

Op-ed: Board of Pardons and Parole needs support, attention and reform



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The Tribune recently reported on Utah's "Justice Reinvestment" effort, undertaken with support from the Pew Public Safety Performance Project. These reports mention reforms that, if adopted, could reduce Utah's prison population: tweaking sentencing guidelines, improving community supervision practices, and ensuring that "evidence-based practices" are used by judges, agents and counselors.

The reporting includes little mention of Utah's Board of Pardons and Parole. Most Utahns have no idea what our board does. In fact, even many Utahns who are actively engaged in criminal justice work — including attorneys and judges — have only a vague notion of the board's role.

The Board of Pardon and Parole makes all decisions about which, and when, state inmates receive parole — that is, those who are allowed to serve the remainder of their sentences under community supervision, rather than in prison.

Under Utah's indeterminate sentencing system, the board — not a judge — ultimately decides how many years of a "five-to-life" or "ten-to-life" sentence an inmate will serve.

Board members make difficult decisions on behalf of the public — protecting our safety while balancing the needs of victims and offenders. No easy task, to be sure.

One might assume that the board, charged with such a serious task, would be constrained by procedures, tracking and reporting requirements, and best practices. Surely the board is subject to the same rigorous review as are prison facilities and legal proceedings.

Not exactly.

The board is not required to follow the sentencing guidelines designed by our Sentencing Commission. It does not need to provide a justification when it deviates from the sentencing guidelines, even when it exceeds the recommended sentence by 100 percent, 300 percent or 500 percent. There is no appeals process for parole decisions.

The parole board is not required to justify its decisions to any person or institution. It does not report to the Legislature, the governor or the Utah Supreme Court. There is, literally, no other state system that functions in this way. There are benefits to our model, but there are pitfalls and problems, as well. These can be mitigated with thoughtful, constitutionally informed reforms.

The Justice Reinvestment Initiative coincides with new leadership on the board, as Gov. Gary Herbert recently named Angela Miklos the new chair. Miklos is actively engaged in the Pew-guided reform work, leading the subcommittee tasked with reforming Utah's "release policies."

We hope the governor, Miklos, and others will extend their sincere efforts to the Board of Pardons and Parole.

Currently, the board has few scientifically validated tools on which to rely in making predictions about who will succeed if released on parole. As the Justice Reinvestment Initiative has emphasized repeatedly, even officials with the best intentions cannot predict successful transitions into the community without the support of good scientific research.

Board members should be supported by extensive record-keeping and transparency. They should receive a formal orientation to prepare them for their intense obligations, and be given ongoing training in best practices to assist them in their many difficult decisions. The board should receive detailed direction about when it is permissible to depart from sentencing recommendations.

The National Parole Resource Center offers guidance in best practices for parole boards, compiled from extensive research on how boards can help to reduce recidivism and protect public safety. Even for board members who have some legal training, such ongoing professional development is valuable.

The Board of Pardons and Parole must play a critical role in the state's criminal justice reform efforts. We hope that under Angela Miklos' direction, with leadership from the governor's office, it will pursue a bold culture of transparency, accountability, evidence-based practices, and continual improvement.

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