



JUSTICE REINVESTMENT INITIATIVE STATUS

SOCIAL SERVICES AND EXECUTIVE OFFICES AND CRIMINAL JUSTICE SUBCOMMITTEES
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ISSUE BRIEF

SUMMARY

During 2014 the Commission on Criminal and Juvenile Justice (CCJJ) partnered with the Pew Charitable Trusts to review Utah's data regarding sentencing and corrections. Among other things, this review found there had been an 18 percent increase in Utah's prison population in the past decade while Utah prison admissions declined eight out of ten years in the decade prior to that. CCJJ estimated that without action, the state would need to house an additional 2,700 inmates by 2034. In its *Justice Reinvestment Report* and *Report Summary* CCJJ stated, "Almost half (46%) of Utah's inmates who are released from state prisons return within three years" [The report summary can be found at <http://le.utah.gov/interim/2014/pdf/00005184.pdf> and the full report can be found at <http://le.utah.gov/interim/2014/pdf/00005186.pdf>].

In addition, this review found: 1) 62 percent of offenders sent directly to prison from court were admitted for nonviolent offenses, 2) as of January 2014, offenders on probation and parole supervision were failing at higher rates than they did 10 years previous with 46 percent of Utah's prison population now made up of those who were there for a probation or parole violation, and 3), prisoners were spending 18 percent longer in prison than they did 10 years previous even though research now shows that there is "diminishing public safety returns [for] longer prison sentences." This information suggested to CCJJ that if Utah can deal with those on probation and maintain them in the community then Utah can manage prison growth without building new prisons. CCJJ also stated in the report that implementing JRI "will avert 98 percent of the anticipated growth in the prison population, avoid the need for 2,551 prison beds, and save taxpayers at least \$542 million over the next two decades." There are currently 6,687 state inmates along with 17,755 probationers and parolees in the community. During the 2015 General Session the Legislature passed [H.B. 348, *Criminal Justice Programs and Amendments*](#), to: 1) focus prison beds on serious and violent offenders, 2) strengthen probation and parole supervision, 3) improve and expand reentry and treatment services by increasing the availability of mental health and substance abuse treatment services across the state, 4) support local corrections systems by focusing jail resources on high-level offenders, and 5) ensure oversight and accountability through training and data collection and reporting of key performance measures. The Legislature also provided \$11,980,000 ongoing and \$2,000,000 one-time for implementation of H.B. 348. Of the \$13,980,000, funding was distributed as follows: \$6,036,000 to the Department of Corrections, \$4,975,000 to the Department of Human Services, \$2,848,200 to CCJJ, and \$120,800 to the Board of Pardons. Of the \$13,980,000 appropriated for JRI, \$7,098,700 will directly benefit counties through risk and needs screening and treatment programs. The implementation and funding of H.B. 348 poses at least six main budget policy questions for Legislators.

Questions

- 1. Will the approach taken in H.B. 348 be more effective and efficient than the current system and how will the Legislature ever know?**
 - H.B. 348 requires: 1) the establishment of criminal risk factors be considered in providing treatment through governmental programs; 2) the establishment of standards for public and private treatment programs; 3) the establishment, tracking, and reporting of performance goals and outcome measurements including recidivism; 4) Corrections to establish standards and procedures, including best practices, for treatment programs provided in county jails; 5) Corrections, in collaboration with the Division of Substance

Abuse and Mental Health (DSAMH), to track a group of program participants to determine the net benefit from using treatment as an alternative to incarceration; and 6) Corrections, in collaboration with DSAMH, to evaluate costs and resources needed to meet goals for using treatment as an alternative to incarceration.

- H.B. 348 also requires the collection of performance data to identify and track program progress and accomplishments by requiring: 1) CCJJ in collaboration with DSAMH, Corrections, and the Administrative Office of the Courts to analyze specified programs and practices and provide recommendations to the Legislature; 2) CCJJ to study and report on programs initiated by state and local agencies to address recidivism, including cost reductions and the costs and resources required to meet goals for providing treatment as an alternative to incarceration; and 3) DSAMH and Corrections to establish treatment standards and certification requirements for community and institutional settings providing mental health and substance use disorder care.
- 2. *At the time of H.B. 348's passage, local substance abuse and mental health authorities believed the requirements of H.B. 348 exceeded the funding provided. Does the Legislature want to consider increases in funding for the purposes of H.B. 348 for local substance abuse and mental health? If so, how would a defined population and an amount be determined?***
- H.B. 348 built in one mechanism for determining population and amounts by requiring that Corrections, in collaboration with DSAMH, evaluate costs and resources needed to meet the goals of using treatment as an alternative to incarceration.
 - A recent estimate of unmet need is shown on pages 10 and 11 under the heading *H.B. 348 and Estimated Unmet Need and Current Capacity for Local Substance Abuse and Mental Health Treatment*.
- 3. *Should there be a similar consideration for the Corrections, CCJJ, Board of Pardons requirements? If so, how would amounts be determined?***
- H.B. 348 built in one mechanism for determining population and amounts by requiring that Corrections, in collaboration with DSAMH, evaluate costs and resources needed to meet the goals of using treatment as an alternative to incarceration.
- 4. *What is the status regarding the use of funds the Legislature appropriated for H.B. 348 during its 2015 General Session?***
- The Legislature would want to know the implementation status of funds agencies intend to spend in FY 2016 to implement H.B. 348. A summary of the funding and implementation status can be seen in Table 2.
- 5. *FY 2016 is the first year of implementation for H.B. 348. As a result, there are likely to be unspent funds in FY 2016. What is the estimate of unspent funds in FY 2016 and how would the Legislature like to use those unspent funds?***
- Table 3 shows agency estimates of unspent funds as of August 31, 2015.
- 6. *Does the accountability infrastructure implemented for H.B. 348 adequately provide policy makers the assurance that funds are spent in an efficient and effective manner? Are there specific measures the Legislature would like to see (that may or may not be part of the body of measurements the agencies are presumably preparing for the prescribed dates).***
- H.B. 348 requirements shown in Table 6 in Appendix A outline a number of standards and performance and outcome measurements to be put in place in connection with H.B. 348. Table 6 also shows that it will be 2016 before many standards are in place and before

performance or outcome measures begin to be available for review. Also, it will likely take several years before performance measures on recidivism rates will have sufficient data for evidence-based evaluation purposes.

