

The Salt Lake Tribune

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Patchwork of laws squeezes ex-cons

Analysis » Offenders are clustered in a few cities, despite rules prohibiting it.

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The Salt Lake Tribune

Salt Lake Tribune

Updated: 03/07/2010 05:35:33 PM MST

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Ogden » At Park Avenue apartments, even one of the security guards is on parole.

As of mid-February, at least 19 probationers and parolees were living at the 150-unit complex at the corner of 24th Street and Adams Avenue. Many, including the guard, have drug convictions; a few have committed gun-related or violent crimes.

Building managers are reducing the number of state-supervised tenants, but there are still plenty of felons in the neighborhood.

The Department of Corrections listed 713 probationers and parolees in the building's ZIP code. That gives Ogden the highest per capita rate of people on state supervision among Utah cities with at least 10,000 residents. Clearfield, Salt Lake City, West Valley City and Cedar City also have high per capita rates.

A *Salt Lake Tribune* analysis found clustering in specific neighborhoods and even apartment buildings, despite rules prohibiting people on supervision from associating with one another. Law enforcement and scholars say offenders are more likely to succeed if they are dispersed, but a lack of halfway houses and city ordinances passed in recent years have limited where many offenders can live.

James Austin, president of the JFA Institute in Washington, D.C., which evaluates criminal justice practices for government agencies, said probationers and parolees can be bad influences on one another and housing laws might funnel them to places without jobs and treatment providers.

"You're better off to move them to other areas or at least split up the concentration," he said.

Corrections reports 14 percent of probationers reoffend and 62 percent of parolees will return to prison within three years.

Yet while budget cuts have forced Adult Probation and Parole agents to increase their caseloads, agency Director Brent Butcher points out his agents visit homes once a month and may require drug testing or other types of supervision.

"Just because you have a cluster of those offenders living in an apartment complex does not mean you have a crime problem," Butcher said.

Some of those living in the clusters also defend them.

"This is a wonderful place," said Gina Gentil, a Park Avenue resident who is on probation for a shoplifting conviction. Gentil said she and other Park Avenue residents used to walk to Narcotics Anonymous meetings together, and the building's locked doors and security staff prevent problems.

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Limited halfway houses » The number of probationers and parolees in Utah has increased 16 percent in a decade.

As of Feb. 11, the Corrections Department was tracking 3,365 Utahns paroled from a state prison. An additional 12,124 were on a state-court-issued probation. That's five out of every 1,000 Utahns on state probation or parole.

Yet some of Utah's largest cities have much lower rates. Provo has just 343 state parolees and probationers out of a city population that's 50 percent larger than Ogden's. Bountiful and St. George have about the same rate as Provo.

One reason for the disparity: There are no halfway houses in Utah County, Davis County or fast-growing southwestern Utah.

The state's only halfway houses are in Salt Lake City and Ogden. There, parolees are required to find jobs and that often makes it more practical for offenders

such as Alfonso Gonzales to stay in those communities after release.

Gonzales was convicted in Brigham City of felony burglary and spent 2½ years in prison before he was paroled in May to Ogden's Northern Utah Community Correctional Center. He took a job at a warehouse in Layton and is still living in Ogden.

Gonzales needed the job and said he's also avoiding a return to Brigham City to be with family and the gang he belonged to there. "There are some bad influences there," he said.

Curt Garner, chairman of the Utah Board of Pardons and Parole, would like to see halfway houses in areas that don't have them -- especially in Utah County. In fiscal year 2009, state courts in Utah County had twice as many felony cases filed as those in Weber County, which includes Ogden. But those discussions have been supplanted by other funding priorities.

"It works to an inmate's benefit when he has stable housing in a community where it will be a positive environment," Garner said, "but often that is not the case."

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Tough to find a place to live » An Ogden ordinance may be largely to thank for cramming parolees and probationers into a few city blocks. The good landlord program, which began in 2005, gives participating landlords discounts on business licenses.

The program requires landlords to run credit and criminal-background checks on potential tenants and disqualify anyone on probation or parole for a felony conviction. The city says 83 percent of licensed rental units participate, as does Ogden's public housing authority.

Nine other cities across Utah have adopted similar programs or policies. Under Clearfield's program, for example, participating landlords can't rent to anyone convicted of a drug, alcohol, property or violent crime within the past three years.

