

IDAHO COMMISSION OF PARDONS AND PAROLE

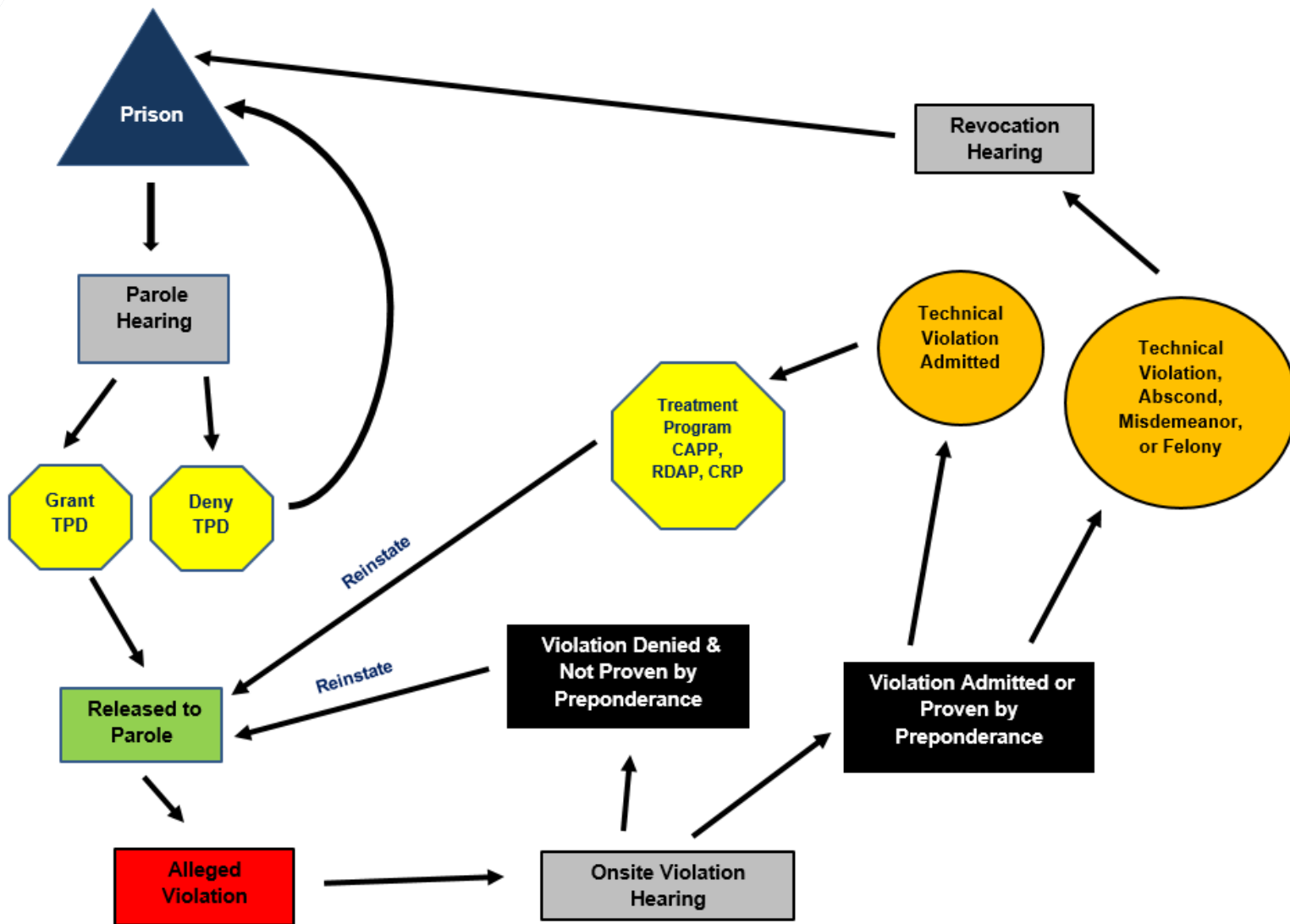


Justice Reinvestment Oversight Committee Update

July 10, 2018

Sandy Jones, Executive Director

Parole Revocation Process: Pre-JRI



S1357 and the Commission of Pardons and Parole

Requirements being carried out prior to S1357 implementation:

Section 12

- 20-223(2) Authorized the collection of bond for parolees seeking interstate transfer.
- 20-223(3) Required the Commission review an evaluation completed by a psychiatrist, psychologist, or mental health professional for anyone considered sexually dangerous.
- 20-223(4) Required a risk assessment be completed, the offender be interviewed by Commission staff, and a report be prepared and used by the Commission when making parole determination, and the report be exempt from public disclosure.
- 20-223(5) Required to ensure that offenders seeking parole and/or commutation are in compliance with restitution orders.
- 20-223(7) Commission may grant an offender medical parole if it is determined they are *permanently* and *irreversibly* incapacitated.
- 20-223(8) Report medical parole information to the senate judiciary committees annually.

Section 13

- 20-224(2) Must use a “validated risk assessment” when determining offender level of risk and suitability for release to parole.

Section 15

- 20-228 Specify conditions of parole in writing and give a copy to the offender prior to release.
- 20-228 Specifies warrant and apprehension parameters and forfeiture of time on parole being at the discretion of the Commission.

Section 16

- 20-229A Established parole violation protocol (i.e. document service, time requirements, waiving of rights, right to onsite hearing, etc.)

Section 17

- 20-229B If parolee waives right to hearing, must enter a decision within 20 days.
- 20-229B If violation cannot be proven by a preponderance of the evidence, then must reinstate on parole.

Section 18

- 20-233 Commission can grant a parolee early discharge when they believe that discharge is compatible with both the parolee and societies welfare.
 - ❖ Must serve no less than one (1) year on parole unless full term expiration is prior to completion of that one (1) year period.
 - ❖ Must notify victim of parolee's request for early discharge and provide them 30 days to submit a response, if they so choose.
 - ❖ Commission will rule on the request for early discharge within 90 days of receipt.

Changes made as a result of S1357 implementation:

Section 12

- 20-223(9) Promulgate rules with the IDOC to prepare offenders for release on parole and granting them access to programming so that they can complete that programming, upon completion of the fixed portion of their sentence.

- 20-223(10) Promulgate rules to establish clear guidelines and procedures, while retaining the Commission's discretion, to guide parole decision making for those serving sentences on drug and property offenses. Rules must allow current risk assessment, past criminal history, program completion, institutional misconduct and other characteristics, as elements used in parole decision making.

- In the year 2017 the Commission conformed with the Guideline recommendation 65% of the time.
- The majority of non-conformance was in cases where the Guideline score would support denial, and the Commission elected to grant the offender a tentative parole date.

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PCHearingDate
8/1/2018

PHO Parole Guidelines Report

IDOC # [REDACTED] PHO Hearing Date PHO Name [REDACTED]

Name [REDACTED]

OFFENSE SEVERITY

DandP Offenses: **Burglary; Possession; Eluding** / V/S Offenses: **Sexually Exploitive Material**

Offense_Severity	Violent or Sex Offense	Score	3
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RISK ASSESSMENT

		Score	
RA_LSIR	Male Mod-High (35-40)	5	
RA_Stat99	High (5+)	7	Score 7
Notes	RA_VRAG High (12-46)	7	

DOR HISTORY

No DORs in the past year

Score **0**

PROGRAM PARTICIPATION

Program Notes: T4C, CBISA, CBISO, CSOT

Status: **Enrolled**

Score **1**

PAROLE GUIDELINES SCORE

Total Score **11**

PHO Recommendation Deny

Reasons:

Additional risk assessments indicate substantial risk of continuing serious criminal behavior.

Your continued incarceration will serve to protect the public from possible future violence or criminal behavior.

Percent of Term Sentenced Served

At the Time of Parole Commission hearing/decision:

Sentence Begin Date	Fixed Term Date	Full Term Date	% of Fixed Term Served	150% Served Date
2/9/2016	2/1/2019	3/5/2026	79.7%	7/29/2020

Changes made as a result of S1357 implementation:

Section 12

- 20-223 (11) Report to legislature and governor annually, jointly with IDOC, describing the percentage of drug and property offenders parole before serving 150% of their determinate sentences and the most common reason for drug and property offenders who's release was either delayed or denied.

Section 13

- 20-224(2) Shall promulgate rules ensuring that risk assessments are used in determining suitability for parole and the benefit of continuing incarceration pending completion of programming, or whether it is suitable to release with completion of programming in the community being a requirement of supervision.

