

BOARD OF PARDONS AND PAROLE

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS

BUDGET BRIEF

SUMMARY

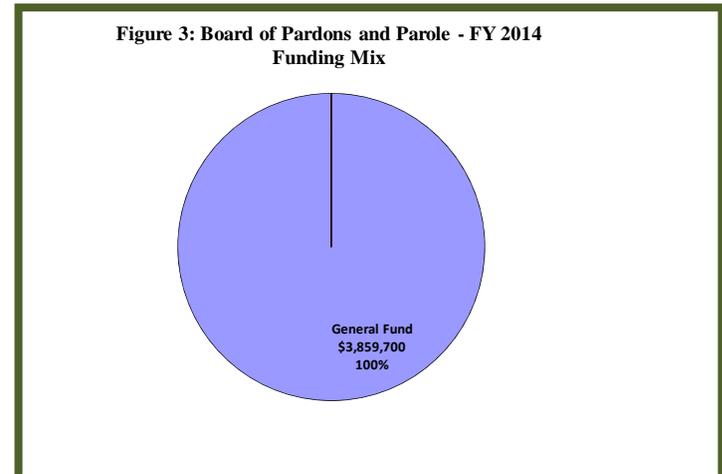
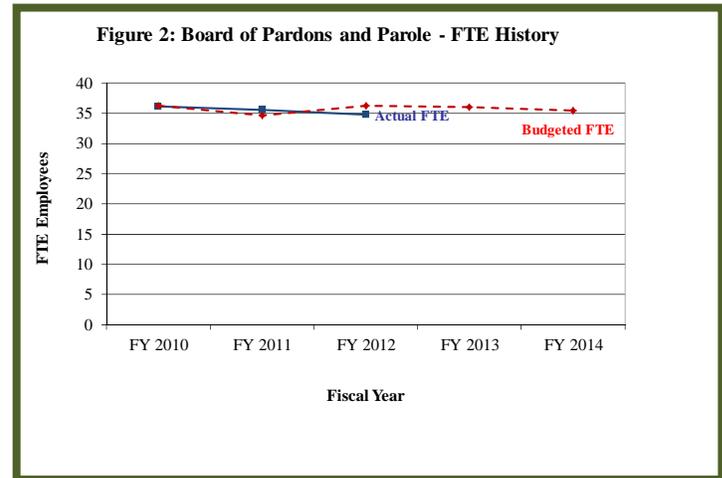
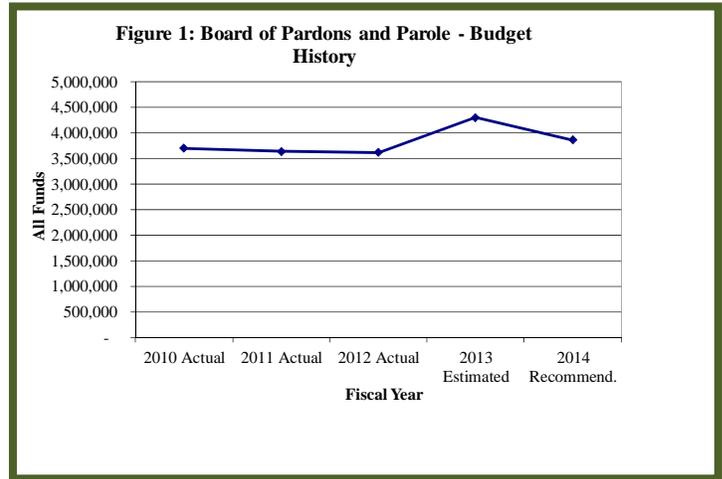
The Board of Pardons and Parole (BPP) is the Constitutionally-empowered release authority for inmates in the State of Utah. As such, the Board reviews inmate performance and determines when and under what conditions an inmate may be released after serving the minimum sentence required by law.

The Board also reviews violations of release conditions and decides whether an offender should be returned to prison. The Board is an independent organization from Corrections and the Courts. The BPP has full parole, pardon, and commutation authority over all offenders in the custody of the UDC.

Legislative Action

The Analyst recommends the Legislature:

1. Adopt the FY 2014 recommended budget page 4.
2. Approve the intent language on page 2.
3. Approve the Fee schedule on the document entitled "Executive Offices and Criminal Justice: Fees".



Issues and Recommendations

Releasing Inmates

It is the responsibility of the Board of Pardons to release offenders from prison while trying to balance community safety. Five Board Members and 10 hearing officers are responsible for making approximately 12,000 decisions relating to the release of inmates annually.

The Board of Pardons workload is directly proportional to the amount of prisoners overseen by the Utah Department of Corrections. Recently, inmate population has grown at approximately 15 prisoners per month. Prison population is largely determined by population as a percentage of the state population.

As state population has risen so have inmates and thus workload for the Board. While the State of Utah has a relatively very low rate at which we incarcerate prisoners, the rate at which we incarcerate has risen, in large part due to new offenses and/or increased penalties for offenders through legislation passed annually.

The Board is the sole organization authorized to release offenders from prison.

The Board is responsible for all decisions regarding inmate release selection. Such decisions were made during budget reductions of the 2002 General Session when 400 inmates were released.

