

Sentencing Commission Statement of Issues/Concerns Regarding Current Matrix:

1. Placement decisions on the current matrix appear to be driven by criminal history and offense alone, with no incorporation of RNA tools in use.
2. RNA Tools in use in Utah likely drive placement decisions to a greater degree in practice than the matrix would appear to on paper.
3. “Criminal history” is static despite the fact that youth are “adjudicated delinquent” in juvenile court, but not “convicted” of a crime. “Criminal history” should be referred to as “delinquency history.”
4. “Delinquency history” should not be double counted by the guidelines and again in the PSRA or PRA; nor potentially a third time in aggravating factors.
5. No data is available, nor is any tracking mechanism in place to determine the actual impact of the current juvenile matrix on initial dispositions.
6. No data is available, nor is any tracking mechanism in place to determine the use of responses to technical violations of probation. For instance, the use of community service hours as an alternative sanction; whether length of stay is increased in order to complete community service hours; whether probation conditions meaningfully relate to risk reduction, and whether evidence-based principles of swift, certain and proportionate responses to technical violations of probation are employed by either probation, JJS or the court.
7. Juvenile Probation’s demonstration of the use of the guidelines highlighted that the guidelines currently function in a more subjective than objective manner.
8. A comprehensive data, research and policy review is preferred with technical assistance from PEW. Although CSG previously engaged in such a process with JJS, it did not engage all stakeholders and recommendations have not been coordinated system-wide.

Sentencing Commission Statement of Purpose for Revised Matrix:

1. A matrix for the juvenile system should generally:
 - A) Reflect that youth are developmentally different than adults;
 - B) Reflect the distinction between adult and juvenile courts consistent with the Balanced and Restorative Justice Model;
 - C) Direct the flow of youth into age-appropriate, evidence-based supervision and treatment services while maintaining judicial and YPA discretion on a case-by-case basis; and
 - D) Begin with the presumption that placements should be in the least restrictive environment available.
2. Aggravating and mitigating factors should be narrowed to avoid double-counting, to focus on factors relevant to re-offense, and to provide greater objectivity in decision-making.
3. Three potential decision points exist and should be included in any revised matrices consistent with the Sentencing Commission’s statutory charge:
 - A) Placement upon initial disposition;
 - B) Length of stay in out of home placements; and
 - C) Responses to technical violations of probation.