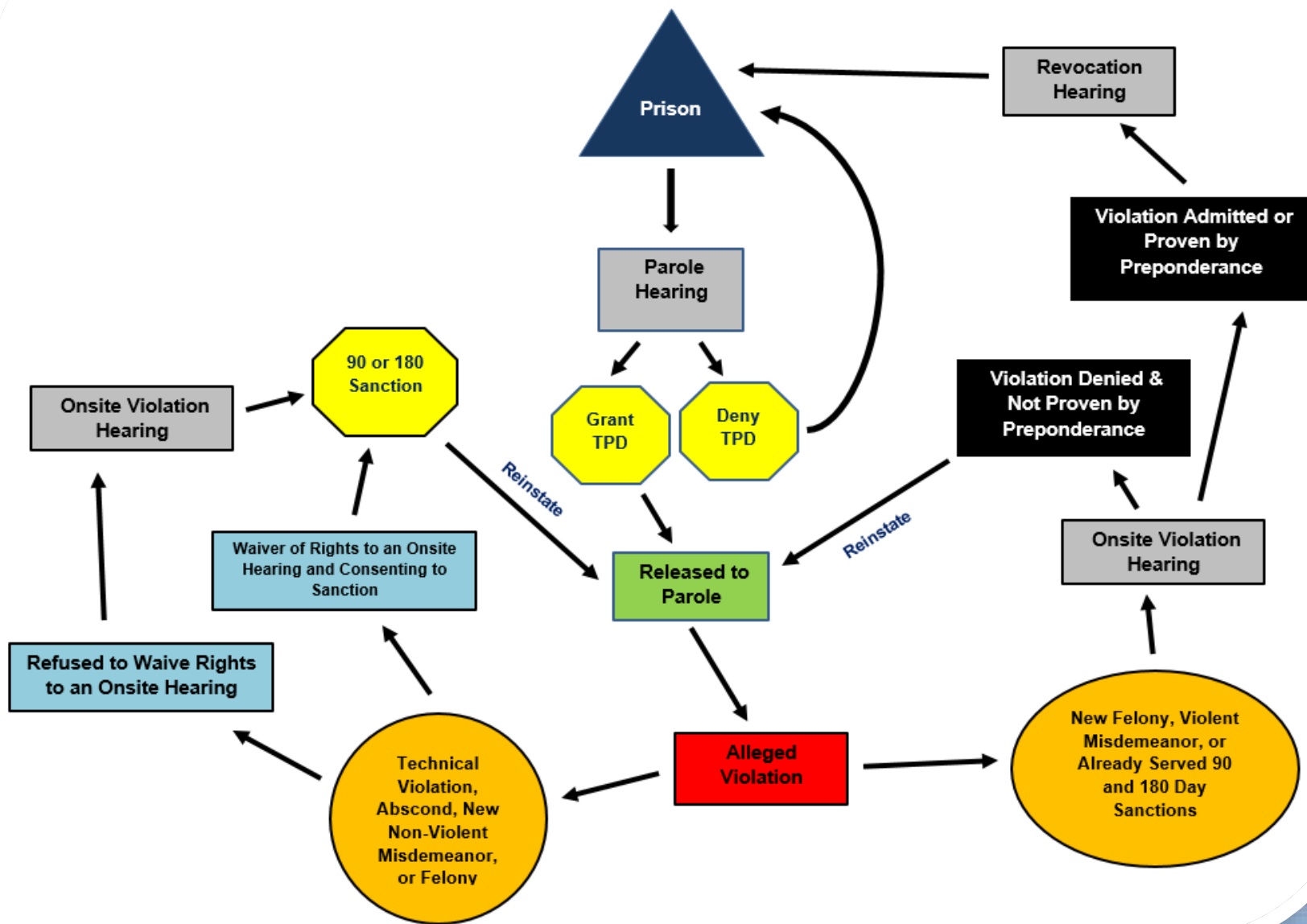
Section 15

- 20-228 Include as a condition of parole that the offender comply with IDOCs Agreement of Supervision.

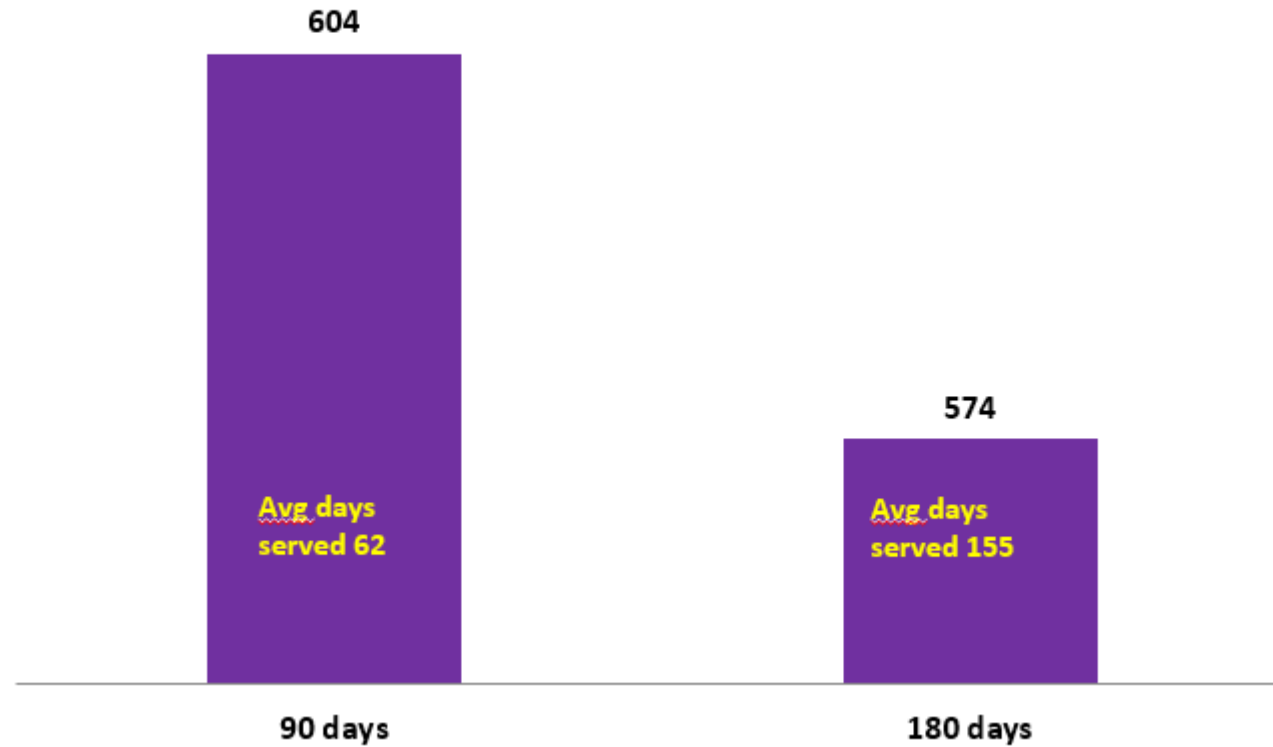
Section 17

- 20-229B (3) If founded violation is not a new felony or violent misdemeanor, confine up to 90 days for first violation, up to 180 days for the second violation, and forward to the Commission for a formal revocation hearing for the third or subsequent violations.
- 20-229B(4) If founded violation is for absconding supervision confine up to 180 days for the first violation and forward to the Commission for a formal revocation hearing for the third or subsequent violations.
- 20-229B(5) If parole violator complies with rules while serving above listed sanction, can shorten their sanction up to 30 days.
- 20-229B(6) Upon completion of period of incarceration, reinstate to parole.

