinued and removed from policy and we were unable to determine the exact reason.

As illustrated in Figure 3.1, though parolees only accounted for 22 percent of the average annual population under supervision from 2008 through 2012, parolees accounted for 72 percent of all reported incarcerations during the same period.

¹¹ "Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry," *PEW Center on the States*, Public Safety Policy Brief, No. 7, December 2008: 2-3

¹² Christopher T. Lowenkamp and Edward J. Latessa, "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders," *Topics in Community Corrections*, Dept. of Justice, National Institute of Corrections, Annual Issue 2004: 3-8

Figure 3.1 From 2008-2012, Parolees Accounted for a Minority of the Total AP&P Offender Population but a Majority of Incarcerations.



Parolees accounted for the majority of offenders imprisoned from AP&P supervision from 2008-2012.

Despite accounting for over two-and-a-half times more offenders under supervision, the number of probationers incarcerated from 2008 through 2012 was less than half that of parolees.

UDC is currently working on a report that will quantify the percent of an agent’s time spent working with high-risk parolees compared to the lower risk parolees and probationers. We encourage UDC to continue developing this report and to use it as they refine policies and practices moving forward.

UDC is currently working to more accurately quantify resource allocation.

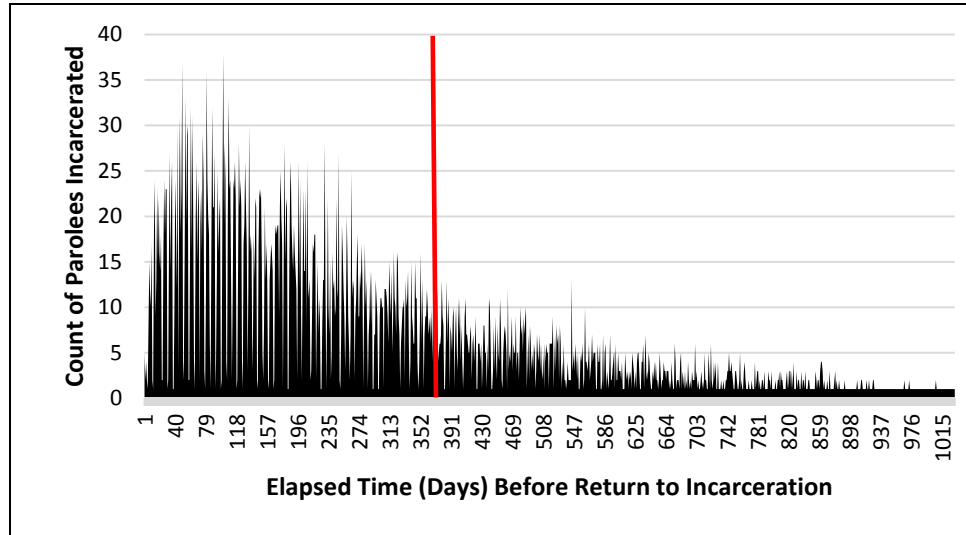
The recommendation to focus on offenders most likely to return to prison is not new. A December 1983 audit performed by our office (*A Performance Audit of Adult Probation and Parole; Audit #83-11*) took issue with a similar situation, stating in part, “Sensible resource management dictates that low-risk offenders not be allowed to clog the system and take away from the time available to watch high-risk offenders.”

A 1983 audit by our office observed that resources were not being focused on higher-risk offenders.

In light of the data in Figure 3.1, we believe that sensible resource management dictates that some special focus be placed on parolees. This data should be considered by management in an effort to allocate scarce supervision resources in the most effective manner possible.

In addition to the higher risk of the parolee population, a look at the length of time under supervision before incarceration, seen in Figure 3.2, shows that most parolees who return to prison (66 percent) do so within the first year of being released.

Figure 3.2 Historical Data Shows that 39 Percent of Parolees Who Return to Prison Do So Within 180 Days of the Start of Supervision. 66 percent of returns occur within the first year of supervision.



The majority of parolees who return to prison do so within the first year of supervision.

As seen by the red line denoting the one-year mark in the figure, most returns (66 percent) occur within the first year of supervision. In light of this information and the general principles of resource management discussed above, AP&P should consider formally increasing agent focus on recently released parolees as a more effective use of limited agent resources.

AP&P Should Better Measure Use and Impact of Evidence-Based Practices

As previously stated, AP&P management must do a better job of 1) implementing policies that support the use of EBP, 2) training and re-training staff on a consistent statewide basis, and 3) developing useful metrics that effectively measure program success. Examples of the need for better policies and better training were given previously. This section discusses in more detail the need to measure program success.

AP&P does not sufficiently measure the usage of EBP by agents or the impact these techniques have on primary offender outcomes like violation behavior or recidivism rates. While AP&P has sought to audit the quality of offender assessments and interviewing techniques, these reviews have been done on a limited basis and should be better coordinated and emphasized.

One of the main components of an evidence-based system of offender supervision is the ability to monitor and assess practices on an ongoing basis. Monitoring allows an improving agency to more accurately track its progress toward strategic goals and measure the effects of incremental changes in policy and practice. In a publication on improving violation response policies produced by the US Department of Justice, emphasis is placed on gathering and analyzing data regarding specific outcome goals at regular intervals on an ongoing basis. That report states, in part, “Without solid data, jurisdictions are forced to make best guesses on change strategies and, therefore, cannot develop the informed policies and practices that are essential for achieving the outcomes and goals they envision for their criminal justice system.”

The UDC currently gathers a large amount of data regarding offenders at all levels of supervision (prison, parole, and probation) and maintains a business intelligence module with certain AP&P metrics. However, not many managers make use of this data in their daily management of agents or offenders. We believe that this existing data management system can be used to create a concise set of more meaningful metrics, which would allow AP&P leadership to develop informed policies and practices and more effectively oversee and guide operations. These metrics could include, for example, revocation data similar to that presented in Chapter II, program-specific measures of EBP usage, supervision violation rates, and more consistent offender assessment audits.

Discussed more in the next chapter, lowering the recidivism rate can result in significant cost savings. However, to fully recognize potential cost savings, it is essential that AP&P accurately measure the performance of its offices and agents throughout the state to ensure that their performance is in line with proven methods and the revocation guidelines advocated in Chapter II.

AP&P does not sufficiently measure the usage of EBP or its impact on recidivism.

Research consistently identifies the ability to monitor and assess EBP as crucial to success.

UDC already collects a large amount of useful data that can be used to measure EBP.

Recommendations

1. We recommend that management of the Division of Adult Probation and Parole develop concise policies to ensure uniform usage of the evidence-based practices that have already been rolled out in Utah.
2. We recommend that management of the Division of Adult Probation and Parole ensure all agents and supervisors are adequately trained and committed to utilizing evidence-based practices in successfully managing offenders in the community.
3. We recommend that management of the Division of Adult Probation and Parole develop metrics to measure and rate the impact of evidence-based practices on revocation and recidivism. The metrics should have the ability to rate individual agents, supervisors, and regions on the successful use of evidence-based practices in safely keeping offenders in the community.
4. We recommend that the Division of Adult Probation and Parole make better use of existing Department of Corrections' data resources to measure the usage and impact of evidence-based practices on primary offender outcomes like violation behavior or revocation rates.
5. We recommend that the Division of Adult Probation & Parole focus personnel resources in a manner that more timely and directly addresses the offenders with the largest risk of imprisonment.

Chapter IV Improved Supervision by AP&P Can Lead to Cost Savings

Research shows that implementing effective corrections practices can lead to dollar savings. We believe AP&P can improve upon its current practices by implementing a clear revocation strategy (Chapter II) and better utilizing evidenced-based practices (Chapter III). Cost savings are realized through improved community supervision that keeps offenders safely in the community and away from prison. UDC's cost to supervise an offender in the community is about \$8.30 a day compared to about \$75.00 a day for prison supervision. Cost savings discussed in this chapter are limited to UDC's operating budget. Chapter V provides more information on how other agencies interact with UDC and offenders supervised by UDC.

Research Illustrates Potential Cost Savings of Improved Supervision

There has been significant research performed on the results of correctional practices. These results have fueled efforts to develop consistent revocation strategies and form the foundation for evidence-based practices (EBP). We do not list all the research in this chapter, but provide some examples. Chapter V also provides examples of successful community supervision transformations in other states. The PEW Center on the States summarizes much of the research on EBP by stating the following:

Policies targeted at reducing recidivism offer perhaps the ripest opportunities for achieving the twin goals of less crime and lower costs. Research indicates that strong implementation of evidence-based practices (EBP) and programs can reduce recidivism rates by 50 percent.

As shown in Appendix B, Utah's recidivism rate has been flat for the past ten years. However, other states have seen significant drops in their recidivism rates. For example, Arizona saw a drop of 31 percent

Research shows implementing effective corrections practices can lead to dollar savings through reduced prison admissions.

Improving public safety and cutting correctional costs are the primary goals of EBP.

