

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 15, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** Reps. Malek, Perry, and Chaney.

GUESTS: Holly Koole Rebholtz, IPAA.

Chairman Luker called the meeting to order at 1:32 P.M.

Henry Atencio, Idaho Department of Correction (IDOC), presented an IDOC Update on population trends, specifically on prison population and community correction supervised population, as well as on the reform initiatives the agency is working on. The total incarcerated population has rebounded after a dip between September 2015 to September 2016. However, it is still below the four-year average. Term population (those sent to prison for longer periods of time) is down. The rider population (those who courts retain jurisdiction over) and the parole violators population are both up from average. The bad news is that these populations are growing, the good news is that it is in areas where the individuals only stay within the system for shorter times. The community corrections population, which is the adult convicted probationers and parolees that the department supervises, has increased by 4% since 2012. What has helped manage this population is the Limited Supervision Unit (LSU). Director Atencio reviewed the new programs that were put into place following the agency's top to bottom justice program assessment: Five new Core Programs, The April 2016 RIDER Program, the August 2016 Term Population, the Train and Trainer process, and Quality Assurance. Early success has been seen in these new programs. The restrictive housing reform in the prisons was begun over a year ago. Restrictive housing comes in two forms: short-term, disciplinary housing and long-term segregation. This process does not necessarily work, however. The reform includes: repurposing 17 beds at SICI, creation of transition tier, Administrative Segregation eliminated 120 beds, and the step down program out of long-term segregation.

Director Atencio summarized Probation and Parole Supervision versus Focused Supervision. Probation and Parole Supervision are subject to high case loads with mixed risk levels; this type of supervision is an outdated solution. Focused supervision, however, allows for more resources (Probation and Parole Officers) to be focused on highest-risk offenders, which includes increased supervision. This type of supervision also gives the agency the opportunity to fully support Problem Solving Courts, change supervision standards to reflect what is expected for each of the risk groups, and to continue to push for appropriate early discharge and movement to LSU.

Director Atencio addressed Justice Reinvestment concerns. The sanctions for parole violators are prescribed in statute with little flexibility. The agency is hoping to put the discretion back in the Parole Commission to decide how to manage each case. The other concerns are the required reporting with a marker of 150% of fixed time and the possibility of creating the "right" to programming or parole.

Director Atencio said he feels the sense of urgency to reform, and greatly emphasized this. There is no time to waste. The agency also wants to focus on community reentry and incentivizing behavior in the inmate population. As the individuals make his or her own decisions, there are more opportunities available. Prison life should prepare individuals for reentry into the community.

In response to a question on what the new Core Programs are, **Mr. Atencio** said they are the drug and alcohol program, the cognitive behavior intervention for sex offending, the thinking for a change program, and aggression replacement training.

In response to a question on recidivism, **Director Atencio** said most are going to recidivate with the reuse of drugs. Sex offenders recidivate at a much lower rate.

Director Atencio said the heavy probation case loads do not allow the officers to be proactive; it would be better to have smaller case loads, where officers would be able to better approach each case individually and personally. If changes go into effect, and a parolee violates, then staff members are still expected to work with that individual; but when a violation report or arrest must be made, that person will go before the parole commission (the way it was prior to **S 1357**).

Rep. Wintrow asked what can be done in the inmate's environment to address the initial physical or sexual trauma that a majority of the female population experience prior to the crime they commit. **Director Atencio** replied the trauma programs the agency was using were discontinued, as they were not evidence-based and not successful. They have not yet discovered an evidence-based program, though they are exploring options and looking at their counterparts' programs across the nation. This is a significant issue that needs to be addressed.

In response to questions on how one-third of inmates are not making it out in a timely manner and how is it being addressed, **Director Atencio** said when the populations are a year away from being first eligible for parole, the agency begins programming with the five Core Programs. The goal is to program individuals as they are stepping out of the prison system, so they can use those new tools to their advantage. With these new Core Programs, there will be more efficient enrollment hopefully. Outside of the sex offenders category, which has longer waiting times, most inmates will have access to programming.

Rep. Dayley asked what are the results of the focused supervision. **Director Atencio** said the program was started in November 2016. Once it has been fully implemented, the agency should be able to see immediate results with being proactive with high-risk individuals.

In response to questions on assessments, **Director Atencio** said the agency is confident in the validity of preliminary assessments. These assessments follow the individuals into prison if they are sentenced. Also, if they are sentenced, they will go through a gain assessment, which includes substance abuse and mental health evaluation components.

Director Atencio addressed the parole violators spike, saying the agency is in the process of reviewing that now and seeing what the population makeup is and the subsequent actions that need to be taken.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:18 P.M.

Representative Luker
Chair

Heidi McKay
Secretary