

MINUTES
Approved by the Committee
Criminal Justice Reinvestment Oversight Committee
Tuesday, March 27, 2018
9:30 A.M.
Room WW54
Boise, Idaho

Co-chair Lynn Luker called the meeting to order at 9:35 a.m.; a silent roll call was taken. Committee members in attendance: Co-chair Senator Patti Anne Lodge and Co-chair Representative Lynn Luker; Senators Shawn Keough, Jim Rice, Cherie Buckner-Webb, and Mark Nye; Representatives James Holtzclaw, Bryan Zollinger, John McCrostie, and Melissa Wintrow.

Other attendees: Jason Kreizenbeck and Carlie Foster - Lobby Idaho; and Sandy Jones - Idaho Commission on Pardons and Parole.

Update on the Justice Reinvestment Initiative - Director Henry Atencio, Dept. of Correction

Co-chair Luker called upon Director Atencio to begin his presentation. Director Atencio stated his intent to provide an update on the following in his presentation:

- Prison population;
- Community reentry centers (CRCs); and
- Probation and parole caseloads.

Prison Population Update

- Three primary inmate populations: term, rider, and parole violater;
- The current prison population was 8,474 and was expected to increase to 8,600 by the end of the calendar year;
- Rider population increased from 14.1% to 16.5%;
- Term population increased;
- Since 2001, the arrest rate for violent crimes has been consistent. The arrest rates for DUIs and property crimes have decreased and the arrest rate for drug crimes has doubled;
- 20% of new sentences were for violent offenses;
- 78.9% of new sentences were for nonviolent offenses;
- The portion of total new felony sentences under IDOC's jurisdiction had increased from 25.6% to 46.9%;
- The "term" population serving time for property, drug or alcohol crimes had increased from 50.9% to 58.4% since 2013; and
- The rider and community population serving time for nonviolent crimes had increased from 74.9% to 80%.

Discussion

Director Atencio provided a comparison of violent crime rates and incarceration rates among Idaho and its neighboring states. He stated that Idaho had the highest incarceration rate with the lowest violent crime rate. Nevada had the second highest incarceration rate with the highest violent crime rate. Senator Rice inquired about the parole officers' caseloads in neighboring states that have high incarceration rates and low violent crime rates. Director Atencio responded that he would request this information from other states and provide it to the committee.

Co-chair Luker inquired how multiple sentences for offenders were represented on the chart on slide 6. Director Atencio explained that the chart represented the most recent criminal offense, and in the case of multiple criminal offenses charged at a single time, the chart represented the most severe criminal offense.

Co-chair Lodge inquired about the definition of a nonviolent crime. Director Atencio responded that IDOC relied on its uniform definitions in their system with respect to the crimes sentenced. Co-chair Lodge stated that, while the crime may be classified as nonviolent (e.g., drug crime), the effects of many drug offenses can be violent.

Co-chair Luker referred to slide 6 and inquired about what caused the decrease in some crimes during the years of 2008 and 2009, before it rose again. Director Atencio responded that he was unsure, but would research it further.

Community Reentry Centers (CRCs)

- There were four CRCs in Idaho - two in Boise, one in Nampa, and one in Idaho Falls. One of the CRCs was a female facility and the other three facilities were male facilities;
- Most offenders in the CRCs were eligible to work in the community;
- Work-eligible offenders paid taxes. They also paid maintenance fees (35% of their pay) to IDOC to cover some operational costs;
- Victims receive \$6,700 in restitution payments monthly from offenders in CRCs;
- Offenders are able to save for their housing and secure a job in the community prior to being released;
- IDOC received funding to add additional beds to CRCs and to a couple of other institutions; and
- IDOC is currently working on establishing a CRC in Twin Falls. The prior Twin Falls CRC was closed in 2011 due to cutting costs during the recession.

Discussion

Co-chair Lodge inquired about what kind of employment was available in Twin Falls. Director Atencio responded that there were jobs in agriculture, factories, etc. and opined that it would not be difficult for the offender population to secure employment. Co-chair Lodge inquired about the average hourly wage for work-eligible offenders. Director Atencio believed that the hourly wage was about \$14. Director Atencio stated his desire to establish at least one CRC in each district. He emphasized that CRCs offer many benefits to offenders including providing stability prior to their release.

Co-chair Luker inquired about what IDOC could do between now and the next legislative session to prepare for discussions regarding housing concerns (e.g., bed shortages). Director Atencio responded that IDOC and the Board of Correction had examined the offender population including the classification levels. At this time, he said, it appeared that IDOC needed minimum-custody beds in their institutions. He emphasized that IDOC had a number of needs, including:

- The expansion of the medical unit at ISCI; and
- The potential development of a secure mental health facility.

Caseload Report

Director Atencio stated that the state of Idaho's population was expected to increase by 15% by 2025, to approximately 2 million people. He explained that criminal filings had increased across the state and had impacted Probation and Parole's caseloads. He stated that the current supervision caseload was at a record high of 15,754 people being supervised at the felony level; this number was expected to increase to 16,670 by July 2019.

Director Atencio stated that IDOC had 215 probation and parole officers and about 212 of those officers provided direct supervision. He explained that there were two officers assigned to the Limited Supervision Unit who monitor 2,000 people in the community. The other officer was assigned to the Interstate Compact Office and was responsible for monitoring the probationers and parolees that lived out of state.