Research indicates that cost savings follow effective offender management.

of new felony convictions of probationers. Arizona accomplished this through new legislation and persistent, coordinated efforts by the courts and probation agents to implement EBP.

Further, research conducted by PEW found that better practices in the states could result in significant savings. We also consulted with a nationally recognized expert, Dr. Edward Latessa, Professor and Director, University of Cincinnati, School of Criminal Justice, who has both performed and extensively reviewed research in the area of EBP and improved community supervision practices. He stated that cost savings can occur when proven methods of community supervision are utilized. The next section provides more information on potential savings in Utah.

UDC Could Save Millions through Improved Community Supervision Techniques

While we believe AP&P is moving in the right direction, as shown in Chapters II and III, there is still room for improvement. We estimate that further improvement by AP&P as it relates to improved community supervision and a lower recidivism rate could result in savings of \$2.6 million per year or more (see Figure 4.2), though we caution that these numbers are estimates and generally realized through cost savings in the form of reducing the need for current prison space and avoiding new prison space, rather than operational savings from AP&P. The potential for capacity reduction through improved community supervision is especially important today as the Legislature contemplates relocating the prison.

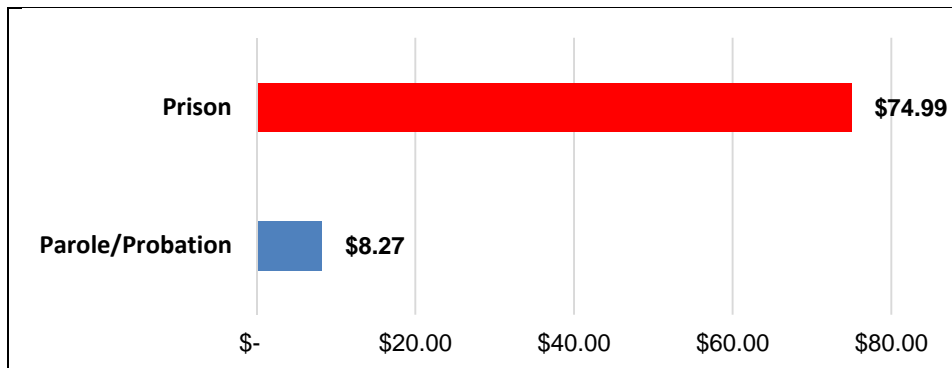
EBP usage can and should be accompanied with high public safety standards.

Public safety must always be a primary consideration for AP&P. Experience in other states has shown that implementation of best practices into the correctional system not only reduced cost, but kept public safety standards high. Naturally, any effort UDC takes to implement audit recommendations must also carefully consider public safety.

Community Supervision Costs Significantly Less than Prison Supervision

Incarceration is necessary for many offenders. Public safety is always a key component when considering supervision placement. As stated, we believe that every effort must be taken to ensure that public safety is not jeopardized. However, if AP&P and other entities associated with the criminal justice system (see Chapter V) are able to improve supervision of offenders through better guidelines and improved application of EBP and keep more offenders safely in the community, then, as research illustrates, significant cost savings are available. Potential costs savings are most easily demonstrated through the significant differences in supervision costs. Figure 4.1 shows that UDC's cost per day for supervision in the community is substantially less than that of UDC prison cost per day.

Figure 4.1 2012 Supervision Cost Per Day. Supervision costs in the prison were much higher at \$74.99 per day per offender compared to costs of \$8.27 per day per offender for community supervision.



Research has found that recidivism can be reduced anywhere from 10 to 60 percent if evidence-based practices are used correctly and in concert with one another. Using the 2008-2012 average length of prison stay for a parole violator of 9.6 months (approximately 290 days) and the cost per day of \$74.99, Figure 4.2 shows the hypothetical savings had UDC achieved evidence-based reductions in recidivism with just the parolee population from 2008 through 2009.

Significant cost savings can be achieved if offenders are safely managed in the community.

Supervision costs in prison are much higher than the cost of community supervision.

Figure 4.2 Hypothetical Savings from Improved Community Supervision. This chart shows potential savings to UDC if fewer parolees had been returned to prison from 2008-2012.

Significant potential savings exist if recidivism can be reduced with effective offender management.

Potential Savings from Improved Community Supervision 2008-2012 Statistics				
Reduction in Recidivism	Parolees Incarcerated	2008-2012 Cost †	5-Year Potential Savings*	Savings per Year*
0%	6,685	\$130,200,000		
10	6,017	\$117,200,000	\$13,000,000	\$2,600,000
20	5,348	\$104,200,000	\$26,000,000	\$5,200,000
30%	4,680	\$ 91,200,000	\$39,100,000	\$7,800,000

†Cost = (Parolees Incarcerated x \$74.99/day incarceration cost x 292 days) – (Parolees Incarcerated x \$8.27/day AP&P supervision cost x 292 days). Figure numbers are rounded.

*To achieve full estimated savings, the state would have to reduce physical prison facilities following reductions in inmate numbers.

Just a 10 percent reduction in recidivism could lead to \$2.6 million per year savings in Utah. This savings would most likely be realized through closing sections of the prison or by avoiding new capital expenditures to build prison space, not through operational savings in AP&P’s budget. In fact, as discussed in Chapter V, other states found that increases in budgets to allow for more programming and tailored supervision helped save millions of additional dollars on the back end through closing prisons or halting the construction of prisons. As a note, cost savings shown in the report are reflective of what UDC could expect as a reduction in its operating budget. Additional savings or costs that other state agencies may expect are not covered in this report. Potential savings are substantial, and other states have found them beneficial to realize. The next chapter discusses in more detail some cost savings other states have realized.

Recommendation

1. We recommend that the Division of Adult Probation and Parole examine cost-cutting strategies in connection with Chapter II and Chapter III recommendations.

Chapter V

Improved Coordination Can Bolster Success of Community-Supervised Offenders

As the previous chapters illustrated, the Division of Adult Probation and Parole (AP&P) is a central actor in the success of offenders supervised in the community. However, this chapter acknowledges that other agencies also play important roles in offender management. Further, we note that some positive and innovative programs are currently coordinated through multiple agencies in the state. However, we also found areas where more needs to be done to coordinate community supervision of offenders in the state as it does not seem to be part of a larger strategy.

An entire audit could be spent studying multi-agency coordination efforts and improvements. We did not conduct that type of a review. Instead, we take the opportunity in this audit of AP&P to bring more attention to the need for system-wide coordination. This chapter briefly discusses three areas that can have greater impact on the correctional system and help improve outcomes.

- The Correctional Issues Working Group within CCJJ should focus efforts on improving coordination among correctional entities
- Utah's Commission on Criminal and Juvenile Justice (CCJJ) should be used to continually measure and improve programs
- The Courts and the Board of Pardons and Parole should review with UDC areas where increased coordination is needed

The following quote by the National Institute of Corrections (NIC) generally describes Utah's overall system when focusing on revocation strategy:

The violation and revocation process is typically poorly understood and documented, and very little policy exists to guide this process. As a result, the influx of violators into prison is likely not the result of a deliberate and purposeful strategy but, rather, the consequence of a

Agencies outside of UDC play an important role in offender management.

There is a need for greater coordination among correctional stakeholders.

highly complex and diffuse system operating in ways that are not clearly understood.

We provide several recommendations in this chapter that focus on improved coordination and more centralized policy development.

CCJJ Corrections Working Group Should Focus Efforts on Improving Coordination Among Correctional Entities

The Legislature has been active in bringing meaningful change to Utah's correctional system. For example, most recently, H.B. 320, passed in the 2013 General Session and sponsored by Representative Hutchings, allows for temporary identification cards to be given to individuals released from prison. This bill provides many offenders with identification necessary to obtain employment and begin a successful transition to the community. We believe there are even more opportunities for the Legislature to bring cohesiveness to the correctional system. Utah continues to see an increasing prison population and stable recidivism rates. Other states have pushed for and achieved better results from their correctional agencies. Research also shows the best correctional outcomes are obtained when effective coordination is achieved and accountability is high, both of which are key roles for the Legislature to play. The Legislature should ensure that the CCJJ corrections working group is properly utilized to improve coordination among correctional entities and implement recommendations made in this report.

Utah's Incarceration Rate Is Increasing and Recidivism Rate Is Flat

As we reviewed AP&P, we found various programs operating throughout the state. These programs often lacked consistency and a central focus. We did not specifically review the productivity or outputs of these programs. We believe many of them have merit. However, we observed a degree of inconsistency throughout the state that we believe warrants further review. While we understand individual AP&P regions have specific needs, we did not see a common vision or strategy driving these programs; rather, we observed a more fragmented and compartmentalized system.

Opportunities exist for the legislature to improve coordination among correctional entities.

In addition, Utah's incarceration rate climbs each year and the recidivism¹³ rate remained flat for the last ten years (see Figure B.1 in Appendix B). We understand that the state is growing and with that growth comes increased demands on the correctional system. However, we believe more can be done, as evidenced in other states, to study and implement proven methods to help control these trends.

