

Office of the
Legislative Fiscal Analyst

FY 2004 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Board of Pardons

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1.0 Board of Pardons

Summary

The Board of Pardons is a separate and independent organization from the Department of Corrections and the Courts. The Board is constitutionally created (Utah Constitution Article VII, Section 12). It has full parole, pardon, and commutation authority over all offenders sentenced to the custody of the Utah Department of Corrections for confinement. It makes decisions regarding the release of offenders from prison, sets conditions of parole supervision, orders restitution, and may remit fines, subject to regulations as provided by statute. It is the release authority that screens appropriate inmate candidates for release from prison. The Board’s authority is outlined in the Utah State Constitution and Utah Code Annotated, Section 77-27 et. seq.

The mission of the Board is to further public safety by rendering decisions regarding the length of incarceration, parole supervision, termination of sentence, commutation of sentence and pardons.

Hearings are held at the Board of Pardons Offices and at the prisons at Draper and Gunnison. The Board also travels to the jails operated by Beaver and Washington Counties to hold hearings for State inmates at those locations.

- The *Analyst FY 2004 Base* budget recommendation is a continuation of the FY 2003 budget after the reductions of the Special Sessions, minus the one-time appropriations. The only adjustment has been for the additional work day.

	Analyst FY 2004 Base	Analyst FY 2004 Changes	Analyst FY 2004 Total
Financing			
General Fund	2,411,700	(11,600)	2,400,100
Dedicated Credits Revenue	2,200		2,200
GFR - Tobacco Settlement	77,400		77,400
Transfers - Corrections	31,600		31,600
Beginning Nonlapsing	158,700		158,700
Closing Nonlapsing	(50,000)		(50,000)
Total	\$2,631,600	(\$11,600)	\$2,620,000
Programs			
Board Of Pardons and Parole	2,631,600	(11,600)	2,620,000
Total	\$2,631,600	(\$11,600)	\$2,620,000
FTE/Other			
Total FTE	31		31

2.0 Issues: Board of Pardons

Any recommendations for new or additional programs are based on the availability of funding.

2.1 Continuation of Reductions

The *Analyst FY 2004Base* budget recommendation includes the *Revised Estimate* from FY 2003 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2003 one-time funding;
- Payroll cost of an extra day in FY 2004;
- Transfers of Market Comparability Adjustments; and,
- Transfers of the allocation originally appropriated to the Division of Finance for the retirement adjustment.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002 along with two other major adjustments.

- Reduction of one FTE Receptionist - \$39,100
- Reductions of contracts for psychological evaluations - \$27,700

These are included in the base budget.

3.0 Program: Board of Pardons

Recommendation

The Analyst recommends an ongoing budget for this program of \$2,620,000. This major portion of funding includes \$2,400,100 General Fund, \$158,700 from Nonlapsing Balances and \$77,400 from General Fund Restricted – Tobacco Settlement Funds.

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	2,537,000	2,411,700	2,400,100	(225,600)
General Fund, One-time		100,000		100,000
Dedicated Credits Revenue	600	2,200	2,200	
GFR - Tobacco Settlement	77,400	77,400	77,400	
Transfers - Corrections		31,600	31,600	
Beginning Nonlapsing	172,000	158,700	158,700	
Closing Nonlapsing	(158,700)		(50,000)	(50,000)
Total	\$2,628,300	\$2,781,600	\$2,620,000	(\$175,600)
Expenditures				
Personal Services	2,035,900	2,062,000	2,004,600	(71,400)
In-State Travel	14,100	15,800	15,800	
Out of State Travel	5,300	5,600	5,600	
Current Expense	485,600	498,700	448,700	(50,000)
DP Current Expense	87,400	40,800	36,600	(4,200)
Other Charges/Pass Thru		158,700	108,700	(50,000)
Total	\$2,628,300	\$2,781,600	\$2,620,000	(\$175,600)
FTE/Other				
Total FTE	32	32	31	(1)

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Summary

The Board of Pardons is the release authority for inmates in the State of Utah. As such, the Board is responsible for reviewing an inmate's performance after the inmate is incarcerated, and determining when and under what conditions the inmate may be released after serving the minimum sentence required by law. In addition, the Board reviews violations of release conditions to decide whether an inmate should be sent back to prison, etc.

