Fiscal Highlights

Justice Reinvestment Initiative (JRI): Status Report - Gary R. Syphus
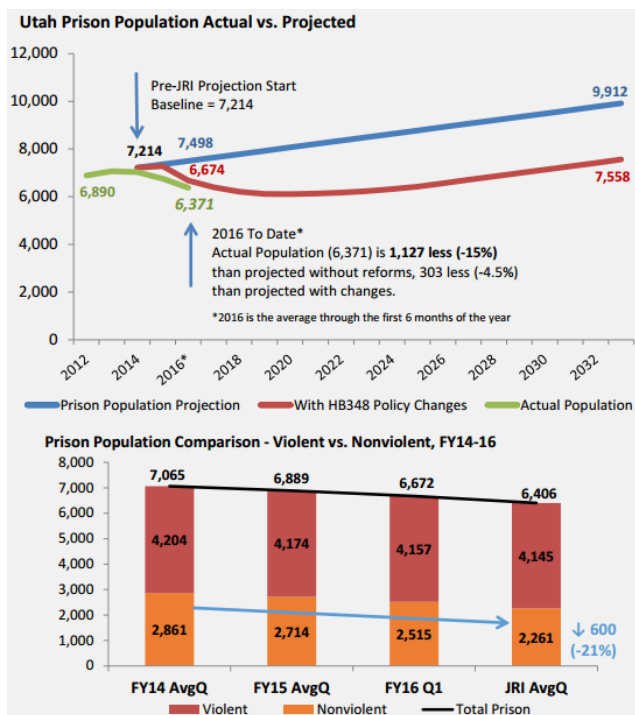
During the 2015 General Session, the Legislature passed House Bill 348 commonly referred to as the Justice Reinvestment Initiative (JRI), which aims to address recidivism in the adult correctional system. This change was in large part based on the review of Utah criminal justice data by Pew Charitable Trusts working with CCJJ and other state agencies. The Commission on Criminal and Juvenile Justice (CCJJ), who is directly overseeing JRI's implementation, recently gave a status report on the implementation of JRI to various committees including the Executive Offices and Criminal Justice Appropriations Subcommittee and the Executive Appropriations Committee. In addition to reforms, the Legislature initially appropriated about $14 million to implement the initiative. CCJJ reported on various aspects of implementation, success, deficiencies, and more. The full report can be found here.

As background, PEW and CCJJ's review found that there had been "an 18 percent increase in Utah's prison population in the past decade." CCJJ estimated that without action, the state would need to house an additional 2,700 inmates by 2034. CCJJ reported that "almost half (46%) of Utah's inmates who are released from state prisons return within three years." The total $14 million appropriation (of which about half, or $7 million of total funding was for grants to be passed through to counties to help carry out the initiative) was distributed as follows (further funding detail can be found here on pp. 7-8):
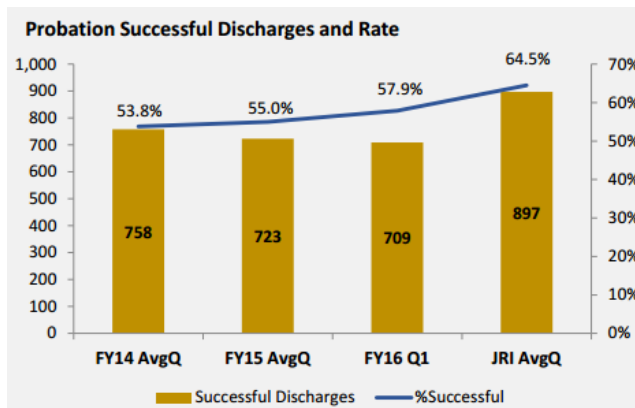
1. $6.0 million to the Department of Corrections,
2. $4.5 million to the Department of Human Services,
3. $2.8 million to CCJJ, and
4. $0.1 million to the Board of Pardons and Parole.

