

MINUTES
(Subject to approval by the Committee)
Criminal Justice Reinvestment Oversight Committee
Tuesday, March 22, 2016
Noon to 1 PM
WW17
Boise, Idaho

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

Others in attendance included: Director Kevin Kempf, Idaho Department of Correction (IDOC); Executive Director Sandy Jones and Jarod Cash, Idaho Commission of Pardons and Parole; and Elisha Figuerora, Office of Drug Policy. Legislative Services Office (LSO) staff present were: Ryan Bush, Jared Hoskins and Ana Lara.

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 Lodge called the meeting to order at 12:18 p.m. and welcomed all the members and attendees. **Senator Schmidt moved that the minutes from November 19, 2015, be approved and Representative Malek seconded his motion. The motion passed unanimously by voice vote.**

Co-chair Lodge thanked Director Kempf for preparing the presentation and for also presenting it to JFAC.

Director Kempf began his presentation noting that he wanted to speak to the changes that IDOC had taken to stay on course, where they are presently, and what they have left to accomplish. He began with defining justice reinvestment as "a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism." He also pointed out that they had expanded the Justice Reinvestment Steering Committee (JRI) to include members from other agencies and branches of government.

Actions that IDOC has Taken:

Staff Training (including training refresher requirements):

- Motivational Interviewing;
- Best Practices (as it relates to supervision);
- Idaho Response Matrix (part of SB1357); and
- LSI-R (Level of Service Inventory Revised) which is IDOC's risk assessment program.

Shifting Resources to Higher Risk Offenders

- Limited Supervision Unit (technology that allows low-risk offenders to submit their monthly reports online versus coming into the office to do so);
- Discharges (discharging parolees and probationers that have demonstrated they are going to be successful); and
- LE Partnerships (Law Enforcement Partnerships).

Mr. Kempf emphasized that an important part of Justice Reinvestment is shifting resources to higher risk offenders. He said that a best practice for corrections is to make sure resources are being put towards high-risk offenders and less to low-risk offenders as data has shown that focusing too much on low-risk offenders can have a negative effect. He explained the Safe Community

Offender Accountability Program which have probation and parole officers imbedded within police departments - street crime units for example. He described the partnership where assigned probation and parole officers and police officers partner together to perform surveillance on some high-risk offenders for compliance checks until those offenders can demonstrate that they will not be a problem within their community.

Tailor Sanctions to Negative and Positive Actions

This is the Idaho Response Matrix in SB1357 which describes how IDOC should be reacting to both a negative situation and positive situation. For example, he said, if an offender has a 'dirty' (positive) urinalysis test this Idaho Response Matrix provides a range for how the parole officer should react regarding sanctions. He commented that staff is well versed in how to handle negative situations, but has had a more difficult time enacting the positive reward section that is now required. Mr. Kempf said that the districts across the state are doing some innovating things to put some positive sunshine on offenders who are doing the right things.

Where IDOC is Today:

Data:

Program Evaluation Report– A report that is submitted to the Governor's Office and legislature November 15, 2015 – describes state-funded recidivism reduction programs and includes an evaluation of the quality of each program, the program's likelihood to reduce recidivism among program participants, and a plan for program improvements from the Board of Correction.

Director Kempf explained that what was used this year for IDOC to comply with this mandate was the Justice Program Assessment (JPA). Council State Government was called in March 2015 and they evaluated IDOC's Programs. He said that what they found was the following:

- Program and program delivery was complex and confusing;
- 9 of 12 programs did not have enough research-based evidence to prove that they were effective; and
- Some practices were creating "bottlenecks" in the system that were adding to problems.

Immediate actions were taken, he emphasized, to resolve this issue. One of the actions taken he said, was to eliminate the Therapeutic Community (TC) program as there was mixed research given as far as the effectiveness of the program. He also stated that an action plan was put into place immediately which included going from 12 programs to 5 research-based programs that are public domain which will provide cost savings. He commented that all 5 programs will be universal across institutions which will decrease the amount of offender movement among facilities. The next report for the Program Evaluation Report is due November 15, 2017.

Annual Community GAP Analysis– A report sent jointly from Department of Health & Welfare and IDOC. He stated that after the first year of submitting this report, both agencies felt that it would be better for a third party to submit this going forward in the interest of transparency. The report included the following information:

- Criminogenic needs of active population of probationers and parolees;
- Current funding available to deliver effective, evidence –based programming to address those needs; and
- Gap in funding to meet the needs of all moderate and high-risk probationer and parolees.

Director Kempf explained that the most pressing issue was the gap in reporting as it relates to mental health services. He explained that data is not being collected by IDOC, Department of Health and Welfare, etc. to determine exactly how many offenders are getting mental health treatment/services in the community. At this time, he said, IDOC does not know where its offenders are going for mental health services and what levels of mental health services are being provided in the community.

The manner in which IDOC is addressing this issue is by having partner with the Department of Health and Welfare and Director Armstrong, rewriting 1924 & 1925, and creating an assessment by collaborative means for approving and denying services.