The Executive Director of Corrections does not have line authority over the Board of Pardons and cannot direct the Board of Pardons to release inmates early or impose release conditions.

As of July 1, 1983, the Board of Pardons went from a part-time to a full-time Board. As a quasi-judicial body, the Board has a responsibility not only for public safety and inmate equity of treatment, but for the record keeping and process that must meet stringent legal scrutiny. In Utah most sentencing is indeterminate, and the Board, de facto, becomes the final sentencing authority and sets the standard for length of confinement for most felons.

**Mentally Ill/
Report to Board**

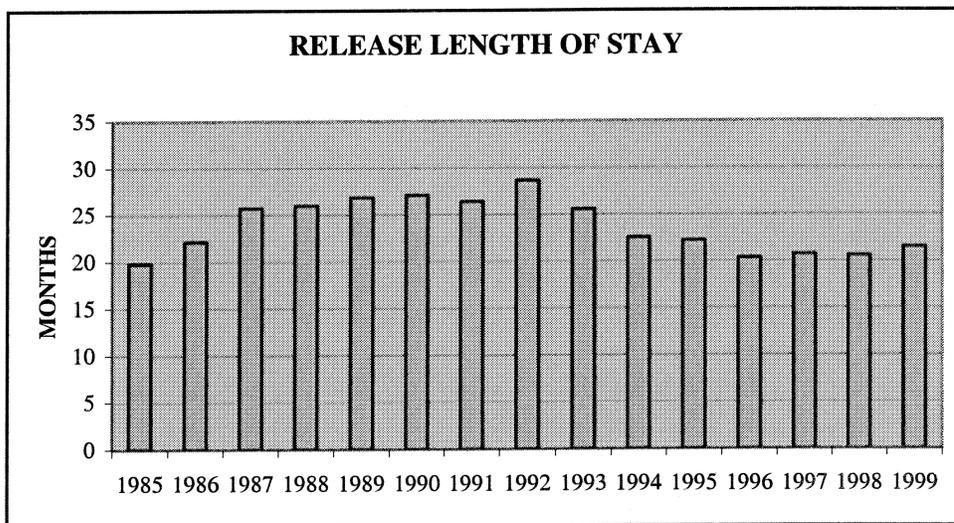
The main Appropriations Act (Senate Bill 1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates as follows:

“It is the intent of the Legislature that the Department of Corrections, the Board of Pardons and Parole, and the Department of Human Services shall select an organization whose primary responsibility is representing people with disabilities, and is recognized under the Protection and Advocacy for Individuals with Mental Illness Act. Together these organizations shall study whether pre-adjudicated and mentally ill persons who are detained in jail or in the Utah State Hospital should receive credit for time served. A report shall be produced and presented to the Law Enforcement and Criminal Justice Interim Committee in October.”

The report was made to the FY 2001 interim committee, however, the report included a request for a six-month extension to complete their work. The final report was delivered during the 2001 interim period in May 2001. The recommendations of that report do not recommend any policy or operational changes for the Board of Pardons.

Length of Stay Data

There are two mechanisms that drive inmate counts in the corrections system. They are incarceration rate and length of stay. The **incarceration rate** reflects primarily on the law enforcement and prosecution functions of the criminal justice system. The **length of stay**, however, is a result of the cumulative decisions of the Board of Pardons and Parole. The following chart shows how the length of stay for Utah inmates has been impacted over the last 15 years. In spite of “get-tough-on-crime” legislation, the length of stay has decreased since the early 1990’s.



