

MINUTES
CRIMINAL JUSTICE REINVESTMENT STUDY (SCR 128)
IDAHO STATE CAPITOL, HOUSE MAJORITY CAUCUS ROOM
BOISE, IDAHO
APRIL 2, 2013

In attendance were Senator Patti Anne Lodge; Representative Richard Wills; Representative Maxine Bell; Holly Koole, Idaho Prosecuting Attorneys Association; Amy Aaron, Ada County Sheriff's Office; Daniel Chadwick, Idaho Association of Counties; Olivia Craven, Idaho Commission of Pardons and Parole; Frank Riley, Idaho Department of Juvenile Corrections; Gary Raney, Idaho Sheriffs' Association; Matt Wetherell, Parole Commission; Henry Atencio, Kevin Kempf, Tony Meatte, Shane Evans, Brent Reinke and Cathy McCabe, Idaho Department of Correction; Paul Leary, Department of Health and Welfare; Kerry Hong, ISC; Valerie Gardner, Misdemeanor Probation; Michael Bartlett, Idaho Association of Criminal Defense Lawyers; Cathy Holland-Smith and Brooke Brouman, Legislative Services Office; Patti Tobias and Judge Barry Wood, Idaho Supreme Court; Marc Pelka, Anne Bettsworth and Mike Thompson, Council of State Governments; and Dan Hall, Idaho Chiefs of Police Association.

Rep. Wills opened the meeting by thanking and welcoming everyone present and inviting introductions. He asked that during the meeting, each attendee think about their direct and indirect role with regard to the study and expressed that the role of each attendee is important. He then turned the meeting over to **Michael Thompson, CSG**.

Mr. Thompson went through his PowerPoint presentation, which included a description of CSG and a discussion of justice reinvestment. **Mr. Thompson** also discussed national trends with regard to state spending on corrections, recidivism rates and approaches on how to reduce such rates, increases and decreases in crime and incarceration rates, probation and parole rates and associated costs and methods to ensure that resources are spent effectively and efficiently based on research. A copy of **Mr. Thompson's** PowerPoint presentation can be obtained in the Legislative Services Office.

An attendee asked whether the focus of the study is on parole only or if sentencing issues will also be included. **Mr. Thompson** responded that the study will look at sentencing if that is the will of the group. In some states sentencing has been a part of the study, while in others it has not because the state was satisfied with its sentencing laws.

An attendee noted that CSG has conducted the criminal justice system study in 17 other states and asked whether each of the 17 states were successful or if the success stories discussed were extreme examples. **Mr. Thompson** explained that variables, such as budgetary, turnover in a state legislature, legislation and the governor's actions, among others, can cause an ebb and flow in success. Overall, 15 of the 17 states overwhelmingly adopted a policy package that all interested groups felt would strengthen the system.

An attendee expressed interest in studying the juvenile justice system in Idaho. **Mr. Thompson** explained that this study focuses on adults only.

Brent Reinke, Idaho Department of Correction, asked whether any of the other 17 states are also involved in results first projects. **Mr. Thompson** responded in the affirmative.

Mr. Thompson continued with a discussion about Idaho's criminal justice trends, which can be found in his PowerPoint presentation.

Mr. Reinke, referencing a line graph representing prison population growth in Idaho, asked if CSG analysts looked at the type of growth in commitment or the overall growth for a fiscal year. **Mr. Thompson** responded that the numbers represent an overall growth for fiscal year 2012.

Daniel Chadwick, Idaho Association of Counties, commented that the information presented combines misdemeanor and felony probation, yet carves out state corrections and asked if CSG has the cost to local corrections for county jails as part of its data. **Mr. Thompson** responded that the numbers represent what the state spends on corrections, which includes reimbursement to counties. **Marc Pelka, CSG**, noted that county-wide surveys can be conducted to acquire this type of data.

Mr. Thompson invited attendees to discuss how they would like the study to proceed in Idaho.

Mr. Reinke stated that he is looking forward to the next several months, getting a flavor of the interim committee and determining what he and others should be prepared for as far as providing the best and most helpful information.