For parolees or probationers, the restrictions make it tough to find a place to live.

"When someone finds a place willing to rent to felons, it spreads like wildfire," said Molly Prince, a counselor who worked with Utah sex offenders for a service contracted by the Corrections Department.

Prince sometimes told offenders of apartments they could rent.

"Lack of a place to live is a huge factor on recidivism," Prince said.

Park Avenue also belongs to Ogden's good landlord program and has received a notice from the city that its tenants are putting it in violation. Victor Huhem, an attorney for the owners, said the landlords can't evict those tenants, but won't renew their leases when they expire. Being compliant with the program is a big incentive: Park Avenue would save about \$11,000 a year.

At the Park Avenue apartments, Huhem described the complex as well-kept and trouble-free. People on supervision, he said, are the "best tenants."

"They don't want to make any mistakes," he said.

Built in 1965 as a Ramada hotel, the building later became an assisted-living center before its current incarnation as apartments marketed to older adults. The small rooms have refrigerators and most have an electric burner, microwave or toaster oven. Rent is advertised as about \$365 a month.

On a tour of the complex, Huhem showed off a remodeled game room with a large flat-screen television and photographs on the wall of smiling tenants enjoying a barbecue or other social event.

Huhem said previous management rented to many of the probationers and parolees living there. But Park Avenue's manager, Andres Herbon, admits he had been renting to some of those tenants who wouldn't pass a background check.

"I know I was breaking a rule, but even the police said this place changed [with new ownership]," Herbon said.

Some tenants on state supervision came to Park Avenue on referrals from police or state agents, Herbon said.

Gentil is hoping she will be able to stay. Her probation is scheduled to end in June.

"We don't have a lot of options, but no one seems to care about that," she said.

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We are watching » Ogden's police chief and state senator, Jon Greiner, makes no apologies for the restrictions on probationers and parolees. His department regulates them more closely than other Utah cities.

Ogden police receive weekly data from Corrections showing where in the city probationers and parolees live. As a state senator, Greiner was behind a law that clarified local police can monitor probationers and parolees just as state agents can.

"They're a direct influence on the crimes in our community," said Greiner, pointing to recidivism rates.

One evening in Ogden, Officer Bob Evans checked on a parolee he saw quickly duck around the corner of his home. A young woman who answered the door told him the parolee wasn't there.

The officers called for Adult Probation and Parole agents who arrived at the house and demanded to be let inside. The 32-year-old parolee with a history of felony drug convictions was sitting on a couch in the living room. He had injected methamphetamine into one of his veins minutes before officers arrived -- the syringe was sitting on the table.

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'Travesty of justice' » Austin said clusters of probationers and parolees are a problem across the country. He said lifting restrictions on where those people are allowed to live might be the only way to disperse the clusters.

In 2007, the Washington Legislature tried to break up clusters of offenders there by passing a law requiring inmates released from prison to return to the county where they committed their felony. Maria Peterson, a spokeswoman for the Washington State Department of Corrections, said there is no known research on the law's effectiveness.

Austin sees that program as just another housing restriction.

"Sometimes it doesn't make sense for a person to go back there," Austin said. "They may have a job opportunity elsewhere in the state."

Some, like Don Blanchard, who worked at the Utah Department of Corrections for 20 years before serving on the Utah Board of Pardons and Parole from 1990 to 2006, call laws limiting where offenders can live "a travesty of justice."

But Blanchard and Garner say there's little the parole board can do to limit the clustering of those who make parole. Parole candidates often don't know the address where they will live after prison, and if they do, it can change in the weeks or months between a parole hearing and a release.

"The board makes the release decision primarily on the offense, [and] their other criminal records," Blanchard said.

Because a sentencing judge or the parole board approves where an offender can live, Butcher's agents can only make recommendations when a residence is unsuitable.

Butcher says the state allows probationers and parolees to have accidental contact with each other, such as running into each other in hallways or on a sidewalk. It's when those offenders are hanging out with each other that there's a violation.

When asked if he would like to disperse the clusters, Butcher replied: "Where would you split them up?"

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[Probationer and parolee database](#)

Restricted living

Utah cities with ordinances restricting where offenders live:

Brigham City

Clearfield

Ogden

Salt Lake City

South Salt Lake

Taylorsville

Washington Terrace

West Jordan

West Valley

Source » Utah Apartment Association

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