Other States Have Closed Prisons Through Improved Offender Community Supervision

Some states have implemented new programs to improve correctional outcomes. The programs center on improving treatment options in prison and refining community supervision through better implementation of evidenced-based practices (discussed in Chapter III). The National Conference of State Legislatures (NCSL) stated the following:

For two generations, increasing prison populations and their associated costs have been as certain as death and taxes. Recently, however, states have been moving the needle in the other direction. . . In a growing number of states “justice reinvestment” strategies are contributing to this trend.

NCSL highlighted the actions several states have taken to improve correctional outcomes; we provide three examples below.

Texas Saved \$443 Million and Closed a Prison for the First Time in State History. In 2007, the Texas Legislature decided that, instead of spending \$500 million on new prisons, they would allocate \$240 million to expand in-prison programming options, establish maximum parole caseloads, shorten the length of probation for drug and property crime, and increase funding for community supervision. The state saved \$443 million and reduced parole revocations by about

¹³ This report uses the terms **Recidivism** and **Revocation** when describing an offender's return to prison while being supervised in the community. Revocation differs from recidivism in subtle but important ways. For example, recidivism rates result from a specialized 36-month longitudinal study that only accounts for parolees and does not identify the AP&P office responsible for supervision. Please refer to Appendix B for a full description of the difference between revocation and recidivism and further consideration of Utah's recidivism rate as it compares to other states.

In recent years, certain states have been reversing the trend of increasing prison populations.

Texas reduced parole revocations by approximately 3,000 allowing the state to close a prison.

3,000, allowing the state to close a prison facility for the first time in the state's history. Even more, an official in Texas's Department of Criminal Justice told us that the initiatives continue to work so well they are preparing to close two additional prisons this year. As further evidence of the success of these programs, crime in Texas has not increased, in fact in recent years it has declined. Specifically, violent crime in Texas declined 7.4 percent from 2010 to 2011 (the most updated crime data available).

Vermont Projected to Save \$54 Million and Closed a Prison.

The Vermont Legislature followed the recommendations of a cross-governmental study group and passed several reforms that included increased screening and assessments of offenders for substance abuse and mental health. The law also reduced probation terms for some compliant offenders and targeted treatment and monitoring resources to the highest risk offenders. Vermont was able to close a prison and convert another into a therapeutic work camp. The reforms are projected to yield \$54 million in savings by 2018.

Kansas Improved Evidence-Based Supervision.

Kansas implemented a number of reforms that reduced the number of probation and parole violators sent to prison. Kansas reinvested the savings into evidence-based community supervision programs. The Legislature created incentives that rewards the community supervision agencies that successfully supervise offenders instead of sending them to prison.

In Utah, UDC is Currently Asking for \$37 Million to Build New Prison Beds, Amid a 10 Year Flat Recidivism Trend.

In the last ten years, the need for more prison beds in Utah has increased about 25 percent. If growth of the state and the need for prison beds continues to grow at the same rate it did for the last 10 years, the state will need about 1,700 more beds 10 years from now. UDC reports that it costs approximately \$179,000 per bed to construct new prison space with ongoing operating costs of nearly \$28,000 per-inmate per-year. The total construction cost for this additional space would be nearly \$304 million with ongoing, annual operating costs of just over \$47 million for 1,700 beds at full capacity. To achieve maximum costs savings and improve correctional outcomes in Utah, the Legislature should ensure activities and strategies are coordinated, success is measured, and accountability is present.

Vermont also closed a prison and is experiencing cost savings due to correctional reforms.

The Kansas legislature created incentives for successfully supervising offenders in the community.

The UDC is currently asking for \$37 million to increase prison space.

The Legislature Is a Key Entity to Bolster Coordination and Ensure Accountability

The Utah Legislature has been actively involved in correction oversight and policy, but we think more can be done. The Legislature is in a position to combine statewide goals and directives and then hold each agency accountable through policy and budgetary methods. Following are two quotes by the National Institute of Corrections (NIC) that discuss the need for coordination and accountability:

Perhaps one of the clearest lessons emerging from the work of the states participating in NIC's project is that effective responses to parole violations and the broader issue of successful offender transition cannot be adequately addressed by a single individual or a single agency. Institutional corrections, the releasing authority, the supervision agency, community resources, employers, family, mentors, and others are all key participants in efforts to ensure successful reintegration into the community. Unless specific efforts are made to create a vehicle for collaboration, it is quite difficult for independent agencies with specific organizational missions and other stakeholders to operate in a cohesive fashion to support offender transition and reintegration.

In a separate report, the NIC also says the following:

Each department, agency, and staff member in the correctional system must be held accountable for assisting in the process of risk reduction. If a single department falls short of this goal, the entire system will feel the negative impact.

We recommend the Correctional Issues Working Group under CCJJ focus its efforts on the subjects and recommendations presented in this report. The Legislature should continue to provide accountability through budgetary and oversight activities.

It is difficult for independent correctional agencies to operate in a cohesive fashion.

CCJJ corrections working group should focus its efforts on the recommendations presented in this report.

Program Effectiveness Calculated by CCJJ Should Be Used to Improve Outcomes

Successful offender management is bolstered by the implementation of effective programs. Other states have found significant success in their efforts to measure program effectiveness. UDC's research team has recently measured the effectiveness of some prison programming. Also, Utah's Commission on Criminal and Juvenile Justice (CCJJ) has begun measuring the cost-effectiveness of some correctional programs offered in the state. This is a good first step. Other steps include determining if staff are adequately executing the programs and monitoring for ways to improve the programs. As discussed in Chapter III, we found wide variation within AP&P as to how staff are administering programs. Obviously, if a program is not administered effectively, the desired outcomes are less assured.

Other States Have Found Success in Measuring Program Effectiveness

Other states have found success and cost savings by measuring the effectiveness of their programs. One notable example of this is Washington's review of the cost effectiveness of its programs. In 2006, long-term forecasts indicated that Washington would need two new prisons by 2020 and possibly another by 2030. Since prisons require large capital outlays to build and significant ongoing expenses to run, the Washington State Legislature directed its Institute of Public Policy to determine whether evidenced-based and cost-beneficial practices existed to project the total fiscal impact of using alternative scenarios from building additional prisons.

Washington is still monitoring the results of this initiative, but indications show that it is working. One such indication is that recidivism rates have been dropping in the state for last several years decreasing the demand for new prison space. This is unlike Utah, where recidivism rates have been constant (see Appendix B). As previously discussed, if Utah does not change its recidivism rate, we will need an estimated 1,700 more prison beds over the next 10 years at a cost of approximately \$304 million.

A Washington initiative to identify effective corrections practices resulted in reduced recidivism.

Utah Should Continue to Measure Program Effectiveness And Begin Calculating Return on Investment

Program measurement and success is occurring in Utah, but it needs to be more complete and more available to policy makers. Utah's CCJJ has recently begun a similar study to the one conducted in Washinton. However, CCJJ's report is not complete as the commission has not yet received cost information from various agencies to calculate a return on investment, and some programs are not included in the report. Further, the Legislature should be regularly briefed on the information and use it when making policy and funding decisions. Figure 5.1 shows the results of CCJJ's study.

Utah's CCJJ is developing cost measures for correctional programs in the state.

Figure 5.1 Most Programs Measured by CCJJ Show Cost Savings, but Return on Investment (ROI) Has Not Yet Been Calculated. This figure shows the results of CCJJ's program review. All but one program shows positive costs savings; however, since CCJJ does not yet have operational cost information, the commission has not yet calculated ROI.

Program	Results	36 Month Cost Savings ¹	ROI
Drug Court	Recidivism Reduced 19%	\$5,026	Pending
Cognitive Behavioral Therapy	Recidivism Reduced 17% in secure setting, 11% in community setting	\$4,528 secure \$2,871 community	Pending
Intensive Supervision with Treatment ²	Recidivism Reduced 16%	\$4,323	Pending
Mental Health Court	No statistically significant reduction in recidivism ³	None	None
Sex Offender Treatment ⁴	Recidivism Reduced Secure Setting 22% for new sex crime 36% for any new crime	\$5,840 secure/sex crime \$9,542 Secure/new crime	Pending
	Recidivism Reduced Community Setting 48% for new sex crime 28% for any new crime	\$12,890 comm/sex crime \$7,408 comm/new crime	
Therapeutic Communities ⁵	Recidivism Reduced 14% Males and Females Recidivism Reduced 17% Females Only	\$3,808	Pending

Most programs evaluated by CCJJ show positive cost savings.

Source: Utah Commission on Criminal and Juvenile Justice

1. Cost savings are broken down into two categories: recidivism and victimization savings.
2. Intensive supervision refers to specialized forms of parole or probation supervision. Research shows that intensive supervision was successful only when coupled with treatment.
3. Mental health court research has been limited compared to other programs like Drug Court.
4. Re-offense rates are generally lower in the sex offender population.
5. Therapeutic community refers to an in-prison program that includes specialized supervision tactics.