Director Atencio referred to "focus supervision" and explained that it was a supervision model where the officers' focus of time was on the highest risk population. He added that the supervision model was a "best practice" because it had the highest impact on high-risk and moderate-risk populations.

Discussion

Senator Rice inquired about the retention rate of the probation and parole officers and what challenges IDOC had identified regarding retention. Director Atencio responded that the turnover rate for probation and parole officers had increased over the last three years; the rate was 13% and the average rate was 8%. He attributed part of the turnover rate increase to the changes in supervision style (justice reinvestment) and culture over the course of the last three years. He added that the pay for the probation and parole officers had not changed much in the last several years, and cited the competitive pay rates offered by some counties for probation and parole officers. Senator Rice stressed the importance of reducing the turnover rate, especially when considering the probation and parole officers' caseloads. Senator Rice inquired whether there had been any consideration regarding cross-training from corrections to probation and parole to create a method of transition from one department to another department. Director Atencio explained that the difficulty with creating a cross-training program was that IDOC had an equally high turnover rate as well. He added that when the economy is doing well, as it was presently, people do not generally apply to IDOC as a primary option when other employment opportunities are readily available.

Update on the Parole Commission - Director Sandy Jones, Parole Commission

The co-chairs invited Director Jones to provide some commentary to the committee. Director Jones described the difficulty for IDOC to measure, specifically at the time the offenders enter the system, the violence that goes in hand with property and drug crimes. She explained that it isn't until an offender is presented before the parole commission that both IDOC and the parole commission have a comprehensive backstory on the offender. Director Jones stated that, when JRI was put into place, the departments were asked, as a system, to focus on placing drug and property offenders in the community because the research had suggested it as a better option. However, this population recidivates at a higher rate than any other population; this has contributed to the increase in the number of parole violators.

Director Jones stated that part of JRI had been to invest in community programs. She explained that, at the time, they as a system did not have the data available to identify what programs to invest in. After the gap analysis was completed, the Dept. of Health and Welfare requested an additional \$11 million to address the needs of this population. The Dept. of Health and Welfare only received \$5.5 million and the community services were not available as of yet. She emphasized that, if the offender population did not have adequate treatment programs or services provided, and probation and parole officers were still struggling to keep up with caseloads, it was to be expected that the offender population would recidivate. Director Jones stated that drug and property offenses account for a large portion of crimes in the state of Idaho. She explained that, when JRI came into effect, the expectation was that drug and property offenders would transition into the community at 150% of their fixed time. She added that the parole commission was put into an interesting position when reviewing parole requests with respect to the violence and damage done by the drug and property offenders.

Discussion

Representative Wintrow inquired whether there were additional stakeholders needed at the table, especially with regard to early crime prevention. Director Jones responded that it could be beneficial to include law enforcement, the courts, and education in the conversations, especially with respect to early intervention. Senator Rice asked if there was a time frame for when the community service programs would become available to the offender population. Director Atencio responded that the programs became available about a month ago and had been implemented in different areas in the Treasure Valley, beginning with certain sectors of the criminal population. Senator Rice emphasized how critically important it was to put into place all the tools necessary to make JRI successful.

NCSL Data Information

Co-chair Lodge requested data from NCSL regarding the effectiveness of community treatment programs; she had recently heard that only 25% of participants in treatment programs were successful. She had also contacted CSG to request information regarding effective programs in other states and had not been implemented in Idaho. She explained that JRI had been in place for four years and there were still some ongoing struggles with respect to the change in culture. Co-chair Lodge stated that she would like the committee and stakeholders to work on what could be done regarding early crime prevention. She explained that, when they first started JRI, they had invited several different stakeholders to the table to see what could be done to prevent crime in the state of Idaho. However, she said, with the increase of population in Idaho, they had not achieved the progress they had intended. She asked the committee to review the materials provided and to bring forward any suggestions with respect to reducing crime in Idaho.

Committee Discussion

Co-chair Luker directed the committee to Section 67-456, Idaho Code, and explained that subsection 4 outlined the committee's broad range of responsibilities. He also referred to subsection 7 that provided a sunset for the committee and emphasized the importance for the committee to do significant work this year, especially if the sunset date was not extended. He explained that the co-chairs had discussed a series of concerns (i.e., community reentry, probation and parole officers, sentencing, training, employment, etc.). Co-chair Luker emphasized the potential benefit of work being done on sentencing. He suggested that there was inconsistency in sentencing as well as out-of-date sentencing.

Co-chair Lodge stated her desire to have some criminal justice area experts from CSG give presentations to the committee relatively soon - potentially at the next committee meeting. Co-chair Luker suggested that, with respect to research information regarding sentencing, the Office of the Attorney General could serve as a resource.

Senator Buckner-Webb made reference to the diverse population in the prison system and emphasized the need to place diverse populations in communities where they were more visible. She added that the level of incarceration of diverse populations in Idaho was higher when compared to the population as a whole.

Co-chair Luker suggested that both CSG and NCSL could provide research information with respect to what work could be done on the front-end to address crime prevention, education, juvenile and family services, and sentencing. He asked staff to reach out to both the Idaho Supreme Court and the Office of the Attorney General to provide an overview of sentencing inconsistency and in terms of levels between felonies and misdemeanors. Co-chair Lodge suggested including prosecutors in the sentencing conversations as well.

After some discussion, the committee chose June 18, at 9 a.m., for its next meeting date.

The committee adjourned at 10:51 a.m.