Intent Language

The Analyst recommends the following intent language to make the Board of Pardons line item's FY 2013 unexpended appropriations nonlapsing at the end of FY 2013.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$438,500 provided for the Board of Pardons and Parole in Item 20 of Chapter 11 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds shall be limited to capital equipment or improvements, computer equipment/software, employee/training incentives, and equipment/supplies.

Fees

Please refer to the issue brief entitled "Executive Offices and Criminal Justice: Fees" which contains all fees for the Board of Pardons and Parole.

Performance

The following shows both the output and outcome performance data for the Board of Pardons. Total decisions for the Board of Pardons have slightly decreased in recent years the total prisoner population has increased over the same period.

Decisions and Hearings of the Board of Pardons and Parole

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Original & Re-Hearings	1,958	2,752	2,644	3,249	3,059	2,793	2,875	2,875	2,917	2,760
Parole Violation Hrgs.	1,741	1,013	1,240	1,280	1,630	1,470	1,449	1,364	1,000	1,103
Rescission Hearings	238	128	131	112	139	161	172	126	109	134
Victim Impact Hearings	X	X	X	X	X	3	2	3	4	6
Evident. & Restit. Hrgs.	15	12	3	5	12	14	13	15	13	23
Pardon Hearings **	1	1	0	2	2	1	10	18	10	13
Commutation Hrg. **	0	0	0	0	0	0	0	1	0	0
Total Hearings	3,953	3,906	4,018	4,648	4,842	4,442	4,521	4,402	4,053	4,039
Special Attent. Reviews	4,710	4,621	4,531	4,705	4,464	4,964	4,929	5,177	5,088	4,900
Termination Reviews	874	890	863	972	690	877	877	883	640	608
Warrants Issued	1,503	1,531	1,674	1,820	1,694	1,619	1,589	1,542	1,236	1,217
Warrants Recalled	78	169	157	199	98	85	77	89	75	34
Administrative Reviews	22	74	24	32	43	48	74	51	61	60
Non-Hearing Decisions	7,187	7,285	7,249	7,728	6,989	7,593	7,546	7,742	7,100	6,819
Combined Total Decisions	11,140	11,191	11,267	12,378	11,831	12,035	12,067	12,144	11,153	10,858

The following chart shows measures that the Board of Pardons and Parole uses to track their performance. These are also reported to the Governor. This reflects performance for the Board of Pardons for Fiscal Year 2012. The measure titled "Timeliness of All Hearing Results" is directly related to the impact on the Department of Corrections budget. The more timely the Board is in conducting hearings, the less time inmates are in prison and are released on parole.

BOPP 2012 Annual Performance Measures / Scorecard

Metric	Trend	Target	2012 Average	Measure	Definition
Timeliness of All Hearing Results	▲	95%	100%	Hearing	Percentage of hearings processed from conducting hearing to entry of result within 30 days or less.
Parole Revocation Timeliness	▲	85%	97%	Case	Percentage of cases addressed within the 30 day target time frame for a parole violator to go from in-state custody to first action by the Board addressing the parole violation.
Response Time for Correspondence	▲	5	3.30	Day	Average number of days to respond to correspondence from date of receipt to sending a response.
Victim Notification	▲	80%	83%	Person	Percentage of contact made with identified victims pursuant to: UCA 77-27-9.5(3)(a)
Conduct Hearings According to Rule (Less Parole Violations)	▲	90%	98%	Case	Average of total hearings conducted pursuant to timeline defined by UAC R671-201
Non-hearing Routings Timeliness	▲	100%	99%	Case	Percentage of non-hearing cases completed within 15 days - measured from receipt to entry of result.

BUDGET DETAIL

The Board of Pardons and Parole is funded nearly 100% from the General Fund. The following table shows the budget history for the Board of Pardons.

Board of Pardons and Parole						
	FY 2012	FY 2013		FY 2013		FY 2014*
Sources of Finance	Actual	Appropriated	Changes	Revised	Changes	Recommended
General Fund	3,782,000	3,859,700	0	3,859,700	0	3,859,700
General Fund, One-time	(2,000)	0	0	0	0	0
Dedicated Credits Revenue	1,400	2,200	0	2,200	0	2,200
Beginning Nonlapsing	275,900	0	438,500	438,500	(438,500)	0
Closing Nonlapsing	(438,500)	0	0	0	0	0
Total	\$3,618,800	\$3,861,900	\$438,500	\$4,300,400	(\$438,500)	\$3,861,900
Programs						
Board of Pardons and Parole	3,618,800	3,861,900	438,500	4,300,400	(438,500)	3,861,900
Total	\$3,618,800	\$3,861,900	\$438,500	\$4,300,400	(\$438,500)	\$3,861,900
Categories of Expenditure						
Personnel Services	2,962,200	3,165,600	(8,300)	3,157,300	0	3,157,300
In-state Travel	20,000	24,000	0	24,000	0	24,000
Out-of-state Travel	4,100	6,000	0	6,000	0	6,000
Current Expense	500,800	560,800	(1,200)	559,600	0	559,600
DP Current Expense	108,400	105,500	9,500	115,000	0	115,000
Other Charges/Pass Thru	23,300	0	438,500	438,500	(438,500)	0
Total	\$3,618,800	\$3,861,900	\$438,500	\$4,300,400	(\$438,500)	\$3,861,900
Other Data						
Budgeted FTE	36	36	1	36	(1)	36
Actual FTE	35	0	36	36	(36)	0
Vehicles	6	6	0	6	0	0

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.