OVERVIEW

This issue brief provides an explanation of the Justice Reinvestment Initiative (JRI) development process, the status of rollout, and an estimate of unused funds anticipated in the initial rollout year. It further outlines anticipated funding to be passed through to local substance abuse and mental health centers for the JRI and identifies issues regarding capacity for local providers with regard to current funding compared to anticipated need for both rural and urban providers.

Justice Reinvestment Initiative Development Process

The Commission on Criminal and Juvenile Justice summarizes the current Justice Reinvestment Initiative development process as follows:

The JRI Coordinator is working with partner agencies to implement the system changes required by HB 348. The JRI Implementation Task Force has been created with partner agencies, counties, and local government representatives. A research and data committee has been formed tasked with identifying outcome measures for all statutorily-required reporting and other recidivism data for analysis. Meetings are being held with county government officials regarding the County Performance Incentive Program (CPIP) grants. The Sentencing Commission has made substantial progress in modifying the Sentencing Release Guidelines, including changes to the criminal history score process, the periods of incarceration for individuals on parole and probation, graduated sanctions and the graduated incentives. These revised Guidelines will be effective October 1, 2015 and performance measures resulting from the changes in the Guidelines will be measured on a quarterly basis. The JRI partner agencies (the Board of Pardons and Parole, the Department of Corrections, the Division of Substance Abuse and Mental Health, and the Courts) are also coordinating with the Task Force and the Commission on HB 348. In addition, the Criminal Justice Institute continues to provide technical support for the coming year.

Key Budget-related Implementation Provisions of H.B. 348 (see Appendix A for a complete list)

H.B. 348, *Criminal Justice Programs and Amendments*, includes a number of provisions and requirements regarding implementation. A number of these provisions address specific agencies or collaboration between agencies and also the establishment of standards and outcome measures for the various programs identified in H.B. 348. Seven key budget-related provisions are shown in Table 1 while a complete list of implementation provisions and their status can be found in Appendix A.

Implementation Status of Key Provisions in H. B. 348, Criminal Justice Programs and Amendments						
Provision	Agencies Involved	Effective Date	Estimated Date of Reporting	Estimated Date to Provide Performance Measures	Comments	
Establish standards for mental health and substance abuse treatment, and for treatment providers, concerning individuals who are incarcerated or who are required by a court or the Board of Pardons and Parole to participate in treatment. (UCA 62A-15-103, 64-13-7.5, 64-13-25, 64-13-25(1)(c), 64-13-26)	DSAMH UDC USAAV CCJ	5/12/2015	7/1/2016	12/1/2016	"The department [UDC] has been working with the Courts and DSAMH since JRI's inception to create treatment standards. Once these standards have been finalized, the group will develop a certification process based on those standards. The certification process is slated to begin on July 1, 2016. DSAMH: We have formed a standards committee that consists of local authority clinical directors, USAAV treatment subcommittee and representatives from corrections, CCJ and the courts. We have developed a draft administrative rule. We will finalize it before Sept. 30th."	
Require DSAMH, working with the Courts and the Corrections, establish performance goals and outcome measurements for treatment programs, including recidivism. (UCA 64-13-21(4), 64-13-25(4))	UDC CCJ DSAMH RESEARCH	10/1/2015	Interim Fall 2016	Interim Fall 2016	"CCJ: Recidivism information will take appx 3 years. UDC: The department is collaborating with DSAMH and the Courts toward this end. UDC Planning and Research is also working separately with CCJ on metrics and outcome measures for all of JRI, to include this provision. The most telling outcome for treatment programs is recidivism, which takes approximately three years to compile since the industry standard for measuring recidivism requires a cohort to be out of prison and tracked for results for a duration of 36 months. DSAMH: We are working with CCJ, the courts and corrections. Still in process."	
Track performance and outcome data and make this information available to the public. (UCA 62A-15-103)	DSAMH COURTS UDC	5/12/2015	Interim Fall 2016	Interim Fall 2016	"DSAMH: We've identified needed changes and working with county authorities to modify electronic records systems."	
Require DSAMH, in collaboration with CCJ, analyze specified programs and practices, and provide recommendations to the Legislature. (UCA 62A-15-103)	DSAMH CCJ	5/12/2015	Interim Fall 2016	Interim Fall 2016	"CCJ: Will collect most data quarterly and provide analysis to Interim Committees beginning Fall 2016."	
Study and report on programs initiated by state and local agencies to address recidivism, including cost reductions and the costs and resources required to meet goals for providing treatment as an alternative to incarceration. (UCA 63M-7-204)	CCJ RESEARCH SENTENCING DSAMH UDC	5/12/2015	Interim Fall 2016	Interim Fall 2016	"CCJ: Will collect most data quarterly and provide analysis to Interim Committees beginning Fall 2016. Recidivism data takes 3 years. UDC: All our metrics will be supplied to CCJ. Some data would be available related to implementation and numbers enrolled. However, recidivism outcomes will require two to three years of measurement."	
Track a group of program participants to determine net benefit from using treatment as an alternative to incarceration. (UCA 64-13-25(4))	UDC DSAMH RESEARCH	5/12/2015	10/1/2016	10/1/2016	"UDC: This will require collaboration between DSAMH and AP&P to target an ideal population and monitor success."	
Evaluate costs and resources needed to meet goals for using treatment as an alternative to incarceration. (UCA 64-13-25(4)).	UDC DSAMH	5/12/2015	1/1/2016	7/1/2016	"UDC: This could impact AP&P if probation caseloads increase in attempt to keep offenders out of prison and in the community. Additionally, more transitional resources may be required to help implement effective transition throughout the state. The initial transition specialists are being focused on the Wasatch Front where the majority of the releasing population is located, but this complicates their ability to aid those offenders exiting the prison and moving to rural areas. The transition specialists will be expected to work closely with AP&P in those various regions and even travel to those areas of the state, but transition will be more effective with more resources to regionalize the effort. Corrections is taking on extensive new responsibilities inside the prison as well with new and improved assessment and case action planning. This is being shouldered by staff who already have heavy workloads in some cases, so the department would likely realize better results with more help in these areas. Additionally, Corrections is shouldering most of the data collection and research duties associated with JRI along with much of the computerized changes to aid in new processes with the Board and Courts. It is doing so using existing resources and could better/more thoroughly implement JRI with additional resources."	

