

MINUTES
(Approved by the Committee)
CRIMINAL JUSTICE REINVESTMENT INTERIM COMMITTEE
December 12, 2013
2:00 p.m. to 4:30 p.m.
Room EW42, Capitol Building
Boise, Idaho

Co-chair Representative Rich Wills called the meeting to order at 2:15 p.m. and a silent roll call was taken. Members present were: Co-chair Senator Patti Anne Lodge, Senators, Jim Rice, Jim Guthrie, Les Bock; Representatives Linden Bateman, James Holtzclaw, Grant Burgoyne; and ad hoc member Representative Shirley Ringo; Senator Russell Fulcher and Representative Luke Malek were absent and excused. Staff members present were Brooke Brouman, Richard Burns and Jackie Gunn.

Others in attendance included: Judge Barry Wood and Kerry Hong, Idaho Supreme Court; Holly Koole, Idaho Prosecuting Attorneys Association; Parrish Miller, Idaho Freedom Foundation; George Gutierrez, Bureau of Crime Victim Compensation; and Lyn Darrington.

NOTE: Copies of the presentations, reference materials and handouts are on file at the Legislative Services Office and are posted online at:

<http://legislature.idaho.gov/sessioninfo/2013/interim/criminaljustice.htm>.

Co-chair Senator Lodge moved to approve the committee's minutes from the October 30, 2013, meeting. The motion was seconded by **Senator Bock** and passed unanimously.

Co-Chair Representative Wills introduced **Mr. Marc Pelka, CSG Program Director**, who enunciated the Justice Reinvestment Policy framework using a PowerPoint presentation available online at:

http://legislature.idaho.gov/sessioninfo/2013/interim/criminaljustice1212_csg.pdf.

Mr. Pelka reviewed the proposed timeline and provided the following overview, presented in three segments:

- Big Picture Summary of Analysis & Policy Framework
- Detail of Policy Options & Reinvestment
- Impact on Recidivism, Public Safety & Corrections Costs

Big Picture

- Reducing recidivism a key to lowering incarceration rates – and increasing public safety
- Status quo trajectory is unsustainable; additional costs to taxpayers would reach \$290 million by 2019
- Drivers of Idaho's Prison Growth

- Sanctions for revocations are long and costly, and not tailored for supervision violation behavior
- A revolving door of recidivism from supervision and diversion programs is costly and ineffective
- Lengthy prison stays for nonviolent offenses are twice the national average

The current six-year trajectory (2013-2019), with no change in recidivism, reflects a 16% increase in the prison population and \$290 million increase in spending.

Reinvestment Policy Framework

- Strategy 1 – Strengthen supervision & programs to reduce recidivism
 - Structure swift & certain responses to violations
 - Increase community-based risk-reduction programming and accountability
 - Focus probation supervision
 - Train probation and parole officers on evidence-based strategies
 - Improve collection & swift payment of victim restitution
- Strategy 2 – Tailor sanctions for parole violations, focus the Rider program, & structure parole to reserve prison space for violent sentences
 - Tailor sanctions for parole violations
 - Focus Rider capacity on people that would otherwise go to prison
 - Use risk assessment to inform the parole decision-making process
 - Calibrate time served for nonviolent sentences to 100-150% of the fixed term
- Strategy 3 – Assess, track & ensure impact of recidivism-reduction strategies
 - Designate oversight committee to measure and assess policy impacts
 - Require risk & need assessments to be routinely reviewed for quality
 - Streamline corrections & parole processes by analyzing key indicators
 - Assess the quality of offender programs and use results to improve outcomes

Five-year projected outcomes (2015-2019) reflect a 15% reduction in recidivism, a 1% reduction in prison population, and \$33 million reinvestment in treatment, supervision and victim restitution.

Additional Conclusions:

- Proposed policies will reduce the active supervision caseload of probation/parole officers by nearly a third
- Justice Reinvestment policy framework would stabilize the prison population and save Idaho \$288 million in operating & construction costs
- The policy framework is designed to find the intersection among important goals of Justice Reinvestment:
 - Lower Recidivism
 - Averted Prison Growth
 - Offenders Held Accountable
 - Increased Public Safety

Mr. Pelka responded to questions related to the three strategies discussed:

Strategy 1:

Referring to slide #16 in the presentation, **Representative Burgoyne** asked for clarification of the term “average successful completion.” **Mr. Pelka** responded that it means the probation was terminated and discharged successfully. Following up, **Representative Burgoyne** referred to slide #19 and asked for clarification of the term “Leisure/Recreation.” **Mr. Pelka** stated that the term relates to how the probationers and parolees use their free time and ties in with who they spend their time with.