Rep. Wills stated that the goal is to improve upon the system already in place; making it more productive and cost efficient. He expressed interest in studying probation and parole in terms of providing probation officers with new tools for giving positive reinforcement. He would also like to see an action plan beginning from the time a person is first sentenced that includes a means for the court to periodically reevaluate how the person is progressing in the system. Also, as part of the action plan, he would like to see the offenders be given a "career ladder," something to work toward, rather than having them languish in our institutions. Finally, he stated that thought needs to be given to shortening time for those making positive progress.

Mr. Thompson, in response to a question, stated that the bottom line is to determine how Idaho can increase public safety with existing or less resources.

Mr. Chadwick commented that the entry into the system starts at the local level and will always start at the local level. He emphasized the importance of collecting data at the local level. He noted that due to legislative action in 2008, counties took on misdemeanor probation responsibilities and are in the process of building a good system. **Mr. Chadwick** opined that the data that needs to be collected includes that relating to specialty courts, the public defender system, mental health, drug and alcohol abuse and the impacts on county jails. **Mr. Thompson** agreed and noted that it is premature to prescribe a particular approach before obtaining relevant data. He further stated that collecting local data has proven problematic in the past because county data tends to be elusive or unavailable. There are strategies to deal with this, but he cautioned that we need to be realistic about the data set available. **Mr. Pelka** added that when data is missing, they try to fill it in with qualitative data.

Sheriff Gary Raney, Idaho Sheriffs' Association, asked how this study differs from the results first project. **Mr. Thompson** responded that results first examines specific programs and the potential impacts of those programs, but does not contemplate other variables, such as existing state practices and the policy framework in a state. This study is a more comprehensive look at the entire criminal justice system and potential policy improvements. **Sheriff Raney** observed that the two seem very

similar and cautioned against duplication. **Mr. Thompson** offered to distribute a side-by-side comparison and contrast sheet of the two.

Olivia Craven, Idaho Commission of Pardons and Parole, expressed frustration in the increase in parole violations. She noted that the increase in releases has resulted in an increase in parole violators. She noted that there were so many parole violators that they did not have enough people to process all of them.

Cathy Holland-Smith, Legislative Services Office, noted that we probably cannot close a prison, but we may be able to avoid building a new prison with the work of this study. She suggested studying the effectiveness of each of the projects, programs and specialty courts in Idaho, as well as how each works in connection with others. She commented that the cost is very different from program to program.

Mr. Pelka stated that the benefit of justice reinvestment is the opportunity to look at the entire landscape of state programs, including the statutory and administrative policies that guide the programs.

Mr. Reinke asked whether interested groups can expect to spend individual time with CSG employees.

Mr. Thompson responded in the affirmative. CSG will spend considerable time in Idaho meeting with constituencies and interested groups over the next several months. **Mr. Reinke** asked if it could be expected that the end result would be legislation or a package of legislation sometime in October or November. **Mr. Thompson** responded that by the end of the summer, he expects the group will emerge with a similar interpretation of the data. He noted that to expect complete legislation by September may be optimistic.

Holly Koole, Idaho Prosecuting Attorneys Association, commented that her association has talked with prosecutors in other states who have indicated that this process has been helpful and successful. She emphasized that data collection at the county level is very important. Finally, she noted that maintaining the Unified Sentencing Act is of key importance to prosecutors.

Dan Hall, Idaho Chiefs of Police Association, emphasized that although the vast majority of the population lives in the Treasure Valley area, it is important to collect data in more rural areas as well. He expressed concern that policy driven toward benefiting the majority of the state may negatively impact rural areas. **Mr. Thompson** responded that CSG is committed to visiting more rural areas of the state to collect data. **Anne Bettesworth, CSG**, noted that in Kansas, CSG put together a survey for those counties where CSG did not physically visit.

Mr. Thompson stated that the initial individual meetings will focus on determining what kind of data is available and what can realistically be accomplished with the existing information systems.