Drug Board

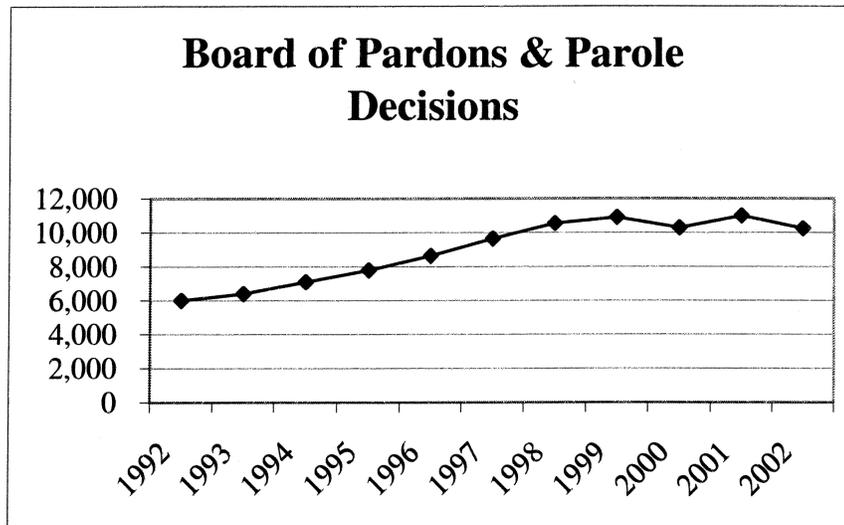
Senate Bill 15, "Use of Tobacco Settlement Revenues" (2000) expanded the Drug Courts of the state and started a Drug Board Pilot Project. To test a drug court pilot operation for paroled inmates, Drug Boards in the Davis and Weber County areas were included. Funding for the Board portion of the program consists of \$77,400 in Tobacco Settlement Funds. Though the General Fund was greatly reduced, the operations are still being done with Tobacco Settlement money.

Analyst's Note

The Board travels to the State prison at Gunnison and Beaver and Washington County jails for parole hearings rather than having the inmates transported to the Draper Prison. This saves the State costs for transportation of inmates (corrections), and risk (such as the December 2000, Corrections van accident on I-15 in American Fork).

Growth

Increases in inmate population and the current parole and probation policies of the Department of Corrections have increased the number of board hearings and decisions. The Board of Pardons works closely with the Utah Department of Corrections to efficiently manage the prison population. The State prison population has been held relatively steady for the last two years. This has a positive financial impact on the Department of Corrections but may actually increase costs to the Board of Pardons. This situation is being monitored. The number of decisions may rise with the additional decisions necessary for early releases required in the near future.



**Activity Reporting
Data**

The Board of Pardons collects a variety of statistics that can be useful when evaluating the workload of the Board. The table below outlines the types of activities and the number of each performed in a year. There are a few clear trends toward increasing caseloads. The Chart on the previous page diagrams the totals.

Board of Pardons Decisions											
Year	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Original Hearing	1,049	1,104	1,398	1,501	1,797	1,807	1,884	1,681	1,756	1,813	1,628
Parole Violation	1,124	1,244	1,233	1,434	1,661	1,844	2,171	2,143	1,969	1,797	1,463
Special Attention	1,960	2,169	2,253	2,691	2,417	3,148	3,469	3,769	3,268	4,163	3,895
Rescissions	357	355	417	241	284	293	285	353	357	317	196
Terminations	275	326	328	378	419	532	530	769	760	868	844
Evidentiary	13	18	31	27	42	19	13	19	5	13	18
Warrants	1,125	1,064	1,306	1,412	1,692	1,701	1,781	1,765	1,813	1,568	1,662
Recalls	96	79	97	100	166	90	94	43	54	83	149
Admin. Reviews	N/A	32	25	11	30	29	51	30	36	23	19
Admin. Scheduling					118	235	258	315	269	336	361
Original Hearing Homicide	N/A	N/A	N/A	N/A							
Totals	5,999	6,391	7,088	7,795	8,626	9,648	10,536	10,887	10,287	10,981	10,235
% Total Decisions Compared to Previous Year	12.91%	6.53%	10.91%	9.97%	10.66%	11.85%	9.20%	3.33%	(5.51%)	6.75%	(6.79%)