This figure shows that every program except mental health court has a cost savings associated with it. Cost savings are calculated over a 36-month time horizon, the typical period for probation and parole. Savings are realized because of the programs' effectiveness in keeping offenders out of the prison system and reducing new crimes and the costs associated with crimes (for example, property damage, medical care, and support services). CCJJ notes that mental health court has had a limited amount of research conducted on it. There are other programs utilized in the state (for example, correctional education and employment programs) that have not yet been studied by CCJJ. We

recommend that, in the future, CCJJ should measure all correctional programs used in the state.

This information should be used and expanded upon to determine what programs have the best outcomes and the best return on investment for Utah. State agencies should provide CCJJ with the necessary information to calculate the ROI of correctional programs. The Legislature should require reports of this type to be presented to them on a regular basis. Also, the Legislature should require periodic performance reviews to ensure that correctional staff are effectively administering the programs.

Coordination Efforts Should Be Reviewed Between UDC, Courts and Board of Pardons and Parole

UDC and other correctional agencies do currently coordinate with the court system and the Board of Pardons and Parole (board) in many important ways. We are encouraged by this coordination. However, based on results of our audit, we believe this coordination can be refined through better communication and coordination of strategies and goals.

When asked about revocation inconsistencies, a common response frequently received from agents and administrators was to assign the variances to judges for probationers and the board for parolees. We understand that variation can exist with the courts and some variation is to be expected. However, these statements are made by administrators and agents anecdotally, without actual analysis or data. Further, the chair of the board told us that variations in parolees' revocations rest more with AP&P's recommendations than with board action.

As discussed in Chapter II, we believe variations can also be attributed to the lack of revocation guidelines. Sentencing guidelines are clear, but revocations guidelines are not. Some judges commented to us that, in revocations standards, they are data and research poor. These judges commented that they would appreciate more information when dealing with revocations. For example, a judge commented that, if he had information showing that, for a certain

CCJJ data should be facilitated and used to determine the most efficient use of corrections funding.

There is potential to improve the coordination efforts between UDC, courts, and the Board of Pardons and Parole.

type of case, it was more beneficial to keep an offender in the community than sentence jail time or revoke supervision to prison, he would more readily pursue community supervision before incarceration. Some judges also commented that, unlike with sentencing standards and guidelines with revocations, they often did not know how their peers were handling these revocations.

Recommendations

1. We recommend the Correctional Issues Working Group under the Utah Commission on Criminal and Juvenile Justice focus its efforts on the subjects and recommendations presented in this report. The Legislature should continue to provide accountability through budgetary and oversight activities.
2. We recommend that, in the future, the Utah Commission on Criminal and Juvenile Justice should review and evaluate all correctional programs used in the state and calculate the return on investment. Agencies should provide the Utah Commission on Criminal and Juvenile Justice with accurate cost information for the calculations. We also recommend that the Legislature require reports of this type to be presented to them on an annual basis.
3. We recommend that the Utah Department of Corrections, the Courts, and the Board of Pardons and Parole together review areas where increased coordination can help improve the success of offender management and supervision.
4. We recommend that the Utah Department of Corrections work with courts, the Board of Pardons and Parole, and other relevant entities in devising revocation guidelines as recommended in Chapter II.

Appendices

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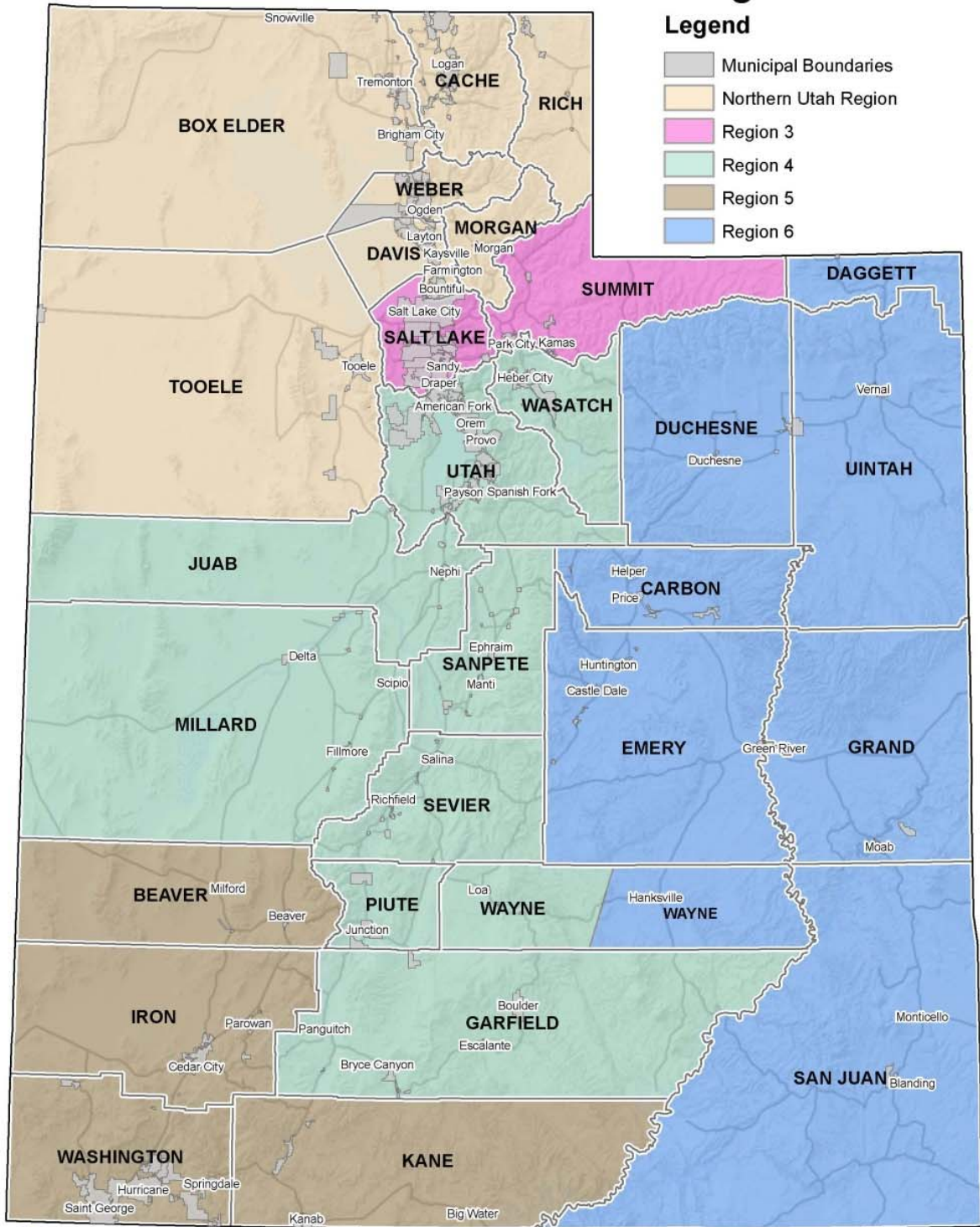
Appendix A

This appendix has the following maps and charts for background purposes

1. State of Utah Corrections Regions
2. County Residents per Parolee
3. County Residents per Probationer

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State of Utah Corrections Regions



0 25 50 Miles

Map prepared by:



UTAH AGRC
 Agricultural Geographic Resource Center
 August 2012

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County Residents per Parolee

