

Utah Code §64-13-25

Title 64 -- State Institutions

Title 64 Chapter 13 -- Department of Corrections - State Prison

64-13-25. Standards for programs -- Audits.

- (1) To promote accountability and to ensure safe and professional operation of correctional programs, the department shall establish minimum standards for the organization and operation of its programs, including collaborating with the Department of Human Services to establish minimum standards for programs providing assistance for individuals involved in the criminal justice system.
 - (a) The standards shall be promulgated according to state rulemaking provisions. Those standards that apply to offenders are exempt from the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Offenders are not a class of persons under that act.
 - (b) Standards shall provide for inquiring into and processing offender complaints.
 - (c)
 - (i) The department shall establish minimum standards and qualifications for treatment programs provided in county jails to which persons committed to the state prison are placed by jail contract under Section 64-13e-103.
 - (ii) In establishing the standards and qualifications for the treatment programs, the department shall:
 - (A) consult and collaborate with the county sheriffs and the Division of Substance Abuse and Mental Health; and
 - (B) include programs demonstrated by recognized scientific research to reduce recidivism by addressing an offender's criminal risk factors as determined by a risk and needs assessment.
 - (iii) All jails contracting to house offenders committed to the state prison shall meet the minimum standards for treatment programs as

established under this Subsection (1)(c).

- (d)
 - (i) The department shall establish minimum standards of treatment for sex offenders, which shall include the requirements under Subsection 64-13-7.5(3) regarding licensure and competency.
 - (ii) The standards shall require the use of the most current best practices demonstrated by recognized scientific research to address an offender's criminal risk factors.
 - (iii) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop and effectively distribute the standards to jails and to mental health professionals who desire to provide mental health treatment for sex offenders.
 - (iv) The department shall establish the standards by administrative rule pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) The department shall establish an audit for compliance with standards established under this section according to policies and procedures established by the department, for continued operation of correctional and treatment programs provided to offenders committed to the department's custody, including inmates housed in county jails by contract with the Department of Corrections.
 - (a) At least every three years, the department shall internally audit all programs for compliance with established standards.
 - (b) All financial statements and accounts of the department shall be reviewed during the audit. Written review shall be provided to the managers of the programs and the executive director of the department.
 - (c) The reports shall be classified as confidential internal working papers and access is available at the discretion of the executive director or the governor, or upon court order.
- (3) The department shall establish a certification program for public and private providers of treatment for sex offenders on probation or parole that requires the

providers' sex offender treatment practices meet the standards and practices established under Subsection (1)(d) to reduce sex offender recidivism.

- (a) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop, coordinate, and implement the certification program.
 - (b) The certification program shall be based on the standards under Subsection (1)(d) and shall require renewal of certification every two years.
 - (c) All public and private providers of sex offender treatment, including those providing treatment to offenders housed in county jails by contract under Section 64-13e-103, shall comply with these standards on and after July 1, 2016, in order to begin receiving or continue receiving payment from the department to provide sex offender treatment on or after July 1, 2016.
 - (d) The department shall establish the certification program by administrative rule pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) The department shall establish performance goals and outcome measurements for all programs that are subject to the minimum standards established under this section and shall collect data to analyze and evaluate whether the goals and measurements are attained.
- (a) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop and coordinate the performance goals and outcome measurements, including recidivism rates and treatment success and failure rates.
 - (b) The department may use these data to make decisions on the use of funds to provide treatment for which standards are established under this section.
 - (c) The department shall collaborate with the Division of Substance Abuse and Mental Health to track a subgroup of participants to determine if there is a net positive result from the use of treatment as an alternative to

incarceration.

- (d) The department shall collaborate with the Division of Substance Abuse and Mental Health to evaluate the costs, including any additional costs, and the resources needed to attain the performance goals established for the use of treatment as an alternative to incarceration.
- (e) The department shall annually provide data collected under this Subsection (4) to the Commission on Criminal and Juvenile Justice on or before August 31. The commission shall compile a written report of the findings based on the data and shall provide the report to the legislative **Judiciary Interim Committee**, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees.