

Minutes of the Joint Legislative Oversight Committee
February 28, 2011
Senate and House Auditorium, Capitol Building
Boise, Idaho

Co-chair Senator Elliot Werk called the meeting to order at 4:00 p.m. Attending the meeting were Senators Jim Hammond and Dean Mortimer, and Representatives Maxine Bell, Cliff Bayer, Elaine Smith, and Shirley Ringo. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff.

Representative Bayer welcomed the audience and acknowledged the following attendees:

Senator Denton Darrington

Representative Bill Killen

Chief Deputy Controller Dan Goicoechea, Office of the State Controller

Director Brent Reinke, Department of Correction

Parole Commissioners Mark Funaiole, Mike Matthews, Bill Young, Janie Dressen, and Bud Langerak

Executive Director Olivia Craven, Commission of Pardons and Parole

APPROVAL OF MINUTES

Representative Ringo moved to approve the minutes of the February 7, 2011, meeting. Senator Hammond seconded the motion, and the motion passed unanimously by voice vote from seven members present.

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

Senator Mortimer moved to receive the follow-up report *Increasing Efficiencies in Idaho's Parole Process*. Representative Bayer seconded the motion, and the motion passed unanimously by voice vote from seven members present.

Senator Stennett arrived to the meeting in progress.

Mr. Mohan thanked the commission and IDOC for their timely delivery of data to OPE. Hannah Crumrine and Maureen Brewer, senior evaluators, summarized the report.

Representative Bell noted that several recommendations were not implemented, even though the recommendations were not onerous. She asked if the entities intended to implement recommendations over time or were the entities telling JLOC no. Senator Werk indicated that JLOC could decide whether the agencies had made sufficient progress or whether to request that more effort be made. Representative Ringo asked specifically about the recommendation to the Office of the Governor. Ms. Crumrine said the executive director of the commission wrote a letter, which is in appendix A of the report, outlining why she thought the recommendation to the Governor had been satisfied.

Senator Stennett asked about delays in receiving programming, and Senator Mortimer asked about the timeframe of delayed programming. OPE staff said they had not looked at the issue in depth and referred the senators' questions to the department. On Senator Werk's invitation, Brent Reinke, director, Idaho Department of Correction, discussed programming delays.

Senator Werk asked about the differences between pathways based on clinical evidence and pathways based on public safety. Ms. Brewer said each pathway was grounded in clinical evidence or best practices. A trend of commission-added programming based on public safety would not be enough of a factor for the department to make changes to a pathway. The agencies had indicated anecdotally that the commission was making fewer additions to the programming since the implementation of Pathways for Success. Ms. Brewer said that OPE had asked the two agencies to track and analyze programming data. The agencies had agreed, but they did not yet have enough information in Pathways to track trends.

Senator Werk, referring to the recommendation for the Legislature to review the statutory framework of the commission, asked whether OPE had looked at other states or best practices for how the commission and the department could better align while maintaining independence. Ms. Brewer said she did not know if the original report had looked at best practices. She said the executive director of the commission was appointed by the Governor and reported to the Office of the Governor, but within statute, the commission was housed under the Board of Correction. The intent of the recommendation was to align reporting authority with statute.

Representative Bayer moved that the department and the commission, in coordination with OPE, provide an interim update to JLOC in January 2012, and for OPE to conduct a formal follow-up review in fall 2012. The formal review should include a trend analysis examining whether parole delays have been reduced. The analysis should include, but not limited to, the framework of four points: (1) number of offenders with parole delays, (2) length of delays, (3) length of parole plan investigations, and (4) programming exceptions. Representative Ringo seconded the motion. Representative Bayer said the motion facilitated a reasonable timeframe for the agencies to track data for a trend analysis. **The motion passed unanimously by voice vote from all members.**

TOPIC SELECTION

Mr. Mohan said he had spoken with Speaker Lawrence Denney about the 13 questions of his request for an evaluation of charter and public schools. The Speaker had indicated that all questions were important. Because of the size of the request, Mr. Mohan said the request would need to be broken into two studies. Mr. Mohan also indicated he was working with several JLOC members on other requests.

Senator Mortimer said he was working with Senator Stennett to develop a request for the State Lottery. He wanted to know if the Lottery was turning over all possible funds to the state. The request would ask for a comparison with other states of the cost of awards and marketing.

Senator Mortimer said he was also working on a second request for the organizational structure of higher education. He wanted to know the State Board of Education's policy on governance,

and how that governance related to the funding and the appropriateness of expenses for students and student organizations, staffing organizations, and faculty. He said he would appreciate any feedback JLOC members could give him.

Representative Ringo said at the last meeting JLOC had discussed the broadness of questions from the charter and public school request. She said she was concerned with how the questions were written because answers could be skewed. Mr. Mohan said he had rephrased and regrouped the questions to be more neutral. The questions would reflect outcomes and organizational structure and costs. He had not yet received approval from the Speaker on the edits.

Senator Werk announced that the next JLOC meeting was scheduled for March 28 and would last about 2 hours. He thanked OPE staff for their work.

The meeting adjourned at 4:50 pm.