Strategy 2:

Referring to slide #27, **Representative Burgoyne** noted that parole is coming in at between 150 percent to 231 percent of fixed term served and asked if this can be explained as an individual decision or a logistical issue. **Mr. Pelka** responded that it is a combination of these and opined that there is no differentiation based on the offense type and there is no structure in place. **Representative Burgoyne** followed up, asking if there is any indication of a resource issue for those incarcerated. **Mr. Pelka** stated that certainly wait lists and delays are a concern and there is an interest voiced by many to streamline certain processes.

Referring to slide #29, **Representative Burgoyne** asked if there are tools available that Idaho does not use that could help determine who is likely to greatly benefit. **Mr. Pelka** stated that there needs to be a continuity as they transition from prison to parole, as statistics show that they are likeliest for failure in their first year on probation. He also restated the importance of focusing on the high-risk population coming out.

Referring to slide #32, **Senator Guthrie** noted that Idaho is much higher than the U.S. average. **Mr. Pelka** agreed and explained that the data was compiled by the Pew Charitable Trusts. **Senator Guthrie** asked if it was an “apples to apples” comparison. **Mr. Pelka** opined that in terms of categories, this is the best comparison we can do.

Strategy 3:

Senator Guthrie voiced his concern about the state’s involvement in collections. **Mr. Pelka** stated that the goal is to provide proactive restitution. Following up **Senator Guthrie** asked if there are fees that could be imposed and what those fees would be. **Mr. Pelka** stated that CSG’s proposal addresses victim restitution for amounts below \$10,000 and not owed individuals. This will allow the probation officers to do what they are trained to do.

Mr. Pelka remarked that **Ms. Anne Bettsworth, CSG Policy Analyst**, is presently working on a summary report. The report will be distributed to the interim committee members by the end of December and hopes the members will provide his group with feedback.

Co-chair Representative Wills stated that he and **Co-chair Senator Lodge** hope to get something out this year that will be feasible to work, a bill that will get us a framework established. He observed that the working committee has included representation from all interest areas. He stated the importance of presenting a unified front. He anticipated that a plan will be drafted by the end of January and so by the 6th to 10th of January committee members will receive via email a framework to review. Your speedy feedback will be expected. Shortly thereafter, the working group will discuss the same information and we will narrow it down in order to mold it into a bill.

Co-chair Representative Wills cautioned the members that when they go home and discuss this effort with constituents, make sure you emphasize we are working to improve on the strategies already in place, to do it more effectively and efficiently.

Co-chair Senator Lodge thanked the CSG team, as well as the state agencies. Speaking to the members, she stated we are not soft on crime by trying to improve the way we help people become responsible citizens. She opined that we want to make sure they are ready to return because public safety is our #1 concern.

Referring to slide #40, **Co-chair Senator Lodge** asked **Mr. Pelka** to discuss the data results for New Hampshire. **Mr. Pelka** recounted that the legislation put forward in New Hampshire became caught up in the political backlash and was not passed in its proposed entirety. Following up, **Co-chair Senator Lodge** observed that North Carolina closed nine prisons yet their percentage change was down just 4%. **Mr. Pelka** stated that North Carolina has a number of policies regarding risk assessments. Also, North Carolina included a mandatory supervision policy, as well as swift and certain sanctions, in their attempt to address issues similar to Idaho's.

Co-chair Senator Lodge asked **Mr. Pelka** to identify which strategy comes closest to addressing the reduced front-end sentencing policy discussed by the panel from South Dakota in October. **Mr. Pelka** identified *Strategy 1c – Focus probation supervision*, comes close to addressing it. This strategy is to focus resources on the high-risk folks when they are most likely to offend. This step-down concept is built in to this strategy.

Representative Bateman stated that he recently returned from a trip to Western Europe and asked **Mr. Pelka** if the CSG team has any data regarding their criminal systems and their methods. **Mr. Pelka** responded that he is aware of a recent analysis completed by staff from Pennsylvania that he will make available to committee members.

Co-chair Representative Wills closed the meeting by advising the members that the next meeting will be scheduled for soon after the beginning of the legislative session. He adjourned the meeting at 3:35 p.m.