

Minutes of the Joint Legislative Oversight Committee
February 24, 2010
East Atrium Wing Room EW05, Capitol Building
Boise, Idaho

Co-chair Representative Cliff Bayer called the meeting to order at 3:07 p.m. Attending the meeting were Senators Elliot Werk, John McGee, Jim Hammond, and Edgar Malepeai and Representatives Maxine Bell, Donna Boe, and Shirley Ringo. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Representative Bayer indicated that Senators McGee and Hammond would leave shortly to attend another obligation.

Representative Bayer welcomed the audience and acknowledged the following attendees:

Senator Denton Darrington

Representatives Bill Killen and Sue Chew

Director Brent Reinke, Department of Correction

Parole Commissioners Mark Funaiole, Bill Young, and Norman Langerak

Executive Director Olivia Craven, Commission of Pardons and Parole

Executive Director Patti Tobias, State Judiciary

Chief Deputy Controller Dan Goicoechea, Office of the State Controller

Josh Tewalt, Division of Financial Management

APPROVAL OF MINUTES

Senator Werk moved to approve the minutes of the January 26, 2010, meeting. Senator McGee seconded the motion, and the motion unanimously passed by voice vote.

REPORT RELEASE: *INCREASING EFFICIENCIES IN IDAHO'S PAROLE PROCESS*

Representative Boe moved to receive the report *Increasing Efficiencies in Idaho's Parole Process*. Senator Hammond seconded the motion, and the motion unanimously passed by voice vote from all members.

Mr. Mohan said that Representatives Bolz and Killen had requested a study that looked at efficiencies in the parole process, primarily focusing on efforts in the Department of Correction and the Commission of Pardons and Parole. Mr. Mohan thanked the department, the commission, the Governor's office, the courts, the Attorney General, the Criminal Justice Commission, legislators, and Budget and Policy Analysis staff for their input. He said the report included responses from the department, the commission, and the Governor.

Mr. Mohan introduced the project team. He also introduced two consultants who worked on the project: Dr. Tedd McDonald, a professor of psychology at Boise State University and the director of the Master of Health Sciences Program, and Dr. Kathleen Sullivan, a former professor and director of the Center for Education Research and Evaluation at the University of

Mississippi. Dr. Sullivan had also worked as a chief methodologist for the Mississippi legislative evaluation office.

Senators McGee and Hammond left the meeting.

Amy Lorenzo, principal performance evaluator, Jared Tatro, senior performance evaluator, and Hannah Crumrine, performance evaluator, as well as Dr. McDonald, summarized the report. They said that several critical elements needed to be in place and operating well for the parole process to operate efficiently. They made recommendations in several areas: coordination, communication, training, policy, and data management, as well as recommendations to address the operational issues of the commission.

Representative Bayer thanked the team for their work. He noted that the two branches of government would have to agree to disagree on the findings of the report, and said he was confident the parties involved were capable of moving forward professionally and objectively.

Senator Werk thanked OPE staff and consultants for their work and asked the team to further discuss their analysis of tentative parole dates and the subpopulation of the analysis. Staff discussed the issue and responded to other questions outlined below.

Representative Bell complimented OPE for the positive report on services rendered by correction staff. She said the Department of Correction budget had a 16 percent decrease since 2009. Because of the economy, the department will not be getting additional resources for some time. Using information from the report, Representative Bell encouraged Ms. Craven to work smarter, not harder. She said it was a luxury for any group of professionals to recommend different ways to operate because that was all the state could currently offer. She said the commission had been given a blueprint and encouraged Ms. Craven to do the best she could, taking baby steps to implement recommendations. She thanked Ms. Craven for accepting the help.

Representative Ringo asked staff to further discuss the finding that programming start times were the strongest predictor of delays.

Representative Boe, referring to \$7 million spent on offenders who were housed beyond their tentative parole date, said IDOC and the commission had struggled for years to save money by getting offenders out on time. However, due to the lack of revenue, the state did not have space in prisons and it did not have enough slots in programming and education to offer timely releases to every offender. She said there was a contradiction of efforts because the state was not investing in one area of costs (such as programming), which was driving costs in another area (such as bed spaces).

Senator Malepeai asked about the commission's lack of grievance procedures and whether staffing levels were considered in the evaluation.