Table 1

H.B. 348 Funding by subcommittee and agency and implementation status

The passage of H.B. 348 was accompanied by \$13,980,000 in funding. Table 2 shows how that funding was distributed and for what purposes along with an explanation regarding the status of the use of those funds as of August 31, 2015.

Justice Reinvestment Initiative Funding for H.B. 348, Criminal Justice Programs and Amendments					
Agency	Purpose	Ongoing General Fund	One-time General Fund	Total	Implementation Status
Committee: Social Services					
Human Services	Substance Abuse/Mental Health Treatment	2,980,000	1,520,000	4,500,000	This funding has been distributed to the counties on formula.
Human Services	Training for provider treatment staff	150,000	-	150,000	We have plans for a one day training for clinicians on treating dual diagnosis patients. A three day training for providers on certification standards and processes. Three regional trainings on Moral Reconciliation Therapy (MRT). A training with Weber Human Services EBP Training.
Human Services	2 FTE/Development of Web-based System/Maint.	225,000	100,000	325,000	refining requirements for the certification database system, and the necessary interoperability needed.
Subtotal - Human Services		3,355,000	1,620,000	4,975,000	
Committee: Ex. Offices and Criminal Justice					
Corrections	Access to Recovery	500,000	-	500,000	"Corrections is working with the Division of Substance Abuse and Mental Health to expand the Parole Access to Recovery (PATR) contract to assist more offenders in need of continuing support. Corrections is also working to target eligible offenders while they are still incarcerated (prior to their release) so they can inform them of and connect them to PATR services before they are released into the community. This will rely on coordination with the Transition Specialists (referenced below). Corrections is also collaborating with DSAMH to explore the idea of delivering Medically Assisted Treatment (vivitrol) to those offenders who are PATR eligible and have struggled with addiction to opiate drugs. Research has shown the medication tends to boost success rates (this pilot's outcomes would be tracked through a quasi-experimental design)."
Corrections	Mental Health Services	1,045,100	-	1,045,100	"The prison's mental health staff is hiring 6 Licensed Clinical Therapist Positions (5 for Draper and 1 for Gunnison). The funds are also being used to hire 1 psychologist to work primarily on reports for the Board of Pardons & Parole, 1 psychiatrist, 1 APRN (Advanced Practice Registered Nurse) position, 1 supervising Registered Nurse for Mental Health in Draper, and 1 office specialist. Most of these positions are open for applications, and some interviews are scheduled or have already occurred. The new LCT positions will enable us to provide more individual and group therapy, and to screen inmates who will see the providers. Hiring for some of these positions is difficult due to competition with community salaries (particularly positions such as psychiatrist and APRN) and the difficult environment of working in a prison setting."
Corrections	Clinical Therapists	1,805,900	-	1,805,900	"AP&P recently completed interviews for the new Clinical Therapist Supervisor positions. AP&P is working with the Human Resource department to complete the necessary backgrounds so selections can be made for these positions. AP&P is currently preparing the recruitment for the Licensed Clinical Therapists. When the new Therapist Supervisors are hired, they will assist with the hiring process for the new Licensed Clinical Therapists who will work throughout the state. The new therapists will be added to AP&P offices throughout the state to either establish or enhance Treatment Resource Centers. Several therapists will be added to the community correctional centers to initiate or support evidence-based programming for these varied center populations."
Corrections	Office Specialists	604,000	-	604,000	"AP&P is working on establishing and hiring these positions. The positions will be assigned throughout the state to assist with changes to programming and workload."
Corrections	Transition Specialists	893,000	-	893,000	"The department commissioned three committees and tasked them to generate an entirely new transition model to better prepare inmates to release into our communities. A new model was created by staff from every division and even with the assistance of partner agencies: AP&P, DIO, Programming, UCI, Clinical Services (mental health), Board of Pardons & Parole and Vocational Rehab. The end result will better define the job duties of the 10 new transition specialists, who will work under AP&P's Community Programming Unit and be officed mainly on the Wasatch Front. Corrections has also decided to dedicate pre-existing funds and resources to transition. It is repurposing 79 existing caseworkers to focus them primarily on transition efforts. These 79 existing staff are currently helping security and programming staff on various housing units. Their jobs vary but mainly include writing reports to the Board of Pardons & Parole, being a contact for offenders' families, helping with security classification, and other duties. Some of these duties will be automated with the implementation of JRI. Their new duties will include assessment, case action planning, treatment, life skills teaching, etc."

Corrections	Transition Spec. - cont.				The department intends to undergo a collaborative work load assessment process driven largely by caseworkers to level their workload in effort to avoid simply overloading them with new work on top of their existing work. The end result is expected to focus 79 caseworkers at CUCF and Draper primarily on preparing offenders for release starting at the time they enter the prison. Caseworkers will be expected to maintain responsibility for offenders until approximately four months prior to their release from prison - at which point the caseworker will hand off responsibility to the transition specialists. The transition specialists will be expected to work with parole agents, partner agencies and community stakeholders to intensify pre-release services and bridge the gap from prison to the community (particularly with regards to services such as housing, transportation, employment, education, reunification, etc.). Adult Probation & Parole has designed a supervision model for these 10 transition specialist positions to be implemented and is just beginning the process of hiring. The prisons are working with the Division of Institutional Programming to move all 79 caseworkers under a unified chain of command. The supervisors in that chain of command will be expected to help foster an understanding and a culture focused on case management and helping offenders to set goals to address risks and needs that appear in the offender's assessment."
Corrections	AP&P Treatment Agents	988,000	-	988,000	"AP&P has established these positions and is in the process of offering and filling them. This increase establishes TRC agents in all five AP&P Regions throughout the state. The staff will be involved with delivery of evidence based programming classes. As these new positions are filled, staff are receiving training and certification in various programs that will be administered to the offender population to assist with Case Action Plan goals."
Corrections	Training for AP&P Agents/Board of Pardons/Co. Jails	200,000	-	200,000	"The department is finalizing an updated contract with Multi Health Systems to move our primary assessment tool from the LSI-R to the LSI-RNR. Train the trainer sessions will begin in August 2015. From there, the department will create new department-wide policies regarding assessments and will administer additional training for staff in AP&P, Programming, and DIO on use of the assessment tool to include certification tests. Corrections is also working closely with a JRI consultant to implement the new assessment tool using extensive checklists and best-practices from other states. Additionally, new Sentencing Guidelines will require training of our AP&P staff - especially those that conduct presentence investigations (PSIs). Significant changes are being made in our primary records management system - O-Track - and training will need to be conducted on these system changes. Other training needs may arise during the fiscal year.."
Subtotal - Corrections		6,036,000	-	6,036,000	
CCJJ	Researcher	120,000	-	120,000	Researcher has been hired.
CCJJ	Program Manager	129,500	-	129,500	Program Manager has been hired.
CCJJ	County Incentive Grant Prog./Screening/Assess.	2,218,700	-	2,218,700	Grant RFPs are currently open until 9/4/2015.
CCJJ	IT Upgrades to County Jail Information Systems	-	380,000	380,000	Grant RFPs are currently open until 9/4/2015.
Subtotal CCJJ		2,468,200	380,000	2,848,200	
Board of Pardons a	Research/Data Collection	120,800	-	120,800	This money is for a research consultant. The Board is in the process of filling the position.
Total H.B. 348 Funding		11,980,000	2,000,000	13,980,000	

Table 2

Anticipated Unused Funds in FY 2016

FY 2016 is the first year of implementation for H.B. 348. As a result, there is likely to be unspent funds as a result of program *ramping up*. Table 3 shows agency estimates as of August 31, 2015 regarding unspent funds in FY 2016.

Estimated FY 2016 Unused Funds for Initial Implementation of H.B. 348, Criminal Justice Programs and Amendments				
Agency	Purpose	Total Funding Provided	Est. FY 2016 Unused Funds	Implementation Explanation
Committee: Social Services				
Human Services	Substance Abuse/Mental Health Treatment	4,500,000	-	Each local authority is working to develop the infrastructure needed to serve additional criminal justice participants. Some counties developed a large piece of the infrastructure. Other local authorities are still in the planning and development phase. Local authorities are coordinating their services with jails, corrections, court and county prosecutors. DSAMH anticipates that most of the JRI funding will be expended.
Human Services	Training for provider treatment staff	150,000	-	We believe the funding will be utilized this fiscal year.
Human Services	2 FTE/Development of Web-based System/Maint.	325,000	-	We have one of the FTEs on board and should have the 2nd on board Mid-October. The Web-based system/maintenance and FTEs occupy the same budget line. We anticipate the cost of the web-based system/maintenance will offset any turnover savings realized with the FTEs, which is why we haven't indicated any surplus in this area.
Subtotal - Human Services		4,975,000	-	
Committee: Ex. Offices/Criminal Just.				
Corrections	Access to Recovery	500,000	125,000	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. The contract for these services is currently being finalized. Estimations are being made that the contract will be in use around September 1, 2015. The \$125,000 is just a best guess at this time based on funds accumulated from July 1, 2015 to September 1, 2015, and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Corrections	Mental Health Services	1,045,100	150,000	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. All the personnel positions have been established and are currently being recruited to be filled. Estimations are being made that these positions will be filled around September 1, 2015, but due to the difficulty in hiring medical positions, some of these positions may not be hired until later in the year, which could potentially add to the unused funds for FY2016. The \$150,000 is just a best guess at this time based on the funds accumulated from July 1, 2015 to September 1, 2015, and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Corrections	Clinical Therapists	1,805,900	399,300	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. All the personnel positions have been established and are currently being recruited to be filled. Estimations are being made that these positions will be filled around September 1, 2015. If any of these positions are not hired until later in the year could potentially add to the unused funds for FY2016. The \$399,300 is just a best guess at this time based on the funds accumulated from July 1, 2015 to September 1, 2015, and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Corrections	Office Specialists	604,000	157,800	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. All the personnel positions have been established and are currently being recruited to be filled. At this time six of the nine positions have been filled, and it is estimated the the remaining three positions will be filled around September 1, 2015 if all goes as planned. In the event that some of these positions are not hired until later, it could potentially add to the unused funds for FY2016. The \$157,800 is just a best guess at this time based on the funds accumulated from July 1, 2015 to September 1, 2015, and the fact that it is still very early in the fiscal year to be making a more accurate projection.

Corrections	Transition Specialists	893,000	223,200	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. All the personnel positions are in the process of being established and recruited to fill. Estimations are being made that these positions will be filled around September 1, 2015, but in reality may not be all filled by this date. Hiring any of these positions at a later date could potentially add to the unused funds for FY2016. The \$223,200 is just a best guess at this time based on the funds accumulated from July 1, 2015 to September 1, 2015, and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Corrections	AP&P Treatment Agents	988,000	(5,200)	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. All the personnel positions have been established and are currently being recruited to be filled. At this time seven of the ten positions have been filled, and it is estimated that the remaining three positions will be filled around September 1, 2015 if all goes as planned. In the event that some of these positions are not hired until later could potentially add to the unused funds for FY2016. The overexpenditure of (\$5,200) is just a best guess at this time based on the delay in hiring the remaining positions from July 1, 2015 to September 1, 2015 and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Corrections	Training for AP&P Agents/Board of Pardons/Co. Jails	200,000	(100,000)	It is extremely early in the budget cycle to make any kind of accurate projection on potential savings for FY2016. Our training cost estimates to date show the department spending more on this function than was appropriated by approximately \$100,000. This overexpenditure is just a best guess at this time based on the bids that have been received and the fact that it is still very early in the fiscal year to be making a more accurate projection.
Subtotal - Corrections		6,036,000	950,100	
CCJJ	Researcher	120,000	-	All funds are expected to be spent.
CCJJ	Program Manager	129,500	7,500	Difference in insurance coverage.
CCJJ	County Incentive Grant Prog./Screening/Assess.	2,218,700	-	All funds being spent at that time. All funds will be obligated.
CCJJ	IT Upgrades to County Jail Information Systems	380,000	-	All funds are expected to be spent.
Subtotal CCJJ		2,848,200	7,500	
Board of Pardons and	Research/Data Collection	120,800	-	The appropriated amount does not include money for required statistical software or programming changes to collect data. The projected expenses will exceed the appropriated amount. Staff was hired on August 31, 2015 (2/12ths x \$120,800 = \$20,100 to be used for software programming).

