

Minutes of the Joint Legislative Oversight Committee  
January 26, 2010  
West Atrium Wing Room WW17, Capitol Building  
Boise, Idaho

Co-chair Senator Elliot Werk called the meeting to order at 4:05 p.m. Attending the meeting were Representatives Cliff Bayer, Maxine Bell, Donna Boe, and Shirley Ringo. Also present were Rakesh Mohan, Director, Margaret Campbell, Administrative Coordinator, and other OPE staff. Senator Werk indicated that Senators McGee, Hammond, and Malepeai would join the meeting at the end of their Senate committee meetings.

Senator Werk acknowledged the following individuals in the audience:

Senator Brent Hill and Representative Steve Kren  
Richard Burns, Budget and Policy Analysis  
Josh Tewalt, Division of Financial Management  
Director Brent Reinke, Department of Correction  
Executive Director Patti Tobias, State Judiciary  
Executive Director Wayne Meuleman, Building Authority

**REPORT RELEASE: *OPERATIONAL EFFICIENCIES IN IDAHO'S PRISON SYSTEM***

**Representative Bayer moved to receive the report *Operational Efficiencies in Idaho's Prison System*. Representative Ringo seconded the motion, and the motion unanimously passed by voice vote from the five members present.**

Mr. Mohan said his office had worked with many key stakeholders on the study: Department of Correction, Division of Financial Management, legislative Budget and Policy Analysis, the Governor's Office, the co-chairs of the Judiciary committees, Idaho State Building Authority, and Representatives Bolz and Killen. He thanked the Department of Correction, indicating that its staff had been a big help and a valuable asset.

Carrie DeLong Parrish, Principal Performance Evaluator, Maureen Brewer, Senior Performance Evaluator, and Robert C. Thomas, consultant, summarized the report. They said that many prison facilities have outdated designs that do not meet national standards, are difficult to staff adequately, and are expensive to operate. The report provided recommendations for improving the efficiency of prison facilities and staffing, and suggestions for how the state can prepare to address the needs of a growing prison population.

*Senator Malepeai joined the meeting in progress.*

During committee questions and discussion, Representative Boe asked whether the study's staffing analysis included necessary programming and training for inmates. Mr. Thomas said the model used to estimate the costs of replacing inefficient facilities incorporated the current costs of providing programming at each prison.

Senator Werk asked whether a capital investment would recoup costs in the same year as the investment was made. Mr. Thomas said the team had spoken with financial advisors about financing options that could offset negative cash flows. He used an example of arranging financing to begin in conjunction with the occupancy of a newly built facility. In another example, he used the analogy of purchasing rental property where initially not all costs are recouped, but within a few years the income exceeds the costs.

Senator Werk asked whether the state's more efficient facilities were providing less negative incidents and whether furloughs in the system were a causal factor in negative incidents. Ms. Parrish said the team did not have time to look at negative incidents, but the department maintained a record of negative incidents and could provide that information.

Mr. Mohan said the report included three responses to the study from the Governor, the Department of Correction, and the Building Authority. Wayne Meuleman, Executive Director of the Building Authority, assisted in the team's understanding of public financing issues in Idaho. He also did a technical review of the report.

Senator Werk called on Brent Reinke, Director of the Department of Correction, to speak to the committee. Mr. Reinke thanked OPE for its professionalism and sensitivity to the needs of the department. The effect of furloughs, an equivalent of 39 full-time positions, had been difficult for the department. He said the report laid a solid foundation of facts and analysis to help policymakers and lawmakers move forward in developing an effective and efficient prison system. A key element of achieving success in the future was working together—stakeholders needed to discuss how the prison system should look. He indicated that nearly all elements of the system should be evaluated, and in some cases, approaches may need to be reinvented.

Mr. Reinke said the department would like to develop a staffing model and a shift relief tool, making sure to take into account the requirement from the Division of Financial Management for zero-based budgeting (ZBB). The department is currently applying ZBB to two divisions and will be starting ZBB in the Prisons Division next year. He said he would like to fold these efforts into department work based on the requirements of Idaho Code. With so many projects and changes, he said the department must remain focused on its primary concern—safety.

In looking to the future, Mr. Reinke said the department will be identifying and proposing alternatives to incarceration to manage future growth. He asked JLOC to allow OPE to enter into an agreement with the Washington State Institute for Public Policy to initiate outcome research on three programs: Correctional Alternative Placement Program, New Directions Retained Jurisdiction Program, and Therapeutic Community Rider. Also, in partnership with the Idaho Association of Counties and the Idaho Sheriffs' Association to reduce bed costs, the department is developing regional management centers to coordinate the sharing of regional facilities with counties.

Senator Werk asked Mr. Reinke to send a written letter to the co-chairs requesting OPE's participation in the outcome research.

Josh Tewalt of the Division of Financial Management and Wayne Meuleman of the State Building Authority were invited to speak to the committee. Both declined but said they were available for questions.

*Senators John McGee and Jim Hammond joined the meeting.*

Senator Werk called on Patti Tobias, Executive Director of the State Judiciary, to speak to the committee. Ms. Tobias said she wanted to highlight the report's suggestion to seek for alternatives to incarceration. She said alternatives were not only the most immediate way to reduce costs but also the most long-term way. She commended OPE and the department in their efforts.

Representative Boe announced that OPE would be presenting to the Idaho Criminal Justice Commission on February 26. The commission is a forum of legislators, court personnel, IDOC, county and local officials, prosecutors, and judges. She said she was impressed with how the different entities work together to explore solutions.

Senator Werk said the report had been delivered to the Senate and House Judiciary co-chairs and to the JFAC co-chairs. He said OPE would be available to present findings and recommendations to those committees at their request.

#### **COMMITTEE BUSINESS**

Senator Werk announced the next JLOC meeting on February 24 for the release of the report *Increasing Efficiencies in the Parole Process*.

The meeting adjourned at 5:25 pm.