Adult Corrections Statistics
“Snapshot” of Parolees, November 14, 2002

	Male	Female		Male	Female
	#	#	Age	#	#
Last Grade Comp.					
1-6	136	9	Under 18	0	0
7-11	1,321	194	18-19	13	0
12	1,250	168	20-24	420	42
12+	274	44	25-29	629	67
Unknown	225	23	30-34	581	100
Citizenship			35-39	541	101
U.S. Citizen	2,839	431	40-44	476	83
Non U.S. Citizen	367	7	45-49	280	29
Unknown	0	0	50-54	132	11
Race			55-59	76	3
White	2,184	346	60-64	25	0
Hispanic	639	46	65 and over	25	1
Black	203	26	Unknown	0	0
Native American	95	15	Marital Status		
Asian	56	2	Never Married	1,370	107
Pacific Islander	9	1	Married	597	81
Unknown	20	2	Separated	173	41
# of Convictions			Divorced	734	146
1-5	1868	262	Common Law	149	18
6-10	679	63	Widowed	14	10
11-15	201	20	Unknown	29	4
16-20	85	6	Number of Arrests		
Over 20	62	6	1-5	1462	221
Unknown	171	50	6-10	755	98
Degree of Crime			11-15	368	42
Capital	4	0	16-20	204	19
First Degree	309	12	Over 20	223	18
Second Degree	1,277	132	Unknown	54	9
Third Degree	1,516	283	# of Incarcerations		
Compact	80	10	1	2486	344
Misdemeanor	5	1	2-4	480	47
Unknown	15	0	5-7	33	6
Offense Type			8+	10	1
Murder	72	10	Unknown	57	9
Person	486	31			
Sex/Registerable	457	6			
Property	916	149			
Weapons	38	1			
Alcohol/Drugs	956	220			
Driving	88	14			
Other	43	6			
Unknown	11	1			

As of November 2001 there are approximately 14,000 Adult Parolees and Probationers.

4.0 Additional Information: Board of Pardons

4.1 Funding History

	2000	2001	2002	2003	2004
Financing	Actual	Actual	Actual	Estimated*	Analyst
General Fund	2,454,700	2,515,100	2,537,000	2,411,700	2,400,100
General Fund, One-time				100,000	
Dedicated Credits Revenue	900	600	600	2,200	2,200
GFR - Tobacco Settlement		77,400	77,400	77,400	77,400
Transfers - Corrections				31,600	31,600
Beginning Nonlapsing	151,000	165,900	172,000	158,700	158,700
Closing Nonlapsing	(145,100)	(172,000)	(158,700)		(50,000)
Total	\$2,461,500	\$2,587,000	\$2,628,300	\$2,781,600	\$2,620,000
Programs					
Board Of Pardons and Parole	2,461,500	2,587,000	2,628,300	2,781,600	2,620,000
Total	\$2,461,500	\$2,587,000	\$2,628,300	\$2,781,600	\$2,620,000
Expenditures					
Personal Services	1,853,600	1,982,800	2,035,900	2,062,000	2,004,600
In-State Travel	14,700	15,000	14,100	15,800	15,800
Out of State Travel	9,400	11,000	5,300	5,600	5,600
Current Expense	487,300	507,200	485,600	498,700	448,700
DP Current Expense	75,700	71,000	87,400	40,800	36,600
Other Charges/Pass Thru	20,800			158,700	108,700
Total	\$2,461,500	\$2,587,000	\$2,628,300	\$2,781,600	\$2,620,000
FTE/Other					
Total FTE	35	35	32	32	31

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.