Parole Revocation Process: Post-JRI



Sanctions Imposed 2016



**101 offenders, or 10% of offenders receiving sanctions, went through both 90 and 180 days sanctions in 2016.

S1113 and Amendments to Parole Commission Practices

- Received two (2) additional Commissioner position.
 - ❖ Intent was to help address the rising number of parole hearings, which were primarily parole revocation hearings.
 - ❖ The two (2) Commissioners were appointed in July 2017.
- Commissioners' compensation was increased from \$200 to \$300 per day.
- Two (2) member, rather than three (3) member panels of Commissioners were authorized to meet and make decisions regarding the disposition of parole violators.
 - ❖ These two (2) member panels began convening in August 2017 to address lower risk parole violators.
- The 90 and 180 day sanctioning requirement for parole violators not incarcerated on new felony or violent misdemeanor offenses was removed.
- Removed the requirement for the IDOC and Parole Commission to submit a report to the legislature describing the percentage of offenders serving drug and property conviction sentence who were released prior to serving 150% of their fixed sentence, now only requiring the agencies to statistically report on the most common reasons for delay or denial of release to parole.

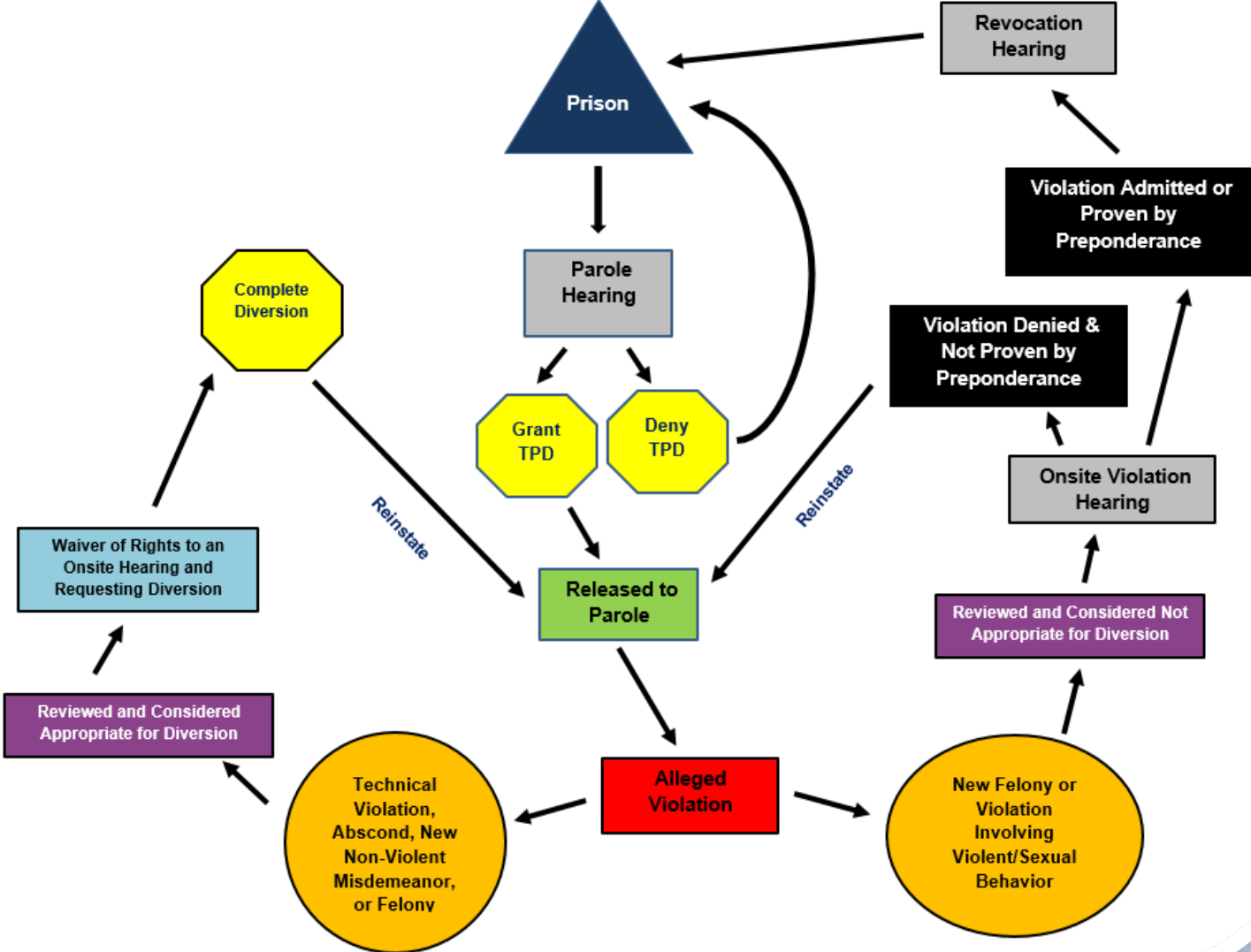
Parole Violation Diversion Process

- Keeping the goal and intent of SB1357 in mind, the Parole Violation Diversion process was developed in an attempt to divert those who are not viewed as most violent or greatest risk parolees from prison.

- Cases are internally reviewed by Parole Commission staff, and those that fall within this category are scheduled for a Diversion Review within two (2) weeks.
 - ❖ This review is conducted by a two (2) member Commissioner panel.

- Factors taken into consideration include, but are not limited to:
 - ❖ Presence of barriers to a successful parole.
 - ❖ Aggravating and mitigating circumstances.
 - ❖ Substance use.
 - ❖ Length of time on parole before violation.
 - ❖ Length of time in custody before violation.
 - ❖ Nature of the violation.
 - ❖ Parole plan.
 - ❖ Other case specific circumstances.

Parole Revocation Process: Post S1113



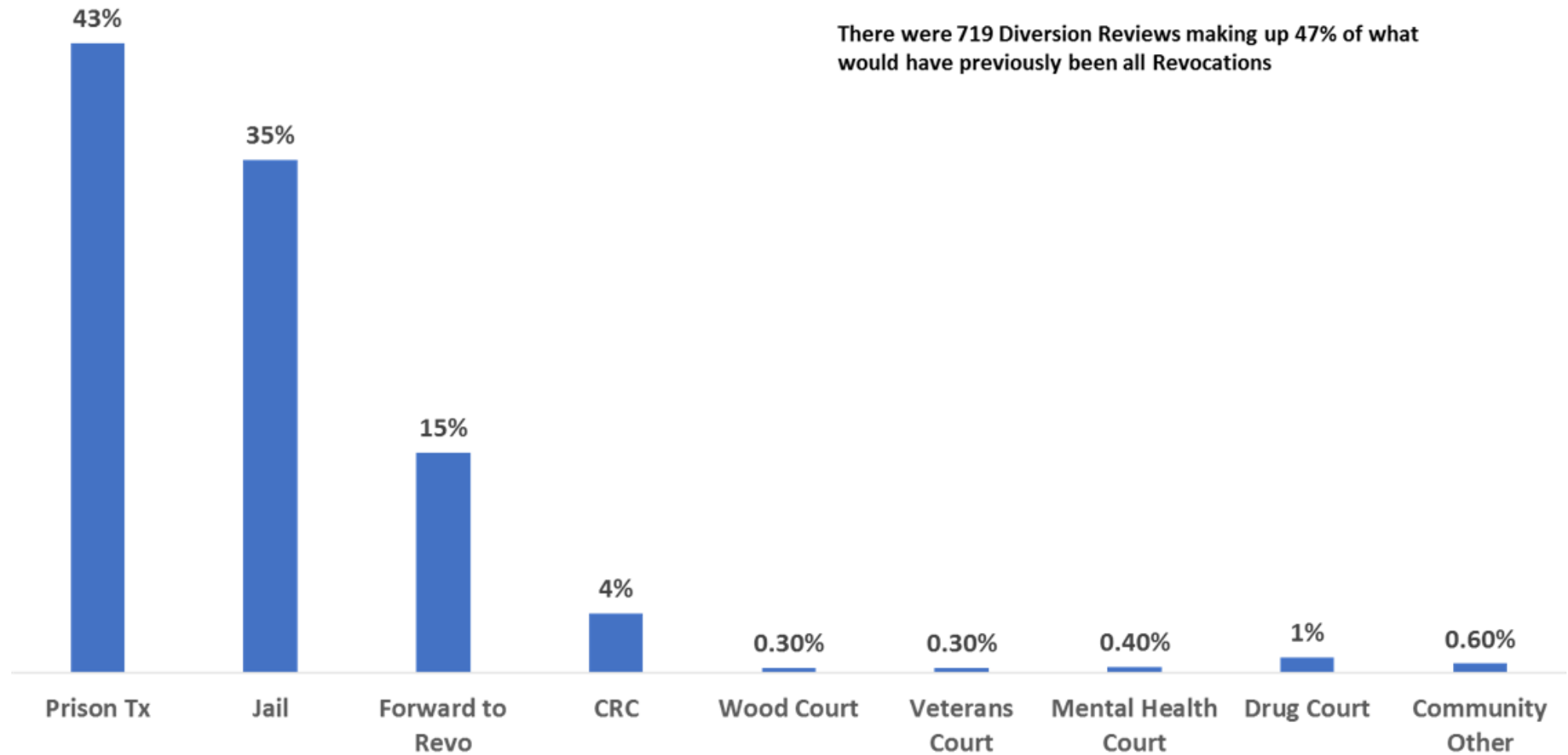
Diversion Options

- Our options for these parole violators are limited.
- In cooperation with IDOC, we have attempted to be creative in identifying resources that will reduce the parolees barriers to success, while still holding them accountable for their actions.
- Some of our diversionary options include:
 - ❖ Serving a limited period of time in jail.
 - ❖ Serving a limited period of time in prison and engaging in target specific programming.
 - ❖ For those who committed a new non-violent offense and have been accepted into Problem Solving Court, that is used as a diversionary option.
 - ❖ Serving a limited period of time in a Community Reentry Center in an attempt to preserve any protective factors in place (i.e. employment).
 - ❖ Assessments and participation in community based therapeutic programs.
 - ❖ Release and reinstatement.

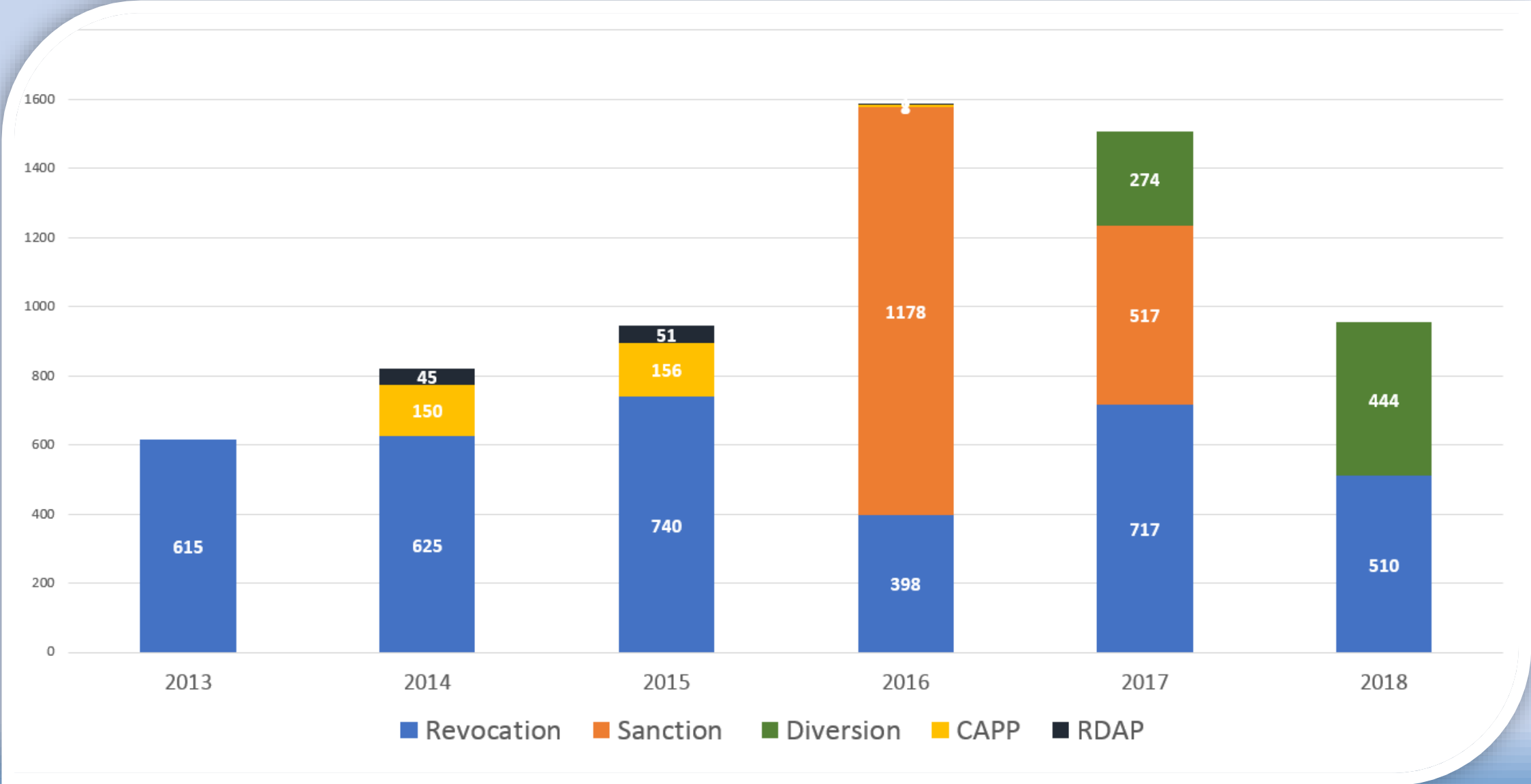
****Because a parole violator is recommended for Diversion does necessarily mean they will be considered. The two (2) Commissioner panel can and does refer some parole violators who they consider higher risk, to the full Commission for revocation.

Diversions 8.2017-5.2018

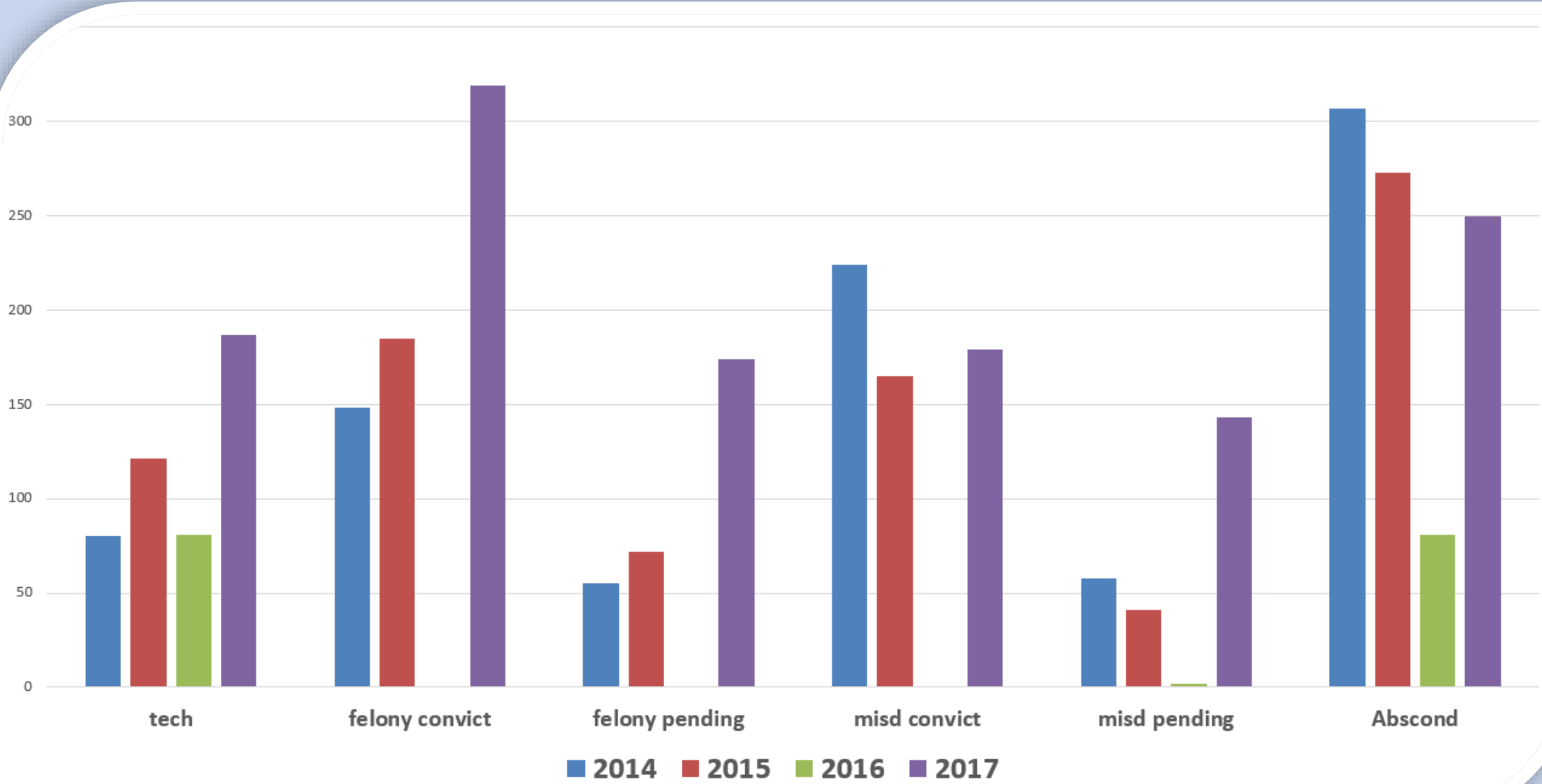
There were 719 Diversion Reviews making up 47% of what would have previously been all Revocations



