



## PERFORMANCE AUDIT

### ► AUDIT REQUEST

This audit is one of three components of a comprehensive audit requested by the Legislative Audit Subcommittee concerning the release and supervision of individuals released from prison or jail. The audit request includes a review of the Board of Pardons and Parole's (BOPP, the Board) processes for releasing individuals from prison. We also followed up on previous recommendations from our 2016 audit, *A Performance Audit of the Board of Pardons and Parole* (2016-01).

### ► BACKGROUND

The Board, which consists of five full-time members and no more than five pro tempore members, has statutory authority to make decisions to pardon or parole offenders. Utah operates in an indeterminate sentencing system which allows the Board to exercise substantial discretion in making its decisions. The Board follows the Sentencing Commission's sentencing guidelines but may deviate from its recommendations given aggravating or mitigating circumstances.

# The Board of Pardons and Parole



## KEY FINDINGS

- ✓ The Board still lacks a clearly defined paroling philosophy and could better ensure public safety is appropriately prioritized.
- ✓ Opportunities exist to strengthen the Board's organizational structure through development of a management plan and improvements to its strategic plan.
- ✓ Additional opportunities exist to improve the Board's transparency of its operations and decisions through more reporting.
- ✓ The Board can ensure that it follows due process and probable cause standards and best practices through a review of its policies and processes.



## RECOMMENDATIONS

- ✓ The Board should clearly document its philosophy and review its decisions for consistency.
- ✓ The Board should improve its operations by creating a management plan and revising its strategic plan to include data elements, performance goals, and strategies.
- ✓ The Board should improve transparency by publicly providing additional metrics on its operations and decisions.
- ✓ The Board should review its policies and processes to ensure that it meets probable cause and due process best practices and standards.



## REPORT SUMMARY

### *The Board Can Better Define Its Paroling Philosophy*

The Board does not clearly articulate its philosophy as recommended in the 2016 audit. This was meant to unify Board members through a common philosophy that could guide parole decisions. The Board should also analyze its decisions to determine consistency and if the Board's philosophy is being followed.

### *The Board Can Strengthen Its Organizational Structure and Operations*

Our 2016 audit identified the need for the Board to create a management plan to differentiate the decision-making responsibilities of Board members from other administrative functions at the Board. The Board has yet to create this management plan.

### *Utah's Parolee Population Has Grown Since the Implementation of the Justice Reinvestment Initiative*

Utah's parole population increased after the implementation of the Justice Reinvestment Initiative and continued to rise until it saw a slight decline at the start of the COVID-19 Pandemic. The Board's jurisdiction is made up of all offenders in prison or on parole. Adult Probation & Parole supervises those released by the Board but offenders on probation do not fall under the Board's jurisdiction.

Doing so would allow Board members and staff to be more effective in fulfilling their duties. The Board's strategic plan should also be updated to include data, measures of performance, and strategies. The Board should also link its performance measures to its goals.

### *Additional Reporting of the Board's Operations and Decisions Can Improve Transparency*

The Board now publicly provides data on the number of decisions made and population statistics. However, the Board does not provide data that shows the factors that influence its decisions or other important data elements and performance measures. Its rationale sheets are also vague and do not provide for adequate understanding of how the Board came to its decisions.