Table 3

Funding Passed Through to Local Substance Abuse and Mental Health Authorities or Counties

Key participants in carrying out the provisions of H.B. 348 are local mental health and substance abuse authorities. Tables 4 and 5 show the estimated amounts of several H.B. 348 provisions anticipated to go to local mental health and substance abuse authorities or local county governments.

<i>Justice Reinvestment Initiative Funding Passed Through to Local Mental Health And Substance Abuse Authorities</i>	
Local Mental Health/Substance Abuse Authorities	Human Services Treatment Dollars
Bear River	245,230
Central	197,588
Davis County	480,632
Four Corners	118,924
Northeastern	160,285
Salt Lake County	1,427,930
San Juan County	25,827
Southwest	401,611
Summit County	54,553
Tooele County	87,440
Utah County	747,449
Wasatch	41,633
Weber	510,898
	4,500,000

Note: Funding for Corrections mental health services and Access to Recovery are not planned to be passed through to counties. Funding provided to the Commission on Criminal and Juvenile Justice for a County Incentive Grant Program as well as screening and assessment will be provided to other areas of county government.

Table 4

<i>Justice Reinvestment Funding Passed Through from CCJJ to County Governments</i>	
County Government	Grant Award
Beaver County	Unknown
Box Elder County	Unknown
Cache County	Unknown
Carbon County	Unknown
Daggett County	Unknown
Davis County	Unknown
Duchesne County	Unknown
Emery County	Unknown
Garfield County	Unknown
Grand County	Unknown
Iron County	Unknown
Juab County	Unknown
Kane County	Unknown
Millard County	Unknown
Morgan County	Unknown
Piute County	Unknown
Rich County	Unknown
Salt Lake County	Unknown
San Juan County	Unknown
Sanpete County	Unknown
Sevier County	Unknown
Summit County	Unknown
Tooele County	Unknown
Uintah County	Unknown
Utah County	Unknown
Wasatch County	Unknown
Washington County	Unknown
Wayne County	Unknown
Weber County	Unknown

The CPIP Grant solicitation/RFP was issued on August 3, 2015. Applications are due no later than September 4, 2015. It is anticipated that all review and awards will be made by September 28, 2015 with a grant start date of October 1, 2105.

Table 5

H.B. 348 and Estimated Unmet Need and Current Capacity for Local Substance Abuse and Mental Health Treatment

The Division of Substance Abuse and Mental Health estimates \$16.4 million in additional costs to fund the unmet substance abuse and mental health needs in Utah’s criminal justice system for the JRI population (see Figure 1).

State MH/SUD Costs for JRI Population

Uninsured Adults in Utah 2015	% and (#) Uninsured in the CJS	% and (#) in CJS with SUD/MI	Already in Services, CJS Involved	Case Rate and Total with initial \$4,500,000 backed-out
94,000	33% (31,020)	70% (21,714)	14,985	\$3,100 X6,729 \$20,859,900 - 4,500,000 \$16,359,900

94,000 # from DOH Nate Checketts
 %Uninsured and in CJS; Council State Governments <http://csgjusticecenter.org/wp-content/uploads/2013/12/ACA-Medicaid-Expansion-Policy-Brief.pdf>
 % in CJS with SUD or MI; Bureau Justice Services <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>
 Already in Services- 14,845 Adults enrolled SUD x 70% CJS; 30,623 Adults Enrolled MH x 15% CJS;
 Case Rate-\$3,100 DSAMH 2014 Annual Report http://dsamh.utah.gov/pdf/Annual%20Reports/2014%20Annual%20Report%20Final%20Web%201_27_15.pdf

Figure 1

Effect of Medicaid Expansion on the Justice Reinvestment Initiative

The State of Utah’s acceptance of some form of Medicaid expansion up to 138 percent of the federal poverty level could have the following potential impact on the Justice Reinvestment initiative: 1) some portion of the \$2,980,000 ongoing General Fund, as part of the \$4,500,000 shown in Table 2 for substance abuse and mental health treatment, would subsequently be covered by federal Medicaid funding and 2) an estimated \$6.0¹ million in State General Fund currently passed through to local substance abuse and mental health authorities primarily for substance abuse treatment services provided in a community setting would be replaced by federal Medicaid funding and thus free up that State General Fund for other uses. The \$6.0 million state General Fund savings was based upon one potential scenario. The Division of Substance Abuse and Mental Health points out that, “depending on the benefit design, these numbers may vary significantly.” Although the Utah Association of Counties acknowledges “there will be some expected results from Medicaid Expansion,” they are concerned that “current need for Medicaid Match dollars is significant enough that there will not be the anticipated \$6.0 [million] in savings” and “all funds will be needed to serve the current population.”

¹ *Budget Recommendations – Fiscal Year 2016 and Fiscal Year 2015 Supplementals*, Governor Gary R. Herbert, p. 69.

APPENDIX A – H.B. 348. CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

During its 2015 General Session the Legislature passed H.B. 348, *Criminal Justice Programs and Amendments*. This bill amends Utah Code provisions regarding corrections, sentencing, probation and parole, controlled substance offenses, substance abuse and mental health treatment, vehicle offenses, and related provisions to modify penalties and sentencing guidelines, treatment programs for persons in the criminal justice system, and probation and parole compliance and violations to address recidivism. Table 1 shows the key budget-related provisions found in H.B. 348. Table 6 shows a complete list of provisions found in H.B. 348 along with agencies involved with implementing each provision, the provision’s effective date, estimated dates for reporting in general and for reporting performance measures, and additional comments.