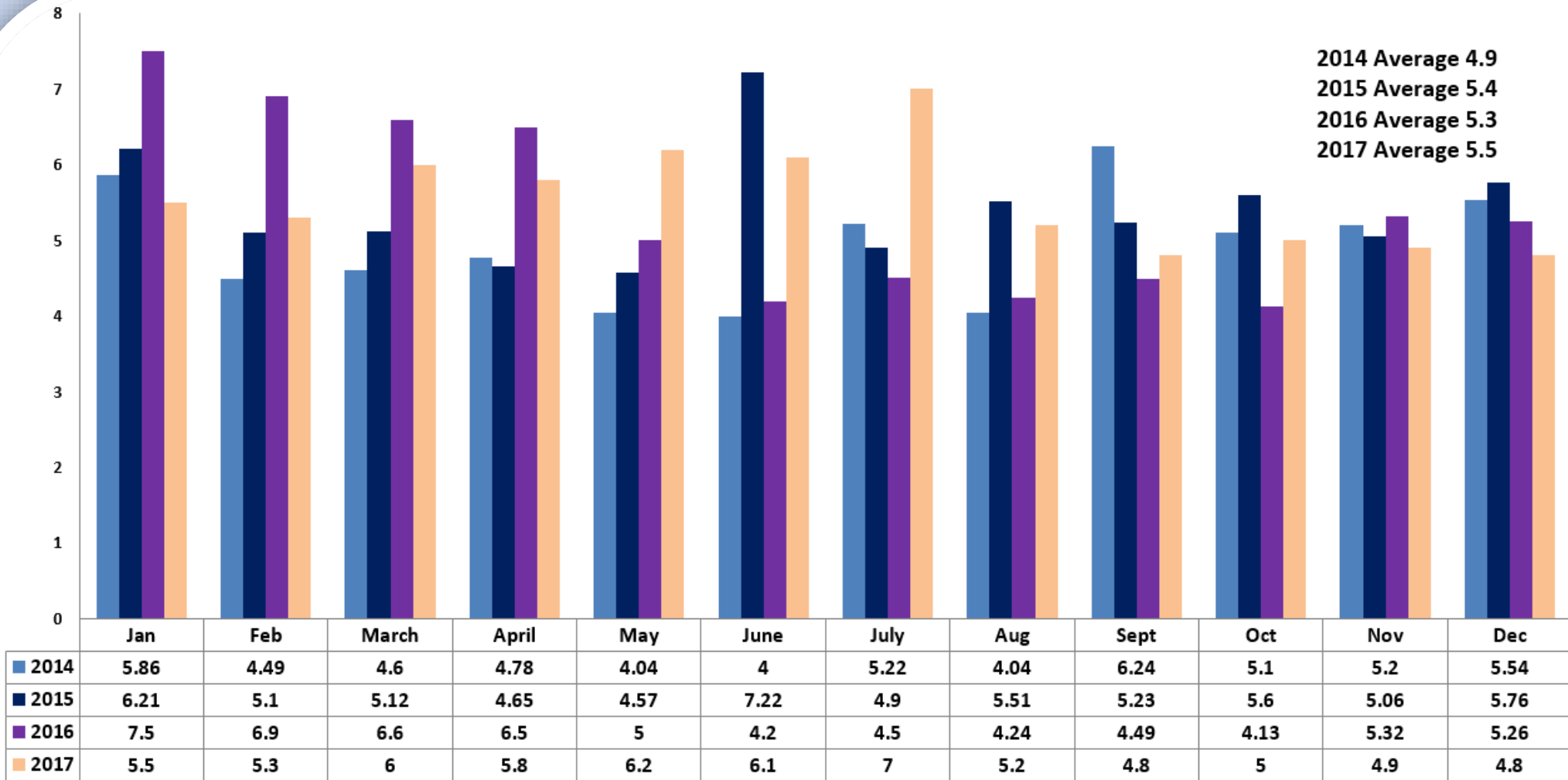
Historical View: Violations and Sanctions/Revocations Considered by the Commission