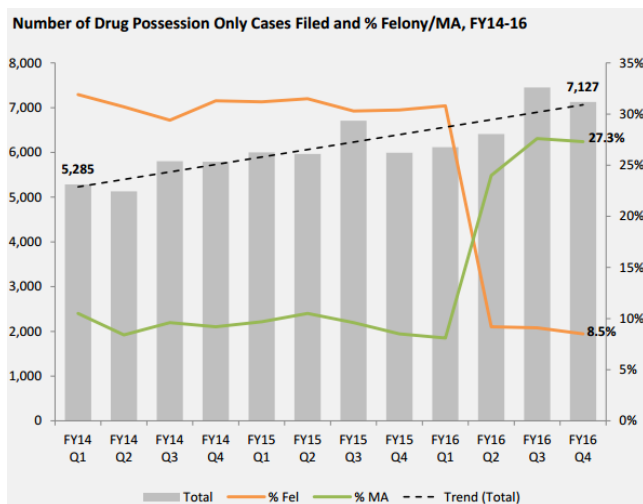While there is much more information within the report, CCJJ reports that the key takeaways are that:

1. As designed, the overall prison population has continued to decrease and the number of nonviolent, low-level offenders being sent to prison has been reduced significantly. Here is the chart:

Utah Prison Population Actual vs. Projected

Pre-JRI Projection Start
Baseline = 7,214

9,912

7,214 7,498

6,674

7,558

6,890

6,371

2016 To Date*
Actual Population (6,371) is **1,127 less (-15%)** than projected without reforms, 303 less (-4.5%) than projected with changes.

*2016 is the average through the first 6 months of the year

━━ Prison Population Projection ━━ With HB348 Policy Changes ━━ Actual Population

Prison Population Comparison - Violent vs. Nonviolent, FY14-16

	FY14 AvgQ	FY15 AvgQ	FY16 Q1	JRI AvgQ
Total Prison	7,065	6,889	6,672	6,406
Violent	4,204	4,174	4,157	4,145
Nonviolent	2,861	2,714	2,515	2,261

↓ 600 (-21%)

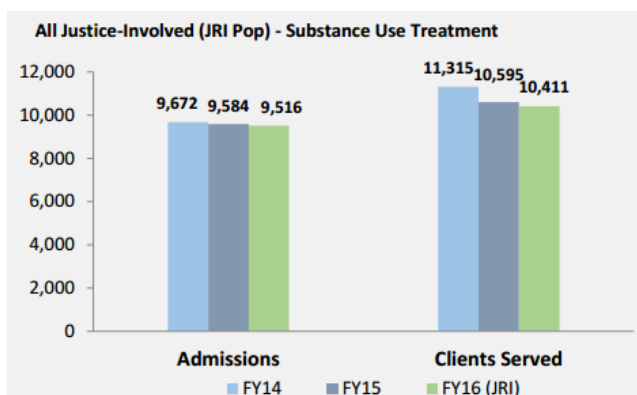■ Violent ■ Nonviolent ━━ Total Prison

2. Probation-focused policies are progressing as expected, with fewer probation revocations, an increase in the number and rate of successful discharges, and slowed growth of the probation population overall. Here is the chart:

Probation Successful Discharges and Rate

	FY14 AvgQ	FY15 AvgQ	FY16 Q1	JRI AvgQ
Successful Discharges	758	723	709	897
%Successful	53.8%	55.0%	57.9%	64.5%

■ Successful Discharges ━━ %Successful

3. Reclassifying drug possession only penalties from a 3rd degree felony to a class A misdemeanor on the first or second offense has significantly reduced the overall percentage of felony drug offenses. Here is the chart:

Number of Drug Possession Only Cases Filed and % Felony/MA, FY14-16

4. Criminal history scoring revisions to the Sentencing Guidelines, re-calibrated to better reflect the seriousness of offenders, have resulted in fewer recommendations to prison for 3rd degree felonies.

5. Substance use treatment numbers pre-and post-reform remain fairly constant, with treatment for both substance use and mental health being an ongoing area in need of expansion. Here is the chart:

All Justice-Involved (JRI Pop) - Substance Use Treatment

When asked about why fewer clients were served overall while additional state funding was appropriated for treatment, counties attributed it to a few factors. The main factors were (1) the JRI population is more costly to serve as their cases of substance abuse and mental health are typically more serious and thus more costly on average and (2) an outside factor of the federal government reducing a grant that serves some of this population and that net funding (state + federal) is lower than what it was prior to JRI. This factor combined with the fact that the estimated unmet treatment need was already about $16.4 million exacerbates the issues of lower funding available for treatment than was originally estimated. However the Legislature passed House Bill 437, "Health Care Revisions" in order to help fund much of this estimated unmet need that is conditional upon a federal waiver. It is noted that the federal government has not yet made a decision whether to approve the proposal and the Department of Health reported that they will likely not get a decision until April 2017 at the earliest.