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Implementation Status of Key Provisions in H. B. 348, Criminal Justice Programs and Amendments						
Provision	Agencies Involved	Effective Date	Estimated Date of Reporting	Estimated Date to Provide Performance Measures	Comments	
Criminal risk factors to be considered in providing mental health and substance abuse treatment through governmental programs to individuals involved in the criminal justice system. (UCA 62A-15-103)	DSAMH	5/12/2015	8/1/2015		DSAMH: We have modified contract language to require criminal risk factors be considered and will update our monitoring tools to reflect change.	
Establish standards for mental health and substance abuse treatment, and for treatment providers, concerning individuals who are incarcerated or who are required by a court or the Board of Pardons and Parole to participate in treatment. (UCA 62A-15-103, 64-13-7.5, 64-13-25, 64-13-25(1)(c), 64-13-26)	DSAMH UDC USAAV CCJJ	5/12/2015	7/1/2016	12/1/2016	"The department [UDC] has been working with the Courts and DSAMH since JRI's inception to create treatment standards. Once these standards have been finalized, the group will develop a certification process based on those standards. The certification process is slated to begin on July 1, 2016. DSAMH: We have formed a standards committee that consists of local authority clinical directors, USAAV treatment subcommittee and representatives from corrections, CCJJ and the courts. We have developed a draft administrative rule. We will finalize it before Sept. 30th."	
Require DSAMH, working with the Courts and the Corrections, establish performance goals and outcome measurements for treatment programs, including recidivism. (UCA 64-13-21(4), 64-13-25(4))	UDC CCJJ DSAMH RESEARCH	10/1/2015	Interim Fall 2016	Interim Fall 2016	"CCJJ: Recidivism information will take appx 3 years. UDC: The department is collaborating with DSAMH and the Courts toward this end. UDC Planning and Research is also working separately with CCJJ on metrics and outcome measures for all of JRI, to include this provision. The most telling outcome for treatment programs is recidivism, which takes approximately three years to compile since the industry standard for measuring recidivism requires a cohort to be out of prison and tracked for results for a duration of 36 months. DSAMH: We are working with CCJJ, the courts and corrections. Still in process."	
Track performance and outcome data and make this information available to the public. (UCA 62A-15-103)	DSAMH COURTS UDC	5/12/2015	Interim Fall 2016	Interim Fall 2016	"DSAMH: We've identified needed changes and working with county authorities to modify electronic records systems."	
Require collected data be submitted to the Commission on Criminal and Juvenile Justice and that the Commission compile the data and make it available to specified legislative interim committees. (UCA 62A-15-103, 63M-7-204, 62A-15-103)	DSAMH CCJJ COUNTIES	5/12/2015	Interim Fall 2016	Interim Fall 2016	"CCJJ: Will collect most data quarterly and provide analysis to Interim Committees beginning Fall 2016."	
Require DSAMH, in collaboration with CCJJ, analyze specified programs and practices, and provide recommendations to the Legislature. (UCA 62A-15-103)	DSAMH CCJJ	5/12/2015	Interim Fall 2016	Interim Fall 2016	"CCJJ: Will collect most data quarterly and provide analysis to Interim Committees beginning Fall 2016."	
Study and report on programs initiated by state and local agencies to address recidivism, including cost reductions and the costs and resources required to meet goals for providing treatment as an alternative to incarceration. (UCA 63M-7-204)	CCJJ RESEARCH SENTENCING DSAMH UDC	5/12/2015	Interim Fall 2016	Interim Fall 2016	"CCJJ: Will collect most data quarterly and provide analysis to Interim Committees beginning Fall 2016. Recidivism data takes 3 years. UDC: All our metrics will be supplied to CCJJ. Some data would be available related to implementation and numbers enrolled. However,	
CCJJ administer a performance incentive grant program that allocates funds to counties for programs and practices that reduce recidivism. (UCA 63M-7-204)	CCJJ RESEARCH COUNTIES	5/12/2015	Quarterly; beginning 1/1/2016	9/1/2016 for first year of funding	"CCJJ: Anticipated the screening instrument will be available 1/1/2016 and data collected quarterly thereafter."	
Modify sentencing guidelines, criminal history scores, and guidelines for periods of incarceration to implement the recommendations of CCJJ regarding reducing recidivism. (UCA 63M-7-404)	SENTENCING COURTS BOPP	5/12/2015	Quarterly; beginning 1/1/2016	Quarterly; beginning 1/1/2016	"CCJJ: Contingent on creation of database at UDOC."	
Sentencing Commission to establish graduated sanctions to provide prompt and effective responses to violations of probation or parole. (UCA 63M-7-404)	SENTENCING COURTS BOPP AP&P	5/12/2015	Quarterly; beginning 1/1/2016	Quarterly; beginning 1/1/2016	"CCJJ: Contingent on creation of database at UDOC. UDC: This has been established and was piloted in AP&P's Northern Region. Corrections' AP&P agents will begin practicing this state-wide effective Oct. 1 and will be increasingly trained on this moving forward."	
Sentencing commission establish graduated incentives to provide prompt and effective responses to an offender's compliance and positive conduct. (UCA 63M-7-404)	SENTENCING UDC AP&P	5/12/2015	Quarterly; beginning 1/1/2016	Quarterly; beginning 1/1/2016	"CCJJ: Contingent on creation of database at UDOC. UDC: This has been established. Corrections' AP&P agents will begin practicing this effective Oct. 1 and will be increasingly trained on this moving forward."	