As of May 21, 2013

Legend

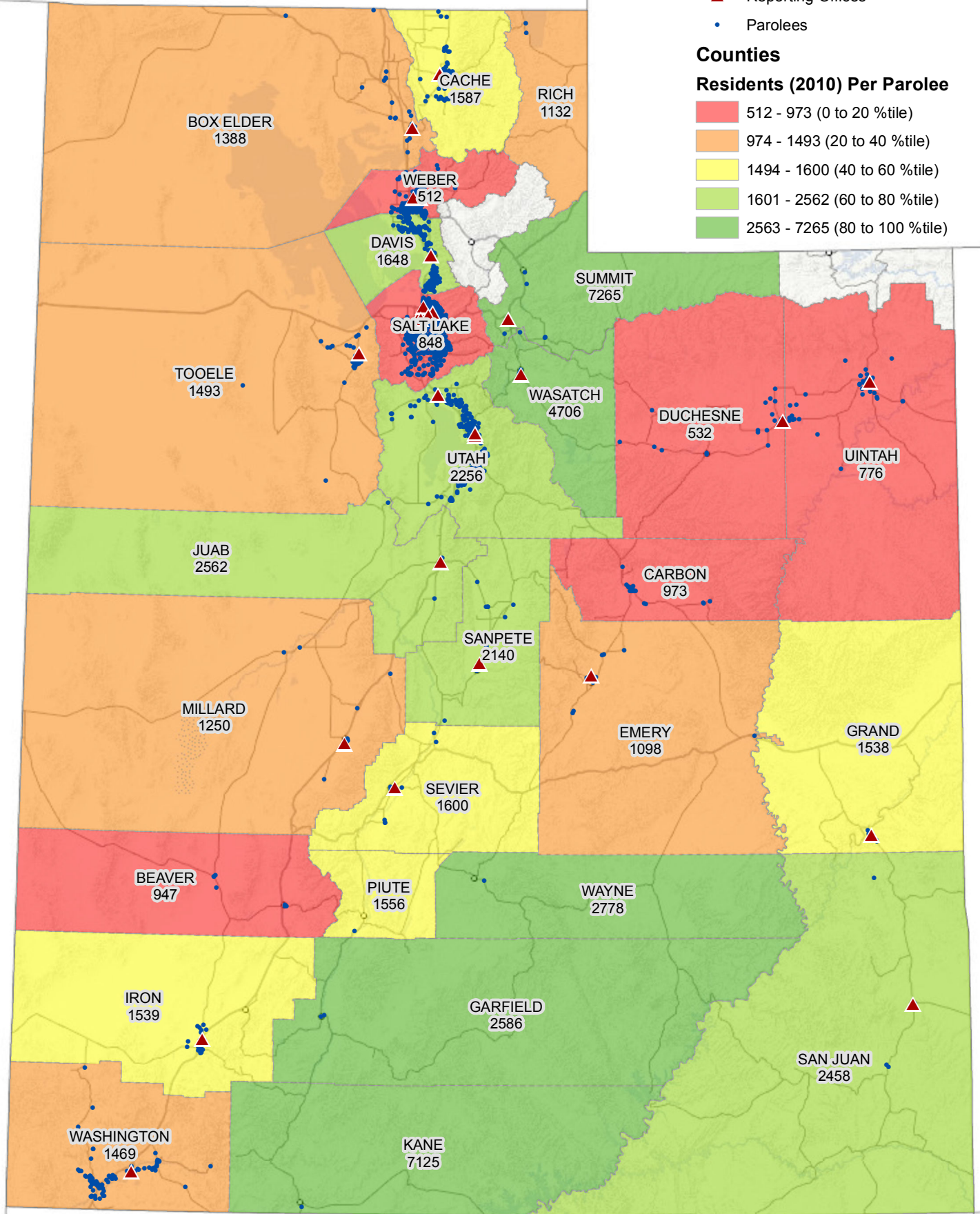
▲ Reporting Offices

• Parolees

Counties

Residents (2010) Per Parolee

- 512 - 973 (0 to 20 %tile)
- 974 - 1493 (20 to 40 %tile)
- 1494 - 1600 (40 to 60 %tile)
- 1601 - 2562 (60 to 80 %tile)
- 2563 - 7265 (80 to 100 %tile)



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County Residents per Probationer

As of May 21, 2013

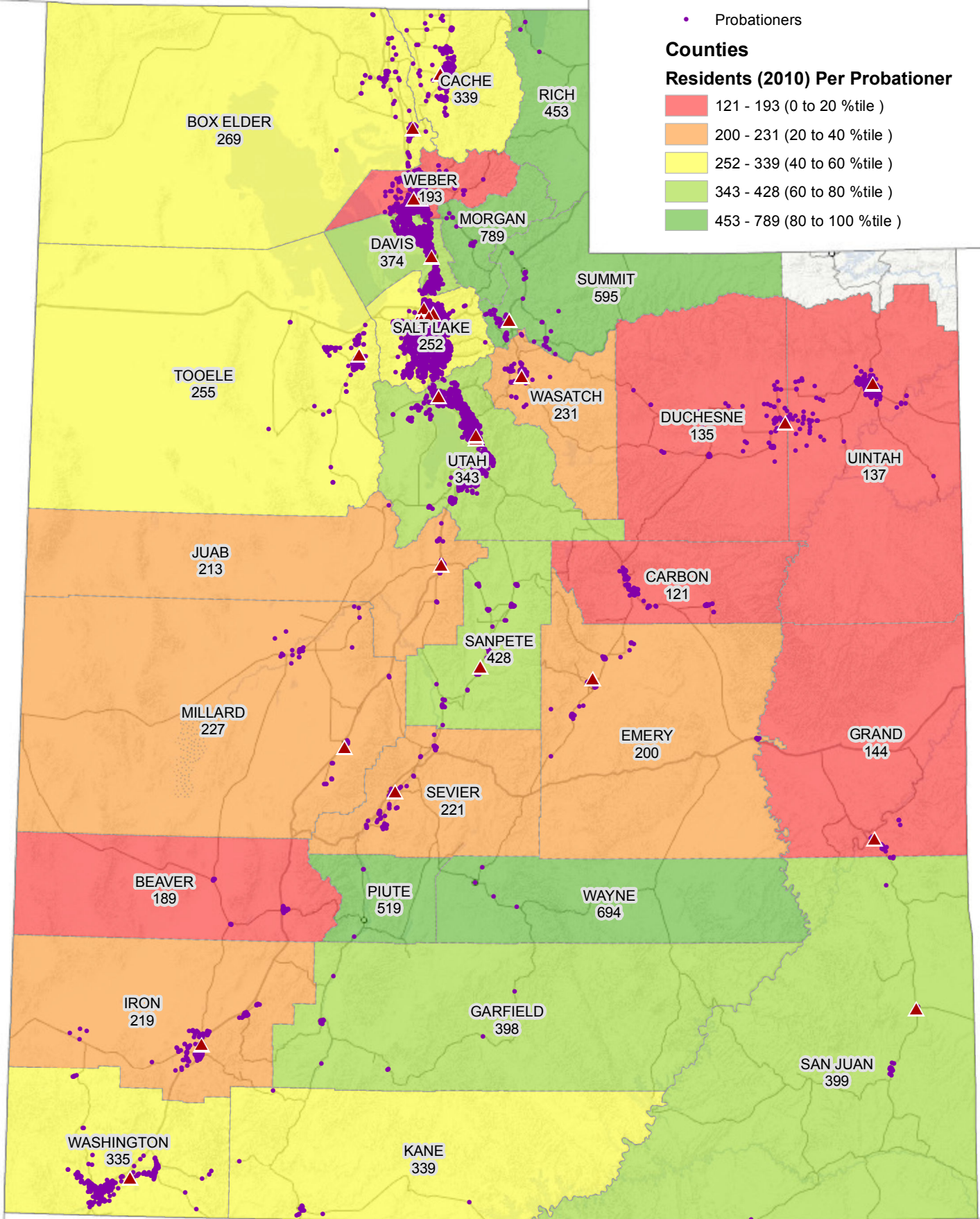
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- ▲ Reporting Offices
- Probationers

Counties

Residents (2010) Per Probationer

- 121 - 193 (0 to 20 %tile)
- 200 - 231 (20 to 40 %tile)
- 252 - 339 (40 to 60 %tile)
- 343 - 428 (60 to 80 %tile)
- 453 - 789 (80 to 100 %tile)



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Appendix B

Revocation More Completely and Precisely Describes AP&P Operations compared to Recidivism

“Recidivism” is a measure of how many offenders return to prison. To calculate the recidivism rate in Utah, the Department of Corrections (UDC) gathers the information regarding a cohort of offenders released from prison to parole supervision in a given time period. The department then tracks the offenders’ parole activity for 36 months to determine whether or not they are admitted to prison again for new criminal charges or parole violations. The resulting percentage of offenders from the original cohort who returned to prison within 36 months of release is the recidivism rate.

“Revocation” refers to the action of the court or Board of Pardons and Parole, pursuant to an AP&P recommendation, terminating community supervision and sending an offender to prison due to what are deemed to be excessive condition violations or new criminal charges. The revocation rates discussed in Chapter II were calculated by using UDC data to estimate the average annual number of high-risk offenders in a given office or region. That number was then divided by the total number of high-risk offenders sent to prison each year in that office or region. The resulting percentage describes the ratio of total high-risk offenders who were sent to prison.

We chose to analyze the data regarding supervision revocation instead of recidivism for a number of reasons. Primarily, each offender shown in the revocation data was accompanied by an AP&P region, office, supervisor and agent name allowing the comparison of operations at multiple levels within AP&P. Because of this, the revocation data provides a view of how each AP&P region or office acted in relation to offenders that the recidivism data does not. Second, the revocation data contains information regarding all offender types (i.e. felony probation, class A misdemeanor probation, parole, diagnostic, etc.) where recidivism is limited only to parolees.

Our examination, then, of revocation rates was done in an attempt to understand similar aspects of offender management that recidivism seeks to describe. The advantage being that our examination could be focused on different areas and levels within AP&P.

