

UTAH BOARD OF PARDONS & PAROLE

Decision Factors Used By The Board

As part of the Board's mission to render just decisions regarding release and supervision of offenders by balancing victim needs, offender accountability, and public safety, the Board considers a number of case specific factors, which may or may not be captured by the Utah Sentencing Guidelines.

This exposition and identification of decision factors is not intended to, and does not, restrict or circumscribe Board discretion in any manner. Decision factors are always case dependant, and this list is neither exhaustive nor static, and may be modified at any time. No expectation for any specific result in any individual case ought to be presumed from or predicated by the identified factors. The factors listed are representative only. In addition, any one factor may outweigh all other factors, and decisions are not simply a summation of factors. Each decision the Board makes in each case is deliberative, and intended only for the particular facts and circumstances presented by an individual case.

While the characteristics of individual inmates and offenses vary, the following is a list of many of the factors that the Board will likely consider in determining if and when to grant a release from prison prior to the statutory expiration of sentence, as well as when ordering special conditions of parole:

1. The sentence imposed by the court, including:
 - a. concurrent or consecutive sentences;
 - b. the statutory minimum sentence imposed;
 - c. the aggregate (combined) minimum or maximum sentences imposed; and
 - d. any comments, notations, or recommendations revealing the sentencing judge's intent.
2. The applicable sentencing guidelines as calculated by the Board.
3. The nature of the criminal offense, including:
 - a. any use of weapon;
 - b. extreme cruelty or depravity evidenced by the facts;
 - c. did the crime involve an abuse of a position of trust or responsibility;
 - d. are the multiple incidents or victims;
 - e. was any personal gain derived from the offense;
 - f. the nature of the offender's motive during the offense;
 - g. the offender's role in the offense (e.g. organizer/leader vs. follower/minimal participant);
 - h. the offender's activities during and after the offense (i.e. obstruction of justice vs. early withdrawal or self-surrender);
 - i. the extent of injury (physical, emotional, financial) to the victim;
 - j. the nature of the victim in relation to the offense (vulnerable or aggressive).
4. The offender's criminal history, including:
 - a. is the offender's criminal history significantly underrepresented by the guidelines;
 - b. is there a history of similar offenses;
 - c. is there a pattern of increasingly or decreasingly serious offenses;
 - d. the offender's prior supervision history (pre-trial, probation or parole behaviors).
5. The offender's behavior within correctional facilities, including:
 - a. programming efforts;
 - b. treatment participation and completion;
 - c. education efforts, participation and completion;
 - d. work efforts and experiences;
 - e. any disciplinary violations or actions.

6. The offender's applicable treatment history (for present and prior offenses), including:
 - a. need for or participation or completion of substance abuse treatment;
 - b. need for mental health treatment, (including psychological evaluations);
 - c. need for or completion of sex offender treatment.
7. The offender's pre-incarceration employment and education history.
8. The risk to public safety presented or created by the offender:
 - a. including standardized risk assessment evaluations or reports.
9. Recommendations or letters from:
 - a. Judge
 - b. Prosecutor
 - c. Defense counsel
 - d. Victims or their representatives
 - e. Other interested parties, including the correctional institution
10. Offender's likely release to a detainer for subsequent incarceration or deportation.
11. The offender's overall rehabilitative progress and potential, including:
 - a. The offender's honesty in all interactions with the Board, DOC, AP&P and the courts;
 - b. The offender's actual and sincere acceptance of responsibility;
 - c. The timeliness and extent of efforts by the offender to pay restitution;
 - d. The offender's exhibited remorse and demonstrated motivation to rehabilitate; and
 - e. The attitude displayed during hearings and in communications with Board representatives.
12. The length of the offender's drug and alcohol use vs. the offender's apparent rehabilitation.
13. The nature and stability of the offender's re-entry plans, including:
 - a. Stable and meaningful pro-social relationships (i.e. family, friends, etc);
 - b. Stable and meaningful community ties;
 - c. Meaningful and realistic employment possibilities;
 - d. Appropriate and approved living arrangements.