In response to a comment, **Mr. Thompson** noted the litigation underway in federal court in Idaho. He stated that in many states where they have worked there has been federal litigation, but in none of the states has the data been used to press certain aspects of a case. **Mr. Thompson** stated that he is sensitive that litigation is underway in Idaho and will take his guidance from the working group as the study proceeds.

There was a question about how CSG disseminates information it collects to the various groups. **Mr. Thompson** asked for guidance from the group to answer this question.

Mr. Thompson reviewed the key takeaways from the justice reinvestment approach: (1) the study is time consuming, intense and demanding of staff time; (2) the study serves the state as well as local governments; (3) the goal is to increase public safety; and (4) in terms of the study, it is best to think comprehensively, yet not all encompassing. Finally, he explained the different approaches states have used to publicly launch the reinvestment project.

Mr. Thompson reviewed Phase I of the project, which includes compiling and analyzing data, developing policy options and determining the cost implications of such policies. The goal is to be in a position to publicly release findings and options so that, during the next legislative session, the group can hit the ground running. He stated that Phase II of the project involves implementation of the policies.

Ms. Bettesworth and **Mr. Pelka** discussed the overall governance structure of the working groups, including the number of members, frequency with which members desire to meet and the method of disseminating information discussed during such meetings with other stakeholders, including the interim committee members. They asked that the attendees provide guidance to resolve these preliminary questions of governance.

Mr. Reinke suggested that the Idaho Criminal Justice Commission (ICJC) membership may be a good group of people given that most of such members are in attendance at this meeting. He noted that the Commission members currently meet every four weeks and the meeting months are already mapped out over the course of the year. **Rep. Wills** agreed that ICJC is a workable group that is already assembled.

Mr. Thompson asked about the composition of the interim committee. **Rep. Wills** responded that the interim committee is comprised only of legislators.

Ms. Bettesworth discussed meeting frequency and stated that at a minimum, there will be four working group meetings over the course of a six to nine month period. She suggested that a meeting every four to six weeks makes sense. She also mentioned that it is very helpful to have a point of contact. **Rep. Wills** suggested that if it is agreed that the working group be comprised of ICJC members, then it makes sense that **Mr. Reinke**, as the chairman of ICJC, be the point of contact. **Mr. Reinke** agreed and noted that the communication network is already established.

Mr. Thompson and **Ms. Bettesworth** discussed different approaches to a public launch of the study and emphasized the importance of transparency. **Mr. Thompson** asked the group to consider the timing, place, attendees and other details of a public launch. He suggested a late May launch date. **Rep. Wills** stated that he does not want to lock down a date until everyone has an opportunity to consult their schedules.

Rep. Wills asked each attendee to give their perspective as to whether anything was missed during the course of the meeting.

Brooke Brouman, Legislative Services Office, stated that although the key preliminary issues have been discussed today, additional issues may arise as the group proceeds with the study. She also noted that the legislative interim committee members have yet to be appointed, but the appointments are expected to take place at the next Legislative Council meeting in May.

Mr. Reinke observed that much of the discussion has revolved around adult corrections, but hopes to proceed into the juvenile arena as well. **Rep. Wills** stated that this study focuses on the adult criminal justice system only. He added that regardless of the direction of this study, the Legislature and the interim committee intends to engage in discussions regarding the juvenile justice system.

Ms. Craven expressed her gratitude to CSG. She also wanted to make sure **Michael Bartlett, Idaho Association of Criminal Defense Lawyers**, who is not a member of ICJC, be included in discussions, as well as **Judge Barry Wood**. **Pattie Tobias, Idaho Supreme Court**, agreed and added that the working group should not be limited to ICJC and should include others, such as representation from misdemeanor probation.

Mr. Chadwick stated that the meeting prompted a good start in identifying participants. **Mr. Hall** echoed these sentiments and expressed that he looks forward to being a part of the process.

Sheriff Raney stated that he hopes that the study looks at the system holistically and breaks down the constant trend toward compartmentalizing into different agencies and different levels of government.