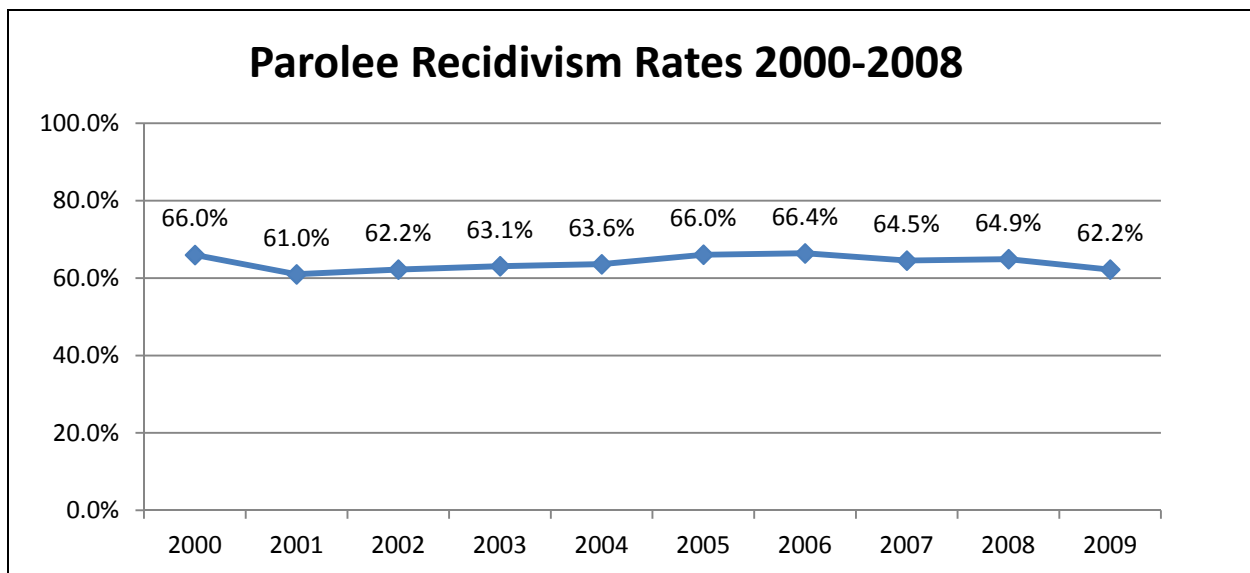
Utah’s Recidivism Rate is one of The Highest in the United States

National corrections data shows that Utah’s recidivism rate is one of the highest in the United States. It can be said that a large or small rate of recidivism is not inherently good or bad though this depends upon how the rate fits into the overall corrections strategy. For example, a large rate could indicate a deliberate choice to sanction violation behavior with

incarceration or it could illustrate an unreasonably strict standard of supervision. Similarly, a low rate could indicate highly effective supervision methods or that agents are not supervising offenders closely enough to catch violation behavior. Though we acknowledge that recidivism reflects many variables and interpretations within the corrections system, we believe that Utah can safely reduce the proportion of offenders entering prison from AP&P supervision through responsible, evidence-based policy implementation.

It can be seen in Figure B.1 that during the period from 2000-2009, the most recent range of complete recidivism data, that the recidivism rate remained relatively stable at an average of 64%.

Figure B.1 Utah’s recidivism rates have been stable. The average rate over this time period is 64%



In 2011, the PEW Center on the States published a report on state-to-state recidivism that contains data regarding parole populations that were released in both 1999 and 2004 in several states. Listed in Figure B.2 below is an excerpt from that report of Utah and other western states and their respective recidivism rates for both release cohorts. Not only was Utah’s recidivism the highest in west for the 1999 cohort, but the highest in the country. It was the fifth highest for the 2004 cohort. See PEW report titled *State of Recidivism – The Revolving Door of America’s Prisons* for the full list of states and notes on missing data and calculation methodology.

Figure B.2 Utah’s Recidivism Rate is One of the Highest Among Western States*. The recidivism rate as calculated by UDC for the 2004-2007 cohort is higher than that reported by PEW.

	1999-2002		2004-2007	
	Releases	Recidivism	Releases	Recidivism
Arizona	13,091	39.6%	15,795	39.1%
California	126,456	61.1%	118,189	57.8%
Idaho	1,071	33.0%	1,574	33.6%
Montana	906	41.8%	1,253	42.1%
New Mexico	N/A	N/A	3,615	43.8%
Oregon	2,769	33.4%	4,202	22.8%
Utah	2,563	65.8%	3,056	53.7%†
Wyoming	N/A	N/A	705	24.8%

* Data was not available for Colorado and Nevada

† According to UDC methodology described earlier in this appendix, Utah’s 2004 recidivism rate is 63.6%. The difference is due to a number of offenders who were released without parole supervision that were included in the PEW calculation as having never returned to prison while Utah excluded them entirely.

Utah’s low Imprisonment Rate Does Not Appear to be a Large Influence on Recidivism

Though the factors that can influence recidivism are numerous, one of the reasons cited by UDC administration to explain Utah’s exceptionally high recidivism rate is Utah’s exceptionally low imprisonment rate. The Bureau of Justice Statistics reported that, as of December 31, 2011, Utah’s imprisonment rate was the 7th lowest in the nation. The logic of this assertion is that, if the state imprisons a lower number of higher-risk offenders, the resulting parole population will also be higher-risk when compared to other states. This increased risk concentration would then be reflected in the recidivism rate when a larger portion of higher risk parolees naturally end up returning to prison.

However, in our examination of reported recidivism and imprisonment data, we found that a low imprisonment rate, by itself, does not show a strong correlation with the recidivism reported in a given state. Figure B.3 shows the ten states most similar to Utah in terms of imprisonment rates and their associated recidivism rates.

Figure B.3 Low Imprisonment Rate Does Not Always Predict High Recidivism. Utah's recidivism rate is one of the highest when comparing other states with low imprisonment rates.

	Imprisonment Rate* per 100,000 as of 12/31/2011	PEW Center on the States Recidivism Rate, 2004 Releases†
Minnesota	183	61.2%
Rhode Island	196	30.8%
New Hampshire	198	44.2%
Massachusetts	206	42.2%
North Dakota	206	39.6%
Utah	242	53.7%‡
Nebraska	244	32.3%
Washington	259	42.9%
New Jersey	270	42.7%
New York	283	39.9%
Iowa	295	33.9%

*BJS defines this as, "the number of prisoners under state or federal jurisdiction with a sentence of more than 1 year per 100,000 U.S. residents." See BJS bulletin entitled Prisoners in 2011 for complete details.

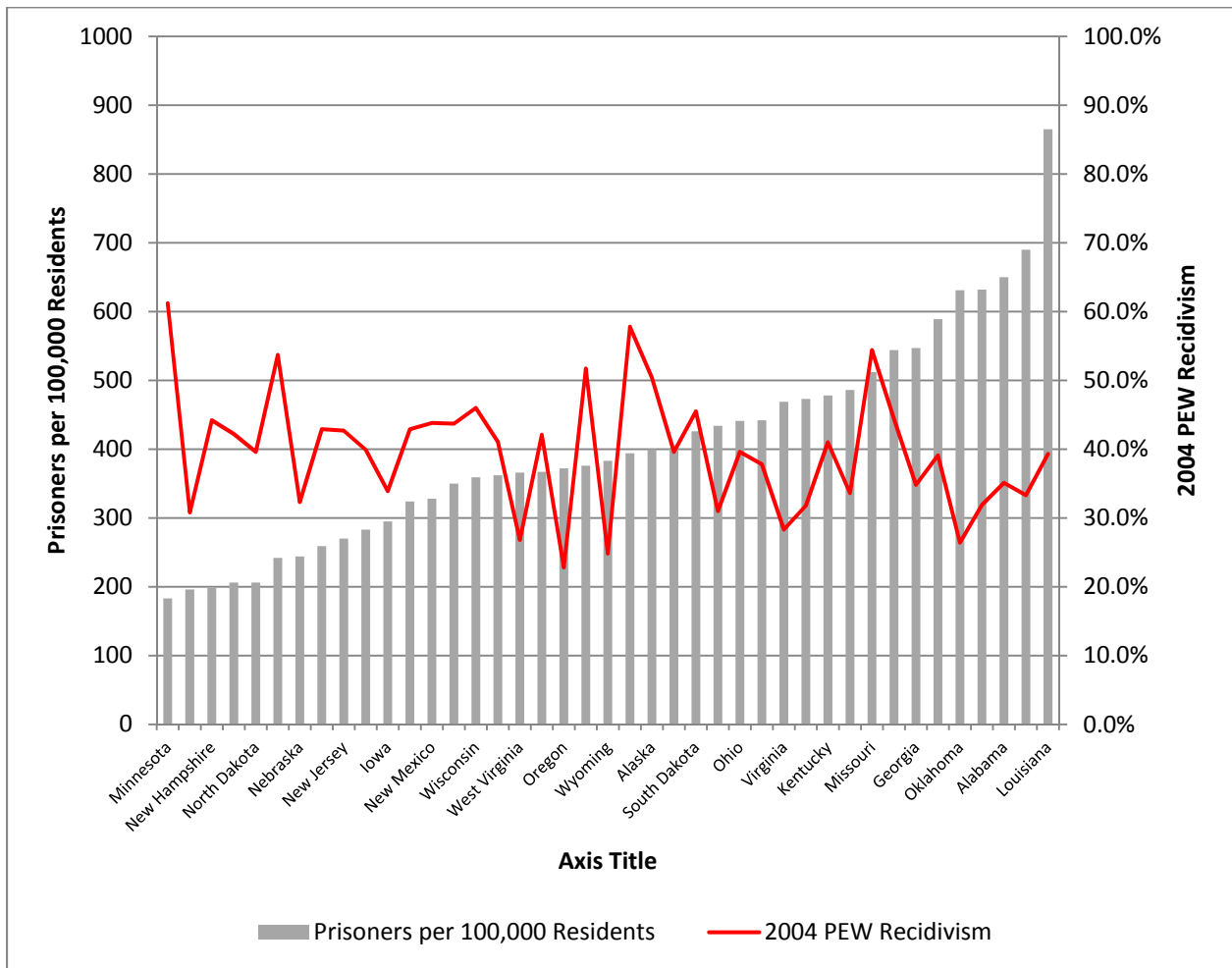
†See PEW report titled State of Recidivism – The Revolving Door of America's Prisons for full detail.

