

MINUTES
Approved by the Committee
Criminal Justice Reinvestment Oversight Committee
Thursday, November 19, 2015
9:00 AM to 12:00 PM
WW55
Boise, Idaho

In attendance were: Co-chairs Senator Patti Anne Lodge and Representative Richard Wills; Senators Shawn Keough, Jim Rice, Dan Schmidt and Cherie Buckner-Webb; Representatives James Holtzclaw, Luke Malek and Mark Nye. Representative John McCrostie was absent and excused.

Others in attendance included: Director Kevin Kempf, Idaho Department of Correction (IDOC); Sandy Jones, Executive Director, Idaho Commission of Pardons and Parole; Terry Kirkham, IDOC; Carlie Foster, Lobby Idaho; Henry Atencio, IDOC; Janeena Wing, IDOC; Josh Tewalt, IDOC; Kerry Hong, Idaho Supreme Court; Justice Joel Horton, Idaho Supreme Court; Veronica Fustos, Boise Public Radio; Sarah Thomas, SAPD; Betsy Russell, The Spokesman-Review; and Mark Snowball. Legislative Services Office (LSO) staff present were: Ryan Bush, Jared Hoskins and Lara Margelofsky.

NOTE: Copies of presentations, handouts, and reference materials can be found at www.legislature.idaho.gov and are also on file in the Legislative Services Office.

Co-chair Wills called the meeting to order at 9:05 a.m. and welcomed all the members and attendees. Minutes from the December 17, 2014, meeting were approved unanimously by voice vote.

Co-chair Wills made opening remarks noting that important deadlines had been met this summer and fall and that there are more big things on the horizon. He encouraged others to make an IDOC visit, and at his recent experience there he found very positive attitudes in both the employees and inmates. He also encouraged others to attend meetings of the Parole Board.

Co-chair Lodge commented that she appreciates the cooperation of all branches of government during the justice reinvestment process. She recently returned from a 50-state forum on juvenile justice and was encouraged by the successes reported from other states going through the process. She was encouraged to carry on with the work Idaho is doing. She thanked the people involved in making the October deadline.

Senator Rice recounted making an unannounced visit with other legislators to ICC. They toured the entire facility. He said there seems to be a healthy, trusting environment among line staff, and the staff was willing to share their thoughts and concerns. He stated that he appreciates that visits are allowed and encouraged.

Senator Buckner-Webb shared that she recently toured the women's facility in Pocatello and had similar findings. She said she was very impressed with the visit and with the access provided to the women and staff.

The first presenter was Kevin Kempf, Director of the IDOC. He thanked staff and the Justice Reinvestment Steering Committee for all of their recent hard work.

Mr. Kempf gave an update on IDOC as well as justice reinvestment. The presentation material can be viewed at: http://legislature.idaho.gov/sessioninfo/2015/interim/151119_cjro_02_KevinKempf.pdf

Mr. Kempf noted that Idaho's justice reinvestment efforts are being talked about and praised on a national level.

Mr. Kempf presented on the three justice reinvestment strategies:

- Strengthen supervision practices and programs to reduce recidivism;

- Tailor sanctions for supervision violations, provide recidivism outcomes for sentencing, and structure parole to make more productive use for prison space; and
- Assess, track, and ensure impact of recidivism-reduction strategies.

The first strategy, "strengthen supervision practices and programs to reduce recidivism," includes work on:

- Staff training, new officer training, refresher training;
- Quality control, video and case audits, reviews by HQ;
- Evidence-based practice; and
- Limited supervision unit.

Mr. Kempf noted that harm can be done to low-risk offenders if officers spend too much time around them, which can alienate them from their community. Studies show they will be most successful if they are left alone and do what the judge says. Justice reinvestment has provided for the limited supervision unit, which allows the low-risk offenders to submit reports online.

Mr. Kempf said that attempts are being made to reduce workloads for officers, including through the reorganization of headquarters, use of the limited supervision unit, discharging offenders from probation and parole, and hopefully a community mentor program.

The second strategy, "tailor sanctions for supervision violations, provide recidivism outcomes for sentencing, and structure parole to make more productive use for prison space," includes work on:

- The Idaho Response Matrix – creates consistency in responses to probationers and parolees who break rules or reoffend. Also provides responses for positive behaviors.
- Providing recidivism outcome data in pre-sentencing investigation.
- Restructuring parole – Releases to parole have increased 41% while release without supervisions has decreased 9%.

The third strategy, "assess, track, and ensure impact of recidivism-reduction strategies," includes work on:

- Program evaluation report;
- Gap analysis;
- 150% reports; and
- "CompStat."