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Corrections implement the graduated sanctions and incentives established by the Sentencing Commission. (UCA 64-13-21(2))	UDC SENTENCING BOPP	10/1/2015	Quarterly; beginning 1/1/2016	Quarterly; beginning 1/1/2016	"CCJ: Contingent on creation of database at UDOC. UDC: AP&P's northern region has already piloted this program, which was later revised by the Sentencing Commission. The new matrix is being programmed into Corrections' computer system. AP&P has introduced various incentives for positive behavior from material rewards to increased privileges. Every region, office, supervisor and agent within AP&P can be measured in terms of how much improvement they are seeing in their offenders' "risk" scores (i.e. how they are increasing safety in their communities). AP&P is also working to measure individual offenders on their individual risk score improvement so they can be rewarded for their progress while under supervision."
Gather information related to treatment and program outcomes, including recidivism reduction and cost savings based on the reduction in the number of inmates, and provide the information to CCJJ. (UCA 64-13-21(4))	UDC CCJJ DSAMH RESEARCH COUNTIES	5/12/2015	9/1/2016	9/1/2016	"CCJJ: Recidivism costs and program outcomes may take up to 3 years to provide valid data. UDC: All metrics will be reported to CCJJ. Recidivism costs and program outcomes may take up to 3 years to provide valid data due to the need for recidivism data to mature the full 36 months."
Provide payments to county jails for housing probation and parole violators as funding is available. (UCA 64-13e-104(6), (9), and (10)).	UDC CCJJ	7/1/2015	7/1/2016	7/1/2016	"CCJJ: Information is available on an annual basis. UDC: The State routinely makes county jail contract payments, based on the funding received from the Legislature and the number of State offenders being held in county jails. This information is available on an annual basis." "DSAMH: Working with county local authorities to modify electronic health records and required data submissions."
Corrections develop case action plans for offenders, including a risk and needs assessment and treatment priorities. (UCA 77-18-1(3), 64-13-1, 64-13-6, 64-13-10.5(1))	UDC	10/1/2015	7/1/2016	10/1/2016	"UDC: The department already has a case action plan module in production in Web-Track that is based on assessment results. Improvements to the case action plan function will be on-going. The department is in the process of adopting several new assessment instruments to include an agency wide move to the LS/RNR. Those assessments will feed the case action plans. Performance metrics can be gathered on case action planning - such as number of offenders with a case action plan, offenders completing case action plan goals and action steps, and offenders whose risk levels have decreased. These measures will be more meaningful after implementing new assessments, stabilizing results from the assessments, and completing updates to the case action plan module in Web-Track."
Corrections may impose a sanction of three to five days for violations of probation or parole as part of the program of graduated sanctions. (UCA 64-13-14.5, 64-13-6)	UDC SENTENCING	10/1/2015	7/1/2016	7/1/2016	"UDC: This is connected to the RIM (Response/Incentive Matrix) and graduated sanctions discussed above."
Corrections evaluate and update inmates' case action plans, including treatment resources and supervision levels to address reentry of inmates into the community at the termination of incarceration. (UCA 64-13-6, 64-13-10.5(1))	UDC	10/1/2015	7/1/2016	7/1/2016	"UDC: Corrections currently has a case action plan function in place. The department is shifting its caseworkers' job duties inside the prison facilities to ensure greater focus on case action planning and getting offenders aligned with appropriate treatment resources to address their transition and re-entry beginning on day one of their incarceration. It will be a primary role in the caseworkers' responsibilities to keep regular tabs on case action plans and assessments. Corrections is also working with DTS to enhance usability of the case action planning tool, better enabling staff to work with offenders on goal planning and monitoring. Caseworkers will engage with offenders from the time they enter the prison on re-entry/transition planning. Transition Specialists (new JRI funded position) will build on that transition focus in the final months prior to parole as well as the initial months following parole to ensure a smoother and more thoughtful re-entry."

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Corrections establish a program allowing offenders to earn credits of days for compliance with terms of probation or parole, which will reduce the time on probation or parole. (UCA 64-13-21(7))	UDC BOPP	10/1/2015	7/1/2016	7/1/2016	"UDC: Corrections will manually implement this provision in conjunction with the Board to begin taking effect Oct. 1, 2015. DTS is programming Corrections' computer system to automatically calculate and implement earned compliance credit. DTS has been working tirelessly to implement all of JRI into Corrections' computer programs effective Oct. 1, but due to setbacks with regards to working with the Courts and Sentencing Commission on finalizing and implementing RIM, all of the programmatic functions will be delayed and will take effect Dec. 1. Again, Corrections has contingencies in place and will simply shoulder more manual work to ensure JRI elements such as earned time and earned compliance are implemented effective Oct. 1, in line with HB348."
Corrections report annually to CCJJ data collected regarding the earned credits program. (UCA 64-13-21(7)(f)).	UDC CCJJ RESEARCH	10/1/2015	Quarterly; beginning 1/1/2016	Quarterly; beginning 1/1/2016	CCJJ: Contingent on creation of database at UDCC. UDC: The computer system is being built to account for these measures and will be effective 12/1/15. In the meantime, this will be tracked manually. This data will be made available to CCJJ.
Corrections establish standards, including best practices, for treatment programs and private providers of treatment programs. (UCA 64-13-25(1)(c))	UDC DSAMH COUNTIES	5/12/2015	7/1/2016	7/1/2017	"UDC: Corrections continues to work in conjunction with DSAMH on establishing standards as part of a broader dialogue on community and facility treatment."
Corrections establish standards and a certification program for the public and private providers of treatment programs. (UCA 64-13-25(3), 64-13-25(1)(D))	UDC DSAMH	5/21/2015	7/1/2016	7/1/2017	"UDC: (See above)."
Corrections establish goals and outcome measurements regarding treatment programs, collect related data, and analyze the data to determine effectiveness. (UCA 64-13-25(4))	UDC DSAMH CCJJ RESEARCH AP&P	5/12/2015	9/1/2016	9/1/2016	"CCJJ: Recidivism costs and program outcomes may take up to 3 years to provide valid data. UDC: Corrections is working with CCJJ to provide this data. Recidivism costs and program outcomes may take up to 3 years to provide valid data."
Track a group of program participants to determine net benefit from using treatment as an alternative to incarceration. (UCA 64-13-25(4))	UDC DSAMH RESEARCH	5/12/2015	10/1/2016	10/1/2016	"UDC: This will require collaboration between DSAMH and AP&P to target an ideal population and monitor success."
Evaluate costs and resources needed to meet goals for using treatment as an alternative to incarceration. (UCA 64-13-25(4)).	UDC DSAMH	5/12/2015	1/1/2016	7/1/2016	"UDC: This could impact AP&P if probation caseloads increase in attempt to keep offenders out of prison and in the community. Additionally, more transitional resources may be required to help implement effective transition throughout the state. The initial transition specialists are being focused on the Wasatch Front where the majority of the releasing population is located, but this complicates their ability to aid those offenders exiting the prison and moving to rural areas. The transition specialists will be expected to work closely with AP&P in those various regions and even travel to those areas of the state, but transition will be more effective with more resources to regionalize the effort. Corrections is taking on extensive new responsibilities inside the prison as well with new and improved assessment and case action planning. This is being shouldered by staff who already have heavy workloads in some cases, so the department would likely realize better results with more help in these areas. Additionally, Corrections is shouldering most of the data collection and research duties associated with JRI along with much of the computerized changes to aid in new processes with the Board and Courts. It is doing so using existing resources and could better/more thoroughly implement JRI with additional resources."
Provide the data collected regarding the treatment programs to the Commission on Criminal and Juvenile Justice for the Commission's use in preparing its annual report. (UCA 64-13-25(4))	UDC CCJJ	5/12/2015	9/1/2016	9/1/2016	CCJJ and UDC: Recidivism costs and program outcomes may take up to 3 years to provide valid data.

