

FINAL REPORT

Criminal Justice Reinvestment Oversight Committee Section 67-456, Idaho Code (2016/2017)

Members of the Committee

Senator Patti Anne Lodge, Co-Chair
Senator Shawn Keough
Senator Jim Rice
Senator Cherie Buckner-Webb
Senator Mark Nye

Representative Lynn Luker, Co-Chair
Representative James Holtzclaw
Representative Bryan Zollinger
Representative John McCrostie
Representative Paulette Jordan

Staff

Ryan Bush, Principal Legislative Research Analyst
Jared Hoskins, Principal Budget and Policy Analyst

February 1, 2017

I. Committee Charge

The Criminal Justice Reinvestment Oversight Committee was authorized in 2014 by Section 67-456, Idaho Code. The purpose of the committee is to monitor, study and guide analysis and policy development in all aspects of the criminal justice system in Idaho including, but not limited to, monitoring performance and outcome measures as set forth in the Justice Reinvestment Act and studying the data-driven justice reinvestment and resource allocation approach and policies to improve public safety, reduce recidivism and reduce spending on corrections in Idaho.

II. Meetings

The committee met twice on the following dates at the State Capitol in Boise:

1. March 22, 2016
2. January 30, 2017

III. Updates Provided to the Committee

At its March 22, 2016 meeting, the committee heard from former Director Kevin Kempf, Idaho Department of Correction (IDOC). Director Kempf updated the committee on the actions that IDOC has taken including staff training, shifting resources to higher risk offenders and tailoring sanctions to negative and positive actions. Director Kempf also discussed the Program Evaluation Report that was submitted to the Governor's Office and the Legislature in November 2015 that described state-funded recidivism reduction programs. This report also included 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 then provided other data to the committee that included: the needs of probationers and parolees and funding to address those needs (GAP analysis); the timing of release for people sentenced for property or drug offenses; intermediate 90 and 180 day sanctions in response to technical violations by a parolee rather than full revocation; and the amount of savings to the Department through justice reinvestment.

Director Kempf also discussed the direction that IDOC was heading that included: reinvesting back into Probation and Parole, staff included, in innovative manners; filling needs identified in GAP analysis; and establishing a community mentor program.

Executive Director Sandy Jones of the Idaho Commission of Pardons and Parole then discussed the justice reinvestment implementation that they have completed and the impact it has had on the agency. These include creating a database to track and report on commission data; re-classifying positions and redistributing workloads; and implementing intermediate sanctions for parole violators. Executive Director Jones emphasized the improvement in the quality of their data and how releases to parole have doubled. Finally, Director Jones discussed how some parolees who received intermediate 90 and 180 day sanctions were for severe or violent violations and that legislation was in the works to correct this unintended consequence.

On January 30, 2017, the committee heard from current Director Henry Atencio, Idaho Department of Correction, and Executive Director Sandy Jones of the Idaho Commission of Pardons and Parole. Directors Atencio and Jones discussed the intangible benefits of justice reinvestment that include a violation matrix to give standardized responses and consistent parole guidelines. They then detailed the activities that have been a result of justice reinvestment such as hundreds of hours of training for parole officers; focused supervision that manages caseloads for officers to allow them to spend more time high-risk and moderate offenders; and restrictive housing reform.

Data presented by Directors Jones and Atencio included the parole release trends. They discussed how this number spiked in 2015 and how this was due to the implementation of the Justice Reinvestment Initiative and the implementation of new programs that included the closing of the Therapeutic Community program. Other data showed the total incarcerated population and the community corrections population. When addressing their concerns with the Justice Reinvestment Initiative, the Directors mentioned little flexibility on the sanctions for parole violators; the transparency and predictability of the 90 and 180 day sanctions for technical violations and how parolees were deciding that such punishment was worth a violation; and how certain language may unintentionally give the impression of a right to programming or parole.

Directors Atencio and Jones provided the committee with their Timely Release Report as required by statute on February 1. They stated that before the Justice Reinvestment Initiative inmates were serving approximately 139% of fixed time and are now serving 129% of fixed time. The Directors then discussed the needs of their departments going forward and how they hoped to add 24 new probation and parole officers and additional appropriations of around \$11 million dollars in order to provide additional treatment.

Directors Atencio and Jones then discussed draft legislation that would revise certain aspects of the Justice Reinvestment Initiative. These changes include a revised section on legislative intent that states that incarceration is for those who commit the most serious offenses; clarifying that parole officers can have discretion in administering certain penalties without a hearing; clarifying what the Parole Commission considers in parole decisions; creating program availability; and removing the 90 and 180 day sanctions for technical violations.

Finally, Sara Thomas, Administrative Director of the Courts, Idaho Supreme Court, spoke briefly on justice reinvestment. Ms. Thomas thanked the Legislature for supporting judges in using their discretion in sentencing. She also stated the Court's belief that a reinvestment was needed for proper supervision of parolees. Ms. Thomas also stressed the need to manage caseloads for parole officers and the need to provide moderate and high-risk offenders with substance abuse and mental health treatment. Ms. Thomas concluded by mentioning the success of problem solving courts in Idaho in reducing recidivism and the willingness of the Supreme Court to expand its number of problem solving courts.