

Proposed Revisions for 2016 Adult Sentencing & Release Guidelines

Potential motion to update language to more accurately reflect passage of time:

1. References to 2015 should be updated to 2016 (cover pages and throughout).
2. Do we still need the historical/background information leading up to HB348 or should we strike some of the explanatory language? (ie page 1, "In response to Governor Gary Herbert's call..." page 3, "A number of significant events and input occurred during 2014 and 2015....").
3. Update references to LS/RNR tool on page 10 (AP&P "has moved" to the RNR, not "will move").
4. Reference the "Sentencing Memorandum for Low Risk Offenders" on page 11 from the JRI ITF which was effective 1/28/16.
5. Reference HB3004 on pages 11 & 12, which extends standards to county and private providers.
6. Include recommendation to use a "data-driven approach" for allocation of future resources.

Potential motion to revise language and forms to reflect original intent better:

1. Reference counting out of state convictions similar to military convictions – page 13
2. Strike reference to code on page 14 and include exhaustive list in Addendum B of all person crimes and attempted person crimes to be counted.
3. Revise explanation of intermediate sanctions/shading of cells on page 18 & 29: lighter shade should be based on LS/RNR. Current explanation is outdated.
4. Revise the numbers in the cells to have a firm number at the top and a (0-xxx) below it (scoring is still defaulting to the highest number despite the instruction to start in the middle).
5. Add instructions on Form 9 , page 38 to clarify that "up to 50%" is the maximum available without court/BOPP approval.
6. Revise Form 10 on page 39 to be two separate pages: Form 10A & 10B: 10A would be graduated sanctions and 10B would be the exceptions.
7. Add to Form 10A explanation in instructions that "Form 8 may be used to increase or decrease the magnitude of the response within the guideline range. Graduated incarceration ranges should be used for 4th and subsequent hearings, unless an exception is specified. Count sequence is the number of violation hearings during current period of court or BOPP jurisdiction. Probation revocation to prison, or discharge from probation or parole supervision, resets the prior hearing count."
8. Add to Form 10A: "CCC Placement with up to 15 days jail for detox purpose only."
9. Create Form 10B, primarily for additional spacing and further explanation of the exceptions listed. Strike the current first bullet point, as it would be included in the instructions instead. Strike the "and immediate" language in the fourth bullet point.

Potential Remaining Policy Questions:

1. What references should be given to any anticipated BOPP changes in response to Audit?
2. Should Form 2 and Form 4 be revised? Language and concepts are outdated, not based on research or data (similar to what has occurred in Juvenile Guidelines Working Group).
3. Do we have consensus on adding further definition or examples of "substantial threat to public safety" on 10B?
4. Other issues to be identified from the CCJJ Annual Report