Corrections establish an audit for compliance with the treatment standards. (UCA 64-13-25(2)).	UDC	5/12/2015	7/1/2017	7/1/2017	"UDC: This is anticipated to be a challenge, as there is not currently sufficient staffing to police or audit compliance. This may need to fall under a new request in the future. UDC has contract monitors in its Inmate Placement Program that works with county jails, but they are not trained in programmatic functions and treatment standards. The department has conducted peer reviews and Correctional Program Checklists with the university and outside entities in the past and could possibly lean on independent or contract entities to help assess and audit fidelity."
Establish an earned time credit program that reduces the period of incarceration for offenders who successfully complete programs intended to reduce the risk of recidivism, collect data on the implementation of the program, and report the data to CCJJ. (UCA 77-27-5.4(7-8), 77-27-5.4)	BOPP UDC	10/1/2015	1/1/2016	7/1/2016	"BOP: The database programming is not complete however the Board is granting time cuts when DOC submits a special attention request. UDC: Systems to calculate and implement earned time credit will be complete Dec. 1, 2015. Once the system is functional, time will need to pass in order to gather sufficient data and experience related to earned time credit. Measures will include the number of offenders who have received earned time credit and the average amount of earned time credit offenders are receiving. This data will be made available to CCJJ for reporting purposes."
Require that if the Board of Pardons and Parole orders incarceration for a parole violation, the board shall impose a period of incarceration that is consistent with the guidelines established by the Sentencing Commission. (UCA 77-27-11(6))	BOPP SENTENCING	10/1/2015	7/1/2016		The Guidelines have not been established by the Sentencing Commission.
Reduce penalties for specified offenses involving controlled substances and provide that specified penalties be increased for subsequent convictions for the same offense.	CCJJ RESEARCH	5/12/2015	7/1/2016	7/1/2016	CCJJ: Data to be analyzed annually at the end of FY 2016 and presented to Interim Committees Fall 2016.
Reduce penalties for motor vehicle and vessel offenses as specified.	CCJJ RESEARCH	5/12/2015	7/1/2016	7/1/2016	CCJJ: Data to be analyzed annually at the end of FY 2016 and presented to Interim Committees Fall 2016.
Provide that time served in confinement for a violation of probation is counted as time served toward any term of incarceration imposed for the violation of probation.	COURTS	10/1/2015			Courts: this issue is "addressed by the adoption of the sentencing guidelines and the RIM, all discussed above."

Table 6

Appendix B – H.B. 348 Key Performance Measures

The Commission on Criminal and Juvenile Justice has provided the following planned performance measures for evaluating the progress and success of JRI implementation.

Agency/Source	Broad Measures
DOC	Annual prison population (PN)
DOC	% of prison population that are non-violent offenders
DOC	% of prison population made up of offenders whose primary offense was a drug possession offense
AP&P	Annual rate of successful discharge from supervision (PN)
AP&P	Annual 3-year return to prison for parolees with substance use issues (PN)
AP&P	Annual 3-year revoke to prison for probationers with substance use issues (PN)
CCJJ/DSAMH	3-year recidivism rates for a cohort of offenders who received substance use treatment from certified providers <i>(starts July 2016)</i>
Courts	Drug possession only cases handled in district vs. justice courts (#/% felony/MA/MB convictions, prison/COP/jail sentences)
Courts	% of drug possession only/PWID/sale offenders with drug zone enhancement (charges and convictions)
AP&P/Courts	New Supervision Guidelines/Graduated Sanctions & Incentives
	Annual supervision guidelines analysis (use of incentives, sanctions, brief jail sanctions)
BOPP	Earned Time (Prison)
	Total offenders who received earned time credits (and used)
	Time credit earned (mandatory and discretionary) – total/average
AP&P	Earned Compliance Credits
	Total offenders discharged from supervision early
	Supervision time saved due to credits – total/average
AP&P	Revocation Caps on Probation/Parole
	Mean length of first probation revocation sentence (compared to cap of 30 days and historic/pre-cap average)
	Mean length of first parole revocation sentence (compared to cap of 60 days and historic/pre-cap average)
DOC/Courts	Sentencing Guideline Matrix/Criminal History Changes
	Annual sentencing matrix analysis (felony convictions/prison/COP by criminal history category and offense column, LOS)
CCJJ/County Jails	County Performance Incentive Program (CPIP)
	Annual # of offenders screened/not screened
County Jails	COP Offenders/ MA/MB Drug Possession Offenders in Jail
	Admissions, Population Breakdowns (snapshot), releases/LOS (days)
DOC/CCJJ	Evaluate Cost Savings
	Calculate cost saving associated with recidivism reduction and the reduction in the number of inmates