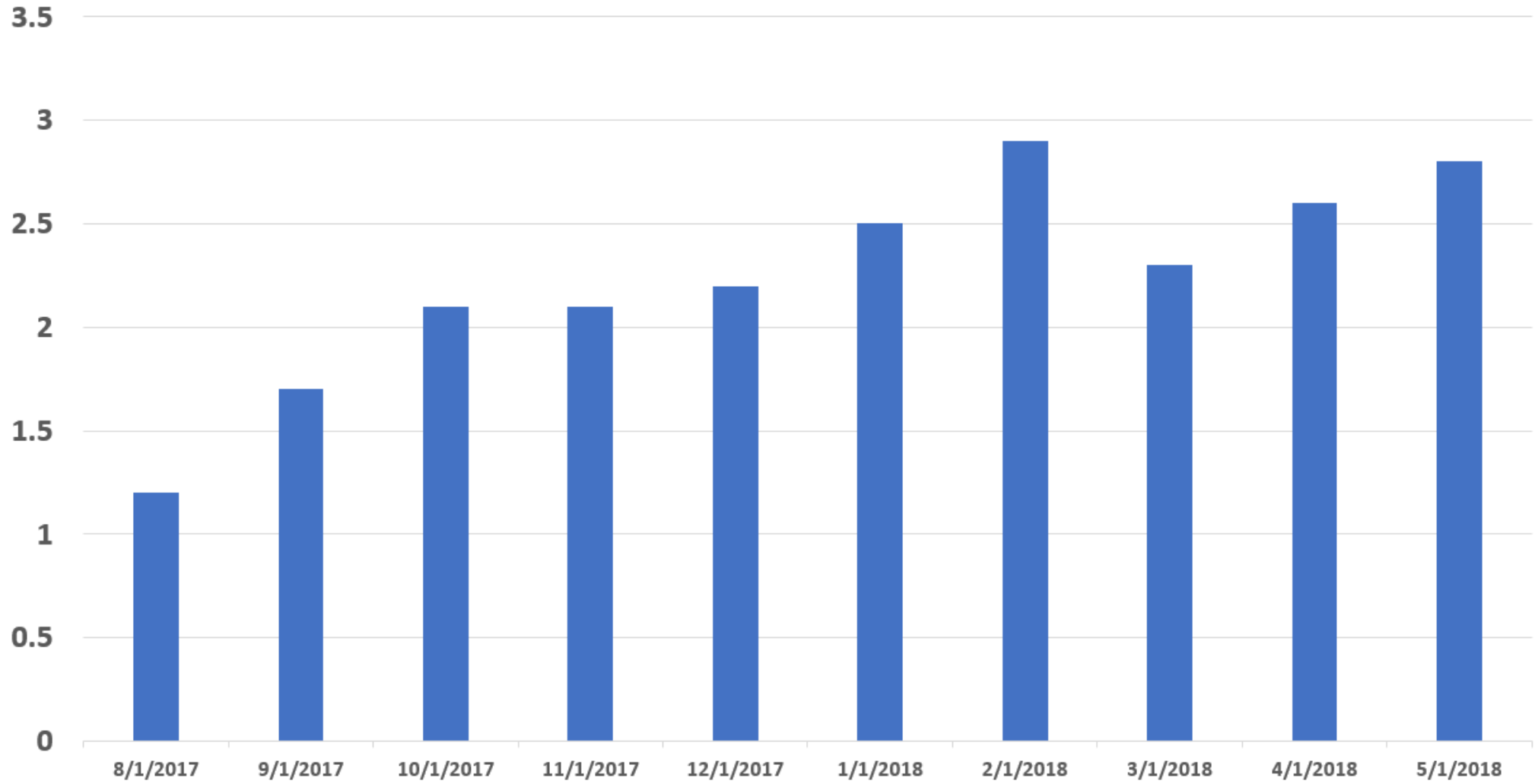
Historical View: Violations by Type



Historical View: Months in Custody from Arrest to Commission Hearing



Diversion Months in Custody from Arrest to Hearing



Continued Challenges Being Faced

- There is a lack of options other than prison.
- There is a perception that parolees receive endless chances on parole and this can create barriers for Parole Officers.
- Supervision challenges. What else can a Parole Officer do that may positively impact this population?
- Commission's part-time capacity limits options, even with the two (2) additional Commissioners.
- New felony convictions often carry overlapping sentences so the Commission's options are limited.
 - ❖ Between August 2017 and May 2018, 59% of parole violators returned with new criminal offenses.

Pending Felony Non-Violent	353
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Pending Felony Violent	60
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Convicted Felony Non-Violent	50
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<u>Convicted Felony Violent</u>	<u>7</u>
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Total	470
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<u>Revocations</u>	<u>798</u>
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$470/798 = 59\%$

What Might Help?

- Additional Community Re-entry Center beds with expanded admission criteria.
- Residential treatment/re-entry options for substance abuse other than prison, such as sanction centers.
- Adequate secure mental health facilities and community treatment options.
- Expanded Problem Solving Court capacity.

FINAL COMMENTS

We are running out of options that still provide for public safety

Low risk people are generally not in prison, so term inmates and parolees are generally high risk/high need

- More difficult to grant parole

- More likely to violate

QUESTIONS?