Mr. Kempf said that the Council of State Government performed a justice program assessment on Idaho's system, had concerns with the "pathways" approach, and found that many treatment programs didn't have evidence of success. There were mixed reactions to therapeutic communities, which have now been discontinued. Mr. Kempf said that the assessment made recommendations that are modern, simple, and research-based, including the University of Cincinnati model, which many systems are adopting and inmates say is working. He expects it to have some upfront costs for training, but said there won't be an ongoing cost.

Mr. Kempf noted that inmate populations are trending below the projections that were made both before and with justice reinvestment.

Senator Schmidt noted that the last monthly data report was posted in August 2015. He wondered about the timeframe for posting to the public. Mr. Josh Tewalt of IDOC replied that they are traditionally done monthly, but recently it took a back seat because of reorganization and other reporting requirements. Mr. Tewalt said it is intended that monthly publishing will return.

Senator Schmidt asked if there will there be a change in the format of the data. Mr. Tewalt said that they had been generating reports and collecting data and information without knowing who is looking at it and if it's useful. He said they are committed to making reports that are valuable both

internally and for policymakers. He said there will be some significant changes in the format of reports, and they will keep improving processes to collect and track information and outcomes.

Senator Rice asked how IDOC is addressing the two-year goal for getting low-risk offenders off probation or parole. Mr. Kempf replied that there are several options, including applying for discharge off of probation, but many factors to consider when deciding to discharge someone or put them on limited supervision.

Senator Rice asked how restitution payments are being tracked and if there is information flowing from the courts. Mr. Kempf replied that the information varies. IDOC tracks discharge requests but doesn't know the disposition of those requests. It has been difficult to track, but upgrades to the court's Odyssey system and upgrades at IDOC should provide more data back and forth. IDOC works closely with the counties, which collect and tracks restitution. Mr. Tewalt added that for any deposit made into an inmate's trust account, 20 percent is collected to put towards outstanding restitution balances. As counties provide more information, IDOC can help collect those funds. Mr. Tewalt said that IDOC can't see interest accrued or payments made by family members, it only knows the original order and what it has collected. IDOC has been working more closely with the counties to improve real-time tracking and to update the numbers monthly. Mr. Tewalt expects restitution collections to rise as efforts increase.

Senator Rice noted that a justice reinvestment provision makes the Department of Health and Welfare responsible for mental health services for people that are discharged if there are no other sources of funding for appropriate services. Senator Rice asked if the state will be getting a bill for those services down the road. Mr. Kempf responded that he doesn't know, but he will direct the question to the department and get back to the committee.

Senator Buckner-Webb noted that while visiting the women's center she was asked why there was no treatment available for sexual offenders. Mr. Kempf replied that there is a parity issue because there are a lot of treatment options for male offenders and not for female offenders. He said that one of the exciting things about the Cincinnati model is that it deals with specific issues for women.

Co-chair Lodge said she was interested in the community mentoring program and asked how those volunteers would be vetted to make sure they are good influences. Mr. Kempf replied that faith-based and other organizations are already involved in the efforts and will be reached out to by a program manager, and volunteers will be vetted and trained in much the same way as in-house program volunteers are. He said that mistakes will still happen, though they will do everything they can to reduce them.

Co-chair Lodge asked about the rewards given for positive feedback and whether there is a special fund that money comes from. Mr. Kempf said that each district has an increased amount of money, but there are also many rewards and accolades given that don't cost a thing, including donated items and awards. He said the staff is innovative in giving positive reinforcement.

Co-chair Lodge asked how the agriculture labor program has worked. Mr. Kempf replied that he thinks it's going well. He didn't have numbers available, but he can provide a briefing soon.

The next presenter was Sandy Jones, Executive Director of the Idaho Commission of Pardons and Paroles. The presentation material can be viewed at: http://legislature.idaho.gov/sessioninfo/2015/interim/151119_cjro_01_SandyJones.pdf

Ms. Jones discussed the three justice reinvestment priorities for the commission: evidence-based parole decision making, parole readiness, and intermediate sanctions for parole violators.

Ms. Jones said in reference to evidence-based parole decision making:

- Parole guideline scoring developed was based on data from past years. Guidelines include statutorily required factors (risk assessment, program completion, criminal history, institutional behavior).

- The commission considers the guideline score and weighs additional risk factors against the score.
- Parole decision is made based on guideline score and parole interview.
- The guidelines method was piloted May-October, data is being analyzed, and recommendations will be made by CSG and consultant.
- Initial findings show consistent rates of granting parole, but highlight areas for improvement.

