

In 2015, Utah’s Governor Herbert signed HB 348, enacting a comprehensive set of justice system reforms as part of its Justice Reinvestment Initiative (JRI) into law. With support from the Crime and Justice Institute (CJI) and The Pew Charitable Trust’s Public Safety Performance Project, and with funding from Pew and the Bureau of Justice Assistance, a component of the Department of Justice’s Office of Justice Programs, the Utah Commission on Criminal and Juvenile Justice studied the state’s criminal justice system and made policy recommendations for improvement in 2014. The Commission’s analysis found that Utah’s prison population had grown 18 percent—six times faster than the national average—from 2004 to 2013, despite a decrease in the crime rate during that period.¹ In addition, the state’s prison population was projected to grow by another 37 percent in the following 20 years at a cost of more than \$500 million, and its prisons were increasingly used for those who had committed nonviolent offenses.^{2,3}

Utah has taken major steps to reduce its growing prison population. These efforts have resulted in a 20 percent decrease in the overall prison population since 2014 and an increase in the proportion of the prison population composed of people convicted of violent offenses.^{4,5}

Utah’s JRI goals included:

1. Focus prison use on those convicted of serious and violent offenses.
2. Strengthen probation and parole supervision.
3. Support local corrections systems.

To date, Utah has achieved the following:⁶

- Reduction in the prison population⁷
- Decreased use of prison space for people convicted of nonviolent crimes⁸
- Increased use of evidence-based practices in probation and parole⁹
- Decreased time people spend in jail for probation violations¹⁰

1. Focus prison use on people convicted of serious and violent offenses.

Prior to JRI, Utah was sending increasing numbers of people to prison for drug-related offenses and other nonviolent crimes.¹¹ Prison sentences were also increasing for lower-level and nonviolent offenses.¹² In 2013, more people were sent to prison for simple possession of drugs than any other criminal offense, which had a significant impact on the state’s prison population.^{13,14} Utah responded by modifying penalties for certain lower level offenses and modifying sentencing guidelines to reduce sentence lengths for offenses in lower-level crime categories.¹⁵

In the decade leading up to HB 348, the average length of stay in prison increased 18 percent.¹⁶

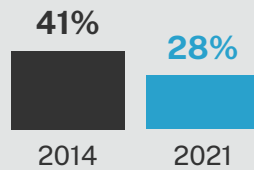
HB 348 altered the sentencing guidelines to reduce penalties for lower-level offenses by four to six months and required a change to how criminal history scores are calculated for sentencing guidelines, which was intended to shorten sentences.^{17,18}



**20.7%
Decrease**
in Utah’s prison
population between
2014 and 2021¹⁹

HB 348 reclassified certain lower-level drug possession offenses, including reducing possession of a controlled substance for the first two convictions from a felony to a misdemeanor.²⁰

Prison Population Incarcerated for a Nonviolent Primary Offense²¹



88% Decrease

in the number of people sent to prison for felony drug possession from 2015 to 2021²²

2. Strengthen probation and parole supervision.

In 2014, the Commission found high rates of **revocation** for people on probation and parole.²³ HB 348 required Utah to adopt evidence-based practices to increase successful completions of probation and parole and to decrease incarceration due to revocations or violations.²⁴



Revocations:

occur when an individual is noncompliant with the conditions of their community supervision and as a result are incarcerated.

In the decade leading up to Utah’s JRI, success rates for probation and parole were on the decline.²⁵

HB 348 required the Utah Department of Corrections (UDC) to establish:

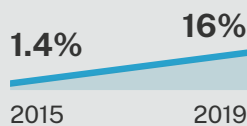
- Earned compliance credits so those compliant with supervision conditions and their case plan can earn time off their supervision term.²⁶
- Graduated responses to behaviors to prevent incarceration.²⁷



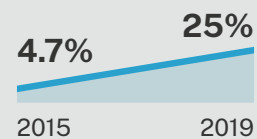
Despite an increased risk profile from 2015 to 2019:

6.9% Increase in successful probation discharges within two years²⁸

2.8% Increase in early parole discharges within two years²⁹



Percentage of those starting **probation** assessed as “intensive” risk³⁰



Percentage of those starting **parole** assessed as “intensive” risk³¹

3. Support local corrections systems.

Prior to 2015, local jails were housing a significant number of people who violated probation and were awaiting court hearings. Jails were also housing large numbers of people convicted of traffic offenses.³² Because of these factors, a primary goal was to ensure changes to the state prison system and community supervision would not place additional burden on local jails.³³

The number of people incarcerated for **technical violations** of probation increased by 34 percent between 2004 and 2012.³⁴ HB 348 required the Sentencing Commission to establish guidelines for probation revocation caps.³⁵



Technical violations:

people incarcerated for violating the terms of probation without a new arrest.

Following JRI, there was a **29% decrease** in the number of days spent in jail for a probation violation.³⁶

168.6
days

2014

119.5
days

2021

HB 348 reclassified first and second convictions for drug possession from a felony to a misdemeanor to reduce the prison population without increasing the burden on local jails.^{37,38}



There was a **20% decrease** in the number of people held in county jails for low-level drug offenses since JRI was implemented within the six counties included in the Office of the Legislative Auditor General report.³⁹



The impact of the changes varies significantly by county in the length of jail sentence and the sentencing practices for those convicted of misdemeanor drug possession cases. **Average jail sentences for a misdemeanor A drug possession charge ranged from 49 days or less to roughly six months.**⁴⁰

Prior to 2015, individuals could be placed in county jails for up to three months for certain misdemeanor motor vehicle offenses, creating a financial burden for counties and taxpayers.

JRI reclassified many Class B and Class C misdemeanor traffic offenses to infractions.⁴¹

Traffic Filings | 2014-2021^{42,43,44}



83% Decrease
Class B



88% Decrease
Class C

Additional Accomplishments Related to Reforms

- JRI funding for criminal justice treatment programs was almost \$5 million in 2015. The state added an additional \$6 million between 2017 and 2019. That \$6 million in general revenue was eliminated from the FY2020 budget and was replaced by Medicaid expansion funds.⁴⁵ Despite ongoing funding, field surveys showed that availability of behavioral health treatment options continued to be a challenge.⁴⁶
- One of the stated goals of the Utah Commission on Criminal and Juvenile Justice was to ensure oversight and accountability of the JRI legislation.⁴⁷ HB 348 required continued data collection and reporting on programs addressing recidivism to assess the impact of the changes.⁴⁸ The Utah Commission on Criminal and Juvenile Justice continues to produce annual reports on the impact of the JRI legislation.⁴⁹
- In 2019, the Office of the Legislative General commenced an audit of the impact of JRI on Utah's jails and criminal justice system.⁵⁰ The audit report was released in 2020 and concluded the state had not fully implemented the provisions of HB 348.⁵¹ The Utah Department of Corrections took steps to respond to the audit's findings, including implementing further evidence-based supervision practices in 2022.⁵²



The Justice Reinvestment Initiative (JRI) is a data-driven process funded through a public-private partnership between the Bureau of Justice Assistance (BJA), a component of the Department of Justice's Office of Justice Programs, and The Pew Charitable Trusts. JRI aims to improve public safety by helping states make their justice systems more fair, effective, and efficient as they direct resources to address the complex factors that drive crime and recidivism.



The Crime and Justice Institute (CJI) has more than a decade of experience as a JRI technical assistance provider, supporting states through assessing strengths and needs, conducting data analysis, facilitating policy development, and assisting with implementation.

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Endnotes

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