Ms. Koole stated that from the prosecutors' perspective, the primary concern is public safety. She reiterated that she and her association have heard great things about CSG from prosecutors in other states.

Mr. Bartlett noted that one aspect of recidivism and cost is mental health. He suggested that it would be beneficial to have someone in the working group who is familiar with mental health issues in the state. He further stated that reinvestment opportunities should address mental health treatment. **Ms. Tobias** stated that the Director of the Department of Health and Welfare and the Division Director of Behavioral Health were invited to the meeting, but were unable to attend. She agreed that there need be, and affirmed that there will be, a strong contribution relating to mental health issues.

Mr. Bartlett further suggested that pretrial issues, punishment and the role of mandatory minimum sentences should also be examined.

Judge Wood stated that he looks to the study to address pretrial issues, timely and accurate presentence investigations and consistency in and quality of evaluations. He stated that the goal is to get the best information to the judge so that the right people are being confined and the right people are being put on the street. He emphasized the importance of a strong probation department working with the Department of Correction, so that the people being put into the community are getting managed services, including mental health and substance abuse services. **Judge Wood** noted that in terms of probation, the hill is made too steep for many probationers who simply are not getting the right services to make them successful. Finally, he pointed out the overburdened and fragmented system of fines, fees and costs, which he suggested needs to be dealt with.

Rep. Wills opined that all ideas need to be on the table. Once this is accomplished, the group will need to prioritize to determine which of the ideas are achievable through this study.

Ms. Tobias asked **Valerie Gardner, Misdemeanor Probation**, if there are other issues from misdemeanor probation that need to be considered. **Ms. Gardner** emphasized the importance of partnership between the agencies.

Rep. Wills discussed the timeline of events moving forward and suggested a May kickoff date. After the kickoff date, he suggested the need for another meeting with CSG. **Mr. Thompson** suggested a pre-kickoff working group meeting also. **Mr. Thompson, Mr. Pelka** and **Ms. Bettesworth** expect to meet again in Boise around mid-April. There was agreement that the pre-kickoff working group meeting and launch date would tentatively be scheduled for May 30 and 31, 2013. It was suggested that **Zaine Baird, Idaho Department of Correction**, would distribute an email questionnaire to determine if the tentative dates work for everyone. **Rep. Wills** commented that the working group will likely meet once every month starting from the May 30 meeting.

Mr. Chadwick asked about the type of data CSG is looking to obtain. **Mr. Pelka** responded that they are looking for information about jails from some or all counties, including jail population on a certain date and at a later date, composition of the population and any other information relating to pressures on the county jail system. **Mr. Thompson** commented that ideally CSG would get an electronic data set that includes individual identifiers for each person, but at the very least aggregate data is helpful. He further stated that the next time they come to Boise, they will bring CSG researchers who have checklists identifying the information they look for. He further stated that he can email these lists to the working group.

Mr. Thompson noted that Ms. Bettesworth is CSG's lead point of contact. He also noted that there will be several other CSG people coming in who specialize in different areas.

Rep. Wills stated that Phase I of the study will cost CSG several hundred thousand dollars, emphasized the magnitude of the study and expressed his gratitude to CSG.

Mr. Reinke inquired about two issues. First, he asked who will prepare the required letter. **Rep. Wills** and **Sen. Lodge** responded that they have already taken care of the letter. Secondly, **Mr. Reinke** asked if the group could expect to hear from someone about the April meeting date and who is expected to attend. **Mr. Thompson** suggested sitting down with just the data folks in either one-on-one or small group meetings. From CSG's perspective, the entire working group does not need to be assembled. **Ms. Bettesworth** stated that she is tentatively looking at April 23 and 24 as potential meet dates. **Mr. Thompson** stated that they will send out a checklist of the type of data they will be looking for prior to the April meeting date. **Mr. Chadwick** stated that his group is not available the week of the April meeting because of an annual board meeting, but may be available by phone.

The meeting was adjourned at 1:40 p.m.