‡Utah Dept. of Corrections states that this rate is inaccurate. According to internal methodology described earlier in this appendix, Utah's 2004 recidivism rate is 63.6%.

It can be seen here that most states imprisoning a similar rate of the population have substantially lower recidivism rates than Utah. Except for Minnesota, all other states in this figure are an average of 15 percent lower than Utah.

Furthermore, when looking at a graph representing all 41 imprisonment/recidivism comparison states (see Figure B.4 below) it can be seen that there is an apparent inverse relationship in the way the two numbers move in relation to one another. A correlation analysis of the 41 imprisonment/recidivism rates represented here results in a correlation coefficient of -0.27. However, the erratic nature of the red line shows that there is still a significant level of variation even among states that imprison very similar rates of offenders.

Figure B.4 Imprisonment Rates (Gray Bars) are Slightly Inversely Correlated with Recidivism Rates (Red Line). However, a significant level of variation still exists for states with similar imprisonment rates.



We believe that this information suggests that Utah has the ability to assess current policy at all levels of the corrections system to determine whether or not the state can achieve lower recidivism and lower costs.

Length of Stay on Parole Also Impacts Recidivism

As mentioned on page 14 of Chapter II, UDC leadership also believes that the high recidivism in Utah is related to the amount of time offenders spend under parole supervision. UDC reports that the average length of supervision from 2006-2012 was 19 months and 46.8 months for probationers and parolees respectively. The Bureau of Justice Statistics reports that from 2008-2011, the national average length of supervision was 21.9 months and 17.9 months for probationers and parolees respectively. The additional time Utah parolees spend under supervision is believed to allow more opportunities for Utah

probation and parole officers to discover supervision violations and therefore increases recidivism. The PEW Center on the States writes, "...states that have shorter periods of post-prison supervision may have lower rates of revocation to prison, because their offenders must comply with supervision rules for shorter periods."¹⁴

North Carolina is highlighted in that same PEW report because their parole supervision is unusually brief at 6 to 9 months. As a result, the rate of offenders from the 2004 release cohort who were returned to prison for technical violations was the second lowest in the country at less than 1 percent. However, the report also states that North Carolina had a relatively high rate of return for new crimes at 40.4 percent which was in the top third of the 41 states that reported data for the 2004 release cohort. By comparison, Utah's rate of return for new crimes during the same period was 21 percent. Because we were unable to gather state-specific data that would allow a more complete examination of the true effect, we are unsure just how impactful the length of supervision is on offender outcomes.

Regardless of the length of supervision, evidence-based practices (EBP) are geared toward decreasing violations and we believe that some level of reduction will be seen regardless of how long an offender is supervised. Some states have reported positive results from the application of EBP. In Texas, it is reported that the recidivism rate has fallen along with the crime rate. Washington reports that, as of 2006, both the crime rate and incarceration rate have been shrinking together. Additionally, Washington authorities estimate that, as of 2011, there are approximately 1,100 fewer people in prison as the result of total investments in evidence-based corrections programs.

¹⁴ "State of Recidivism – The Revolving Door of America's Prisons," PEW Center on the States, Public Safety Performance Project, April 2011: 17-19

Figure B.5 State Prison Releases and Recidivism Rates – PEW Center on the States See PEW report titled *State of Recidivism – The Revolving Door of America’s Prisons* for notes on calculation methodology.

	1999-2002		2004-2007	
	Releases	Recidivism	Releases	Recidivism
Alabama	8,771	36.0%	10,880	35.1%
Alaska	N/A	N/A	11,619	50.4%
Arizona	13,091	39.6%	15,795	39.1%
Arkansas	5,663	49.0%	6,244	44.4%
California	126,456	61.1%	118,189	57.8%
Colorado	N/A	N/A	N/A	N/A
Connecticut	13,950	45.8%	16,100	43.7%
Delaware	N/A	N/A	N/A	N/A
Florida	N/A	N/A	N/A	N/A
Georgia	16,951	38.0%	18,972	34.8%
Hawaii	N/A	N/A	N/A	N/A
Idaho	1,071	33.0%	1,574	33.6%
Illinois	25,025	51.8%	35,606	51.7%
Indiana	N/A	N/A	13,651	37.8%
Iowa	2,953	32.4%	3,533	33.9%
Kansas	5,088	55.1%	5,178	42.9%
Kentucky	7,622	38.8%	10,743	41.0%
Louisiana	12,787	43.9%	13,391	39.3%
Maine	N/A	N/A	N/A	N/A
Maryland	N/A	N/A	N/A	N/A
Massachusetts	2,860	38.1%	2,299	42.2%
Michigan	10,985	38.0%	14,217	31.0%
Minnesota	3,940	55.1%	5,189	61.2%
Mississippi	5,742	26.6%	8,428	33.3%
Missouri	12,974	48.7%	18,637	54.4%
Montana	906	41.8%	1,253	42.1%
Nebraska	1,612	28.8%	1,846	32.3%
Nevada	N/A	N/A	N/A	N/A
New Hampshire	N/A	N/A	1,082	44.2%
New Jersey	14,034	48.2%	14,039	42.7%
New Mexico	N/A	N/A	3,615	43.8%
New York	25,592	39.9%	24,921	39.9%
North Carolina	23,445	43.8%	22,406	41.1%
North Dakota	N/A	N/A	845	39.6%
Ohio	22,128	39.0%	26,695	39.6%
Oklahoma	7,802	24.1%	8,159	26.4%
Oregon	2,769	33.4%	4,202	22.8%
Pennsylvania	6,844	36.6%	8,750	39.6%
Rhode Island	N/A	N/A	770	30.8%
South Carolina	9,299	26.8%	11,211	31.8%
South Dakota	1,231	33.7%	2,034	45.5%
Tennessee	N/A	N/A	N/A	N/A
Texas	56,571	32.1%	72,130	31.9%
Utah	2,563	65.8%	3,056	53.7%
Vermont	N/A	N/A	N/A	N/A
Virginia	8,997	29.0%	11,999	28.3%
Washington	5,738	32.8%	8,093	42.9%
West Virginia	N/A	N/A	1,346	26.8%
Wisconsin	5,206	46.1%	8,501	46.0%
Wyoming	N/A	N/A	705	24.8%
Total	470,666	45.4%	567,903	43.3%

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Agency Response

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State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Utah Department of Corrections

Executive Office

ROLLIN COOK
Executive Director

MIKE HADDON
Deputy Executive Director

LONDON STROMBERG
Deputy Executive Director

September 6, 2013

Rollin Cook, Executive Director
Utah Department of Corrections
14117 Minuteman Drive
Draper, Utah 84020

John Schaff, Legislative Auditor General
Office of the Legislative Auditor General
W315 State Capitol Complex, Salt Lake City, UT 84114

Dear Mr. Schaff,

Regarding: Division of Adult Probation and Parole Performance Audit 2013-08

The Utah Department of Corrections (UDC) and Division of Adult Probation and Parole (AP&P) are grateful to the Legislative Auditor General's Office and its many staff who contributed to this review. The resulting recommendations will undoubtedly benefit Utah's criminal justice system and those whom it strives to serve.

The Division of Adult Probation and Parole initiated Evidence Based Practices (EBP) in 2008. Many of the organizational strategies include technology upgrades, staff training, policy updates, and work process adjustments. Corrections implemented a computer program known as "business intelligence," which assists with organizational reports and performance measurement using live data. Staff has received training about Evidence Based Practices and techniques, such as Motivational Interviewing (MI) and Moral Reconciliation Therapy (MRT). Additional database programs were developed, enabling officers to complete Case Action Plans (CAP). These tools, along with many other evidence-based techniques, demonstrate commitment and progress in the implementation of the recommendations outlined in this review. UDC has been and continues to be fully committed to implementing Evidence Based Practices in an effort to reduce recidivism. The recommendations of this audit align perfectly with the direction and priorities of Adult Probation and Parole – many of which are already underway. The following is an Executive Summary of actions AP&P is or will be taking as a result of the audit:

EXECUTIVE SUMMARY

- A violation matrix is already in place in the division's Region IV. AP&P is using this as a foundation and is working with Utah Sentencing Commission to evaluate and create

probation and parole violation guidelines. This will assist in improving consistency statewide.