Ms. Jones noted that parole readiness is required by Section 20-223, Idaho Code, by the end of the fixed portion of offender sentences. This readiness includes program completion, having a parole plan established, and a current risk assessment completed. She said that some changes will be coming to allow for smoother flow and earlier program completion.

Ms. Jones said in reference to intermediate sanctions for parole violators:

- This has been the most difficult part for staff to implement because it's such a departure from the way things have been done in the past.
- They are working with sheriff's departments and IDOC to make sure the sanctions are fair and consistent.
- The new sanction structure laid out in Section 20-229B, Idaho Code, took effect on October 1.
- So far, the commission has imposed the following number of sanctions:
 - 90-day (first technical violation) = 95
 - 180-day (second technical violation) = 20
 - 180-day (first absconding) = 25
- Average time served for 90-day sanctions was 63 days. Average time served for 180-day sanction was 152 days.
- Issues of concern relating to sanctions:
 - Where to house offenders. Most efficient housing is in county jails because of fast turnaround, but sheriffs are concerned about capacity and sometimes want to move them to IDOC. It is a resource and logistic challenge.
 - For technical violation on pending violent charges, the commission must now sanction and release, but it used to issue a warrant and hold. Now they have to let courts address the risk with a bond decision.

Co-chair Wills asked if the commission is prepared to speed up the turnaround time and process. Ms. Jones replied that it has always been a workload issue to write the reports and get scheduled before the commission. She is hopeful that the reportless technical violation process will free up some time and resources to address other cases that need to appear in front of the commission. Ms. Jones said she will work to get the committee regular reports on the progress.

Senator Rice asked about a treatment gap that might be created by sanction stays in county jails where there is a lack of drug treatment. Ms. Jones said that the sanctions were not intended to include treatment, so there isn't an expectation of treatment whether they are in the county jails or not.

Senator Schmidt asked if hearing officers are the ones who consider the intermediate sanctions, rather than the commissioners. Ms. Jones confirmed that that is the case.

Senator Schmidt asked if the number of required meetings the commission has will go down. Ms. Jones replied that she expects there to be the same number of meetings but fewer technical violation hearings.

Senator Schmidt asked if there is review of how hearing officers decide what sanctions should be. Ms. Jones replied that there is not a formal review at this point, but there are guidelines that outline how they impose the sanctions.

Co-chair Wills invited Supreme Court Justice Joel Horton to comment. Justice Horton said he is thrilled at the level of communication with the directors and everyone involved. Co-chair Wills said he appreciates input from all branches.

The committee took a short break and then opened the floor for discussion.

Mr. Terry Kirkham of IDOC said that they are collecting data on discretionary jail time (2-4 days.) There have been about 350 instances. They have the chance to look at the data by district, by officer, and by risk. Violations and use of sanctions are both directly related to risk factors. Discretionary jail time has almost only been used on high-risk and moderate-risk offenders. Mr. Kirkham said this shows that the LSI is very indicative of behavior and that staff is using discretionary jail time appropriately. He said that in the future he hopes to look at every sanction and reward and build a report to have a history and have discussions about implementation and training needs.

Mr. Mark Snowball thanked everyone for the time and effort they've put into justice reinvestment. He said that as a parolee who is under supervision, he thinks it's been a great change and a step in the right direction.

Senator Schmidt commented that justice reinvestment integrates with other community services that offenders will need and encourages the committee to keep an eye on the broad picture. He said it's important to keep in mind mental health and substance abuse services for this population.

Co-chair Wills echoed the same sentiment. He noted that though the vision has been limited, the scope is much broader, and there are more issues to make a priority.

Co-chair Wills said that he and Co-chair Lodge met with juvenile facilities staff and saw many issues caused by the sheer number of laws that incarcerate juveniles. He said they are mixing them in with high-risk offenders and ending up with the same problems as in the adult system. He said things can turn around for offenders addressed at an early age. He added that there should be discussion in the future, and perhaps legislation, about how to get minor offenders back to their families without going through the penal institution that makes it worse for them.

Co-chair Lodge added that at the 50-state forum they developed a comprehensive plan to improve outcomes for youth. Data can now be collected to establish a baseline of recidivism rates and can evaluate how many of those kids end up in the adult system. She said she wants to align the system with what really works for kids, get them skills, and get all three branches involved.

The committee plans to meet again in the beginning of March, but did not set a specific date.

The meeting adjourned at 11:20 a.m.