Senator Werk asked whether the lack of trust over assessments caused the commissioners to assign additional programming. He also asked whether the state would see an impact on public

safety if all offenders were released on their tentative parole date. He had OPE staff review the reasons why they surveyed department staff but interviewed commission staff.

Representative Boe asked whether the revocation of parole impacted delays. She also asked if \$790,000 of the \$7 million in transfer delays occurred in prison or county jails.

Representative Ringo asked about commission staff interviews and the number of times an incident occurred before OPE reported it as a concern.

Senator Werk asked OPE to elaborate on the hearing officer workload study commissioned in 2008. He also asked about footnotes in the report indicating the commission had begun implementing some of the recommendations and he asked for more information about what steps the commission had taken.

Representative Bell pointed out that the Legislature had a recommendation to strengthen statute—a definite piece of the findings.

Representative Boe asked about the sources of information commissioners used in making parole decisions. She noted that since most of the information came from the hearing officers, she hoped all offenders were benefiting equally.

Senators McGee and Hammond returned to the meeting, and Representative Bell left the meeting.

Representative Bayer called on Director Brent Reinke, Department of Correction, to address the committee. Mr. Reinke introduced his staff and said his department was working on the key areas identified in the report. He said the budgetary issues facing the department required him to work even more closely with the commission. He said he would move as rapidly as possible to implement recommendations, but his primary concern was maintaining public safety—which required reliance on the commission and a professional working relationship based on best practices.

Representative Bayer called on Executive Director Olivia Craven, Commission of Pardons and Parole, to address the committee. Ms. Craven introduced her staff and three of the commissioners who were attending the meeting. Ms. Craven said she had been working on issues brought up in the report, and the Division of Human Resources would be working with the commission on personnel issues. She said she hoped JLOC understood that the commission was doing its work appropriately—staff had a grievance procedure and good parole policies in conjunction with the department. Ms. Craven turned the rest of her time to Commissioner Mark Funaiole, for comments.

Mr. Funaiole discussed the commissioners' role in parole releases and their work with hearing officers to get information for an informed decision. He said department assessments were generally accurate, but when they were occasionally not accurate, commissioners used a feedback procedure through the executive director to communicate concerns to the department.

He said that commissioners were unanimous in their concern that the executive director must attend parole hearings—no one else could provide that level of guidance. He said the report seemed to indicate to him that the measure of success in the parole process was whether incarceration occurred beyond the tentative parole eligibility date. He suggested more meaningful measures of success—public safety, low crime rates, recidivism, and the parole grant rate.

Senator Werk asked Mr. Funaiole whether he supported issues identified in the report that would streamline processes and increase efficiencies in the commission and the department. Mr. Funaiole said he agreed with some recommendations. He said, however, that the report should have identified a more effective measurement of success. The report only looked at efficiencies—it didn't look at effectiveness. He said a far more effective measure would have been to look at the whole process and how that process compared with other states.

Representative Bayer called on Josh Tewalt, Division of Financial Management, to comment on the report. Mr. Tewalt said the Governor's comments were summarized in his written response, found at the back of the report. Representative Bayer said the written response indicated that there had been little appreciation and recognition for the efforts of correction staff. Representative Bayer said he would argue that there had been much appreciation and recognition from all parties involved.

Senator Werk moved for OPE to conduct a follow-up review in six months. Representative Ringo seconded the motion, and it unanimously passed by voice vote from the seven members present.

Representative Boe said she appreciated the hard work of OPE staff and the careful way the report was written. She also thanked the executive director and commission staff and indicated that it was not easy to be evaluated. She said she appreciated the words of Director Reinke—his commitment to work very hard with the commission to develop more efficient processes.

Senator Hammond moved for OPE to provide the report to the germane committees. Senator Malepeai seconded the motion. In discussion, Senator Hammond said this motion was important because unlike previous reports, this report had more controversy and disagreement. **Senator Hammond incorporated into his motion, with the concurrence of the second, that once OPE had made presentation to the germane committees, JLOC wanted to receive comments from the germane committees on the report, the Governor's response, and the commission's response. The motion unanimously passed by voice vote from the seven members present.**

COMMITTEE BUSINESS

Representative Bayer announced the next JLOC meeting in mid-March for follow-up reports and topic selection for the coming year.

The meeting adjourned at 5:00 pm.