Annual Timely Release Report (joint report between IDOC and Idaho Commission of Pardon and Parole) which describes percentage of people sentenced to a term in prison for property or drug offense convictions who are released before serving 150% of the fixed portion of the sentence and documents the most common reasons for delayed released.

- 70% of offenders are being released prior to the 150% fixed
- 40% of offenders were parole eligible upon arrival or parole eligible within 6 months

This is worth mentioning, Mr. Kempf explained, because this is a skew in our system – not the IDOC system - but the entire system. At the time that IDOC receives them in the system, they may already be beyond their parole eligibility date due to failing a rider program for example.

- 30% of offenders were delayed from entry into programming, program refusal, or program failure
- Some of the reasons that offenders were refusing programming, he stated, was for the same reasons the justice assessment had concluded in relation to the Therapeutic Community (TC) program. Director Kempf said that many offenders were not refusing programming in general; in many cases they were refusing TC specifically.

- 16% of offenders were previously denied parole due to risk of re-offense, prior criminal history, or institutional behavior.

Director Kempf then proceeded to discuss the Annual JRI Impact Report.

Annual JRI Impact Report:

- 90/180 day sanctions in response to technical violations rather than full revocation

Before Justice Reinvestment, explained Mr. Kempf, if a parolee was arrested he would be sent to county jail, and then be sent to a prison institution for about 6 months before the Parole Commission would hold a hearing regarding the parole violation, and usually about 68% of them would be released to parole again. He stated that instead of housing that same parolee in prison at the taxpayer costs, they have the options to send the parolee to up to 90 days in county jail as a sanction. If the parolee is still not successful, he said, the option of housing them in an institution for up to 180 days is another option.

- Judges provided with recidivism rates based on offender's risk to re-offend
- Risk-assessments used to inform the parole decision-making process
- Monitoring whether non-violent offenders are prepared for release and are released close to fixed portion of sentence

Amount of Savings:

Director Kempf informed JFAC at the beginning of his presentation that IDOC would be returning 1.8 million dollars to the general fund. The reason IDOC was able to do this, he said, was due to putting justice reinvestment in place which brought the prison population down by 400 offenders which were mostly convicted of drug or property crimes. He also stated that all the out of state offenders will be brought back to Idaho by April.

However, Mr. Kempf stated, that has caused an increase in probation and parole officer's caseloads. Another thing to mention, he said, was that drug and property offenders recidivate at a much higher rate. He emphasized that this further drives the point that resources should continue to be shifted to address the evolving climate.

The Direction IDOC is Heading:

- Reinvesting back into Probation and Parole, staff included, in innovative manners including resources and monetary funds

- Filling gaps identified in GAP analysis
- Action plan with Justice Program Assessment (finishing completing action plan)
- Community Mentor Program

Director Kempf explained the new community mentor program and its significance. He stated that hundreds of volunteers are signing up to be a mentor to offenders that are being released to the community which may include faith based and community based organizations.

Director Sandy Jones proceeded with her part of the presentation regarding the Parole Commission JRI Implementation. She began by reviewing what actions the Parole Commission had taken since the JRI implementation.

Implementation Completed:

- Created process to manage intermediate sanctions for parole violators;
- Created database to track and report on commission data (to satisfy data requirements for JRI);
- Implementation of parole guidelines (evidence-based decision making model); and
- Re-classification of position and redistribution of workload.

She then proceeded to discuss the impact that JRI had made within the agency.

JRI Agency Impact:

- Temporary reduction in revocation hearings by Commission;
- Increase in administrative workload;
- Implementation of intermediate sanctions for parole violators;
- Releases to parole have doubled since last year; and
- Improvement in quality of Parole Commission data

Director Jones explained that some of the violations that were committed were not appropriate to the 90/180 day sanction. With JRI, she said, any violation, with the exception of an absconding violation for example, that did not result in a new conviction would result in an automatic 90 day maximum sanction. She explained that the unintended consequence is that some severe or violent violations could only result in up to a 90 day sanction. She stated that there is a bill in process that the Parole Commission has requested to address this concern.

Senator Schmidt asked if there were any charges filed against those parolees or probationers who had committed violent crimes. Director Jones replied that at times there are, but it does depend on how the victim chooses to proceed; many domestic crime victims choose not to press charges.

Director Jones also explained the Commission Revocation Hearings by Month chart that showed that since the new sanction implementation there has been a great reduction in commission revocation hearings in the months since by about 50%. She also commented that the percentage of parole violators has stayed relatively flat, but the number has increased due to the increase of more offenders on parole since the JRI implementation. Is it worth noting, she opined, that one of the great things that came from the JRI implementation is the amount of data that is now being gathered on a monthly basis in an effort to see how the parole guidelines are being followed and ensuring that best practices are being followed.

Co-chair Lodge thanked both Director Kempf and Director Jones for taking the time to offer their presentation to the committee. The meeting adjourned at 1:15 p.m.