- AP&P is now developing metrics to better manage staff. The Planning and Research Bureau is assisting in creating these metrics and will provide them to managers regularly.
- AP&P has introduced several evidence-based practices into its operations. The division is currently collaborating with CCJJ and the Pew Charitable Trust to expand and assess evidence-based practices.
- The department has a Business Intelligence (BI) System that provides valuable and current data. AP&P metrics are the next BI project and will be used to address concerns from the audit and provide immediate information to managers.
- Strategies are being developed to target interventions, as well as establish supervision standards based on offender risk.

Specific response to the recommendations of the audit is outlined below:

CHAPTER II

Recommendation 1

Adult Probation and Parole management should work with the Utah Sentencing Commission to develop policy that will guide the response to violations of both probation and parole supervision.

Response

AP&P has been using a violation matrix in Region IV. The department will use this matrix as a foundation to develop a matrix that will apply across the state. Already, AP&P has contacted the Sentencing Commission and formed an initial workgroup to begin reviewing violation guidelines. AP&P has also contacted the states mentioned in the audit to obtain violation guidelines and additional information. AP&P has expressed interest in collaborating with the Courts on this project and has also conducted discussions with AP&P leadership about strategies for developing response guidelines to probation and parole violations. The first meeting on this topic has been scheduled for October 2, 2013. Violation responses also apply to interactions between AP&P and the Board of Pardons and Parole (BOPP). AP&P is collaborating with the BOPP as well.

Recommendation 2

Adult Probation and Parole should make better use of revocation data to develop a concise set of metrics that will allow management at all levels to hold staff accountable to statewide performance benchmarks.

Response

Each week, AP&P gathers and reviews violation metrics regarding revocations. The information is not easily available to division staff. The information is not currently utilized in a manner that identifies potential trends or performance goals. AP&P is already working with the Research and Planning Bureau to collect this information to easily disseminate it in a graphic format. These metrics will then be distributed across the division and used as a management and accountability tool.

Performance goals are being established, and division leadership is working with Regional Administrators to assist them in understanding and reaching the established goals. The metrics will include the following components:

- Recidivism rates
- Success rates
- Violation rates
- Revocation rates
- Offender Assessment Audits
- Case Action Plan Completions
- Motivational Interviewing (M.I.) coding scores
- Motivational Interviewing proficiency scores

CHAPTER THREE

Recommendation 1

Management of Adult Probation and Parole should develop more concise policies to ensure uniform usage of Evidence Base Practices.

Response

The department, including AP&P, is currently working with CCJJ and the Pew Charitable Trust to collaborate on best practices and evidence based practices. From this work, currently underway, AP&P will form strategic implementation teams to target policies and practices for each aspect of the Evidence Based Practices model. Corrections, CCJJ, and Pew will identify performance metrics, quality assurance strategies, offender assessment tools, development projects, training, skill proficiency evaluations, policies, technical (database) projects, and compliance checklists and standards (such as those utilized in the Correctional Program Checklist – CPC). Adult Probation and Parole is fully committed to quality implementation of Evidence Based Practices.

Recommendation 2

Management of Adult Probation and Parole should ensure all agents and supervisors are adequately trained and committed to utilizing Evidence Based Practices.

Response

AP&P will develop and implement training to support Evidence Based Practices, ensuring the most qualified support is available to supervisors and staff. Each team will strategically implement training and performance criteria in their assigned area. AP&P is already reaching out to the courts, the UDC Training Bureau, the Board of Pardons and Parole, UDC Research and Planning, CCJJ, and other appropriate stakeholders.

AP&P will create quality assurance procedures to identify additional support and assistance as well as provide ongoing evaluation. Additionally, AP&P is now working with the Governor's Office of Management and Budget to implement the SUCCESS framework to identify and overcome constraints to EBP implementation.

Recommendation 3

Management of Adult Probation and Parole should develop metrics to measure and rate the impact of Evidence Based Practices on revocation and recidivism. The metrics should have the ability to rate individual agents, supervisors, and regions on the successful use of Evidence Based Practices.

Response

Metrics developed in response to this audit are slated as the next UDC/DTS business intelligence project. The business intelligence software provides technical reporting of data components, which aid the organization in performance management. The metrics will include the following components:

- Success rate per agent/supervisor/office/program/region
- Violation rates per agent/supervisor/office/program/region
- Revocation rates per agent/supervisor/office/program/region
- Rate of offender risk reduction at case discharge
- Case Action Plan (CAP) completion rates
- Offender education completion rates
- Overall Division recidivism rates
- Overall Department recidivism rates
- Motivational Interviewing (MI) proficiency scores

AP&P is excited to be working with the Governor's Office of Management and Budget to implement the SUCCESS initiative. This process focuses on results-driven business, which aligns directly with Evidence Based Practices and the recommendations outlined in this review. This project will identify performance indicators, as recommended in the audit.

Recommendation 4

Adult Probation and Parole should make better use of Corrections' data resources to measure the usage and impact of Evidence Based Practices on primary offender outcomes like violation behavior or revocation rates.

Response

Corrections has implemented advanced evaluation procedures to determine the effectiveness of individual programs. The same model will be used to evaluate the effectiveness of AP&P programs. The department collaborated with the Criminal Justice Center at the University of Utah to conduct a fidelity evaluation of the Moral Reconciliation Therapy program. Overall, it was found the program was being operated consistently across the state. The division is now working on making some adjustments identified in this evaluation. The division is committed to the evaluation of programs to ensure effectiveness and/or improvements.

Recommendation 5

Adult Probation and Parole should focus personnel resources in a manner that more directly addresses the offenders with the largest risk of imprisonment.

Response

AP&P is adjusting policies and procedures to provide for additional support for higher risk populations. Additionally, AP&P is gathering research and identifying strategies that target interventions during the most likely times for offender violations. AP&P will work with the Research and Planning Bureau to evaluate a recent pilot project of caseload risk distribution to determine the effectiveness of these results. Finally, AP&P will then reallocate resources in a manner that directly targets resources toward high-risk populations.

CHAPTER FOUR

Recommendation 1

Adult Probation and Parole should examine cost-cutting strategies in connection with the recommendations in Chapters II and III.

Response

AP&P routinely evaluates cost-cutting opportunities and continues to encourage this focus as each strategic implementation team identifies ways to enhance the application of Evidence Based Practices.

CHAPTER FIVE

Recommendation 1

We recommend the Correctional Issues Working Group under the Utah Commission on Criminal and Juvenile Justice focus its efforts on the subjects and recommendations presented in this report. The Legislature should continue to provide accountability through budgetary and oversight activities.

Response

The Correctional Issues Working Group in CCJJ has been operational for over a year. The department is an active participant in their work. The division will bring issues related to this audit to the next meeting and discuss making them the focus of their work over the coming months.

Recommendation 2

Utah Commission on Criminal and Juvenile Justice should review and evaluate all correctional programs used in the state to evaluate for effectiveness.

Response

The department is a partner with CCJJ in a contract with the University of Utah. The University evaluates a variety of programs on a yearly basis, including correctional programs. One project in particular, related to AP&P, has been underway for a year. This is a three-year project.

Additionally, the department's research team is regularly conducting outcome research on programs. The research methodologies and techniques used are advanced. In fact, the department's research team provided training to researchers at the University of Utah on how to use these tools (Propensity Score Matching and Genetic Matching).

Recommendation 3

The Utah Department of Corrections, courts, and Board of Pardons and Parole should work together to improve success of offender management and supervision.

Response

AP&P will include the members of the courts and the Board of Pardons on teams to develop not only the violation guidelines, but also Evidence Based Practices strategic projects.

Recommendation 4

The Utah Department of Corrections should work with the courts and Board of Pardons and Parole and other relevant entities to devise appropriate revocation guidelines.

Response

The division meets regularly with the Board to discuss issues intersecting both agencies. In addition, AP&P will ensure that the courts and Board of Pardons and Parole are involved in the development and implementation of violation guidelines.

Probation and Parole is just one part of the overarching criminal justice system. The division has a rich history of innovation and action. Years of work have lead to one of the best probation and parole divisions in the nation. The division's role is integral to the success of those who come under its jurisdiction. AP&P has a unique ability to provide individuals a second-chance at living a successful, crime-free life – while also protecting the general public. The supervision strategies and practices it employs in the process play a pivotal role in those outcomes. AP&P, as a division, along with its individual officers and staff, are wholeheartedly invested in improving consistency among its offices spanning the state, and ultimately in bringing positive results to the citizens of Utah. We are always aggressively pursuing solutions to concerns similar to those identified in the audit. AP&P would once again like to express appreciation for the thoughtful, practical, and applicable recommendations herein.

Sincerely,



Rollin Cook
Executive Director