



Utah

Overall Grade for Utah

Total Grade

25
/100

Letter Grade

F

Program Grades

Compassionate Release

Total Grade

25/100

Letter Grade

F

Compassionate Release

Total Grade

25 /100

Letter Grade

F

Eligibility Criteria

18/30

3/10 Clearly set out with understandable and measurable standards.

5/10 Generous or not unduly restrictive.

10/10 No categorical exclusions/everyone is eligible for consideration.

✘ **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

2/10

2/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

✘ **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

5/15

5/5 Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 Incarcerated people, their loved ones, and advocates can initiate the process.

0/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

0/10

0/5 Agencies provide comprehensive release planning.

✘ **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **0**

0/5 Release planning begins early in the process.

Agency Policy Design

0/15

0/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

0/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

0/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

0/10

0/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FAMM could find addressing the graded category. For example, if there are no published provisions for release planning or telling an agency how it is to evaluate an incarcerated person's eligibility, that results in a zero UTD grade.

The Numbers

Utah does not publish statistics on Compassionate Release grants. The Department of Corrections issued a press release in August 2020 stating that the Board of Pardons and Parole had granted 29 Compassionate Release requests in the first half of 2020. The agency did not respond to FAMM's request for information about additional releases in 2020 and any in 2019.

High and Low Marks

HIGH MARK

- No one is categorically excluded from consideration for Compassionate Release.

LOW MARK

- **Overall**, Utah's Compassionate Release program **failed**. Poorly designed and vague eligibility criteria; a near-complete lack of policy explaining who is responsible for documentation and assessment or how those steps occur; and a dearth of information about release planning, appeal, or reapplication rights leave FAMM unable to meaningfully evaluate the program. The state does not publish statistics.
- People may be eligible for Compassionate Release if they pose a "significantly reduced" risk to public safety due to (1) a medical or mental health disease, infirmity, or disability; or (2) "advancing age." No definitions exist for the **eligibility standards**, including what counts as "significantly reduced" risk or "advancing age."
- There is practically no **agency policy** or guide to **procedures**, making it impossible for us to grade most categories. The lack of information led to zeros for **release planning**, **right to counsel**, and availability of **appeal** or reapplication avenues.