

MINUTES
Approved by the Committee
Criminal Justice Reinvestment Oversight Committee
Monday, August 13, 2018
9:00 A.M.
Room WW54
Boise, Idaho

Co-chair Patti Anne Lodge called the meeting to order at 9:02 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 Jeff Agenbroad, Cherie Buckner-Webb, and Mark Nye; and Representatives James Holtzclaw, Bryan Zollinger, John McCrostie, and Melissa Wintrow. Absent and excused: Senator Jim Rice. Legislative Services Office (LSO) staff present: Ryan Bush, Jared Hoskins, and Ana Lara.

Other attendees: Taunya Jones and Sara Thomas - Idaho Supreme Court; Sandy Jones - Idaho Commission on Pardons and Parole; Henry Atencio - Idaho Dept. of Correction; Betsy Russell - Idaho Press; Ingrid Andrulis - ACLU; Jacob Mulkey - Fraternal Order of Police; Alejandra Cerna - Idaho Center for Fiscal Policy; Scott Bandy - Ada County; Eric Fredericksen - State Appellate Public Defender's Office; Paul Riggins - Idaho Association of Criminal Defense Lawyers; Holly Rebholtz - Idaho Prosecuting Attorneys Association; and Ademola Arc.

Research presentation - Ryan Bush and Jared Hoskins, LSO

Co-chair Lodge called upon Mr. Bush and Mr. Hoskins to present the research information to the committee. Mr. Bush explained that since the last committee meeting, he and Mr. Hoskins had conducted additional in-depth research regarding Utah's reclassification, as well as good time, earned time, and compassion release policies from across the country. Mr. Bush stated that Utah's reclassification process took place during its 2015 initiative as well as a follow-up in 2016 with additional reclassifications. He explained that the [handout](#) included the reclassified violations in Utah as well as their equivalents in Idaho Code. He stated that the infraction crimes were highlighted in yellow, misdemeanors in green, and felonies in purple. He noted the small amount of infractions that were considered misdemeanors in Idaho.

Regarding the good time and earned time policies, the National Conference of State Legislatures (NCSL) provided a chart with a brief description of the policies for all fifty states. He noted that Montana and South Dakota are the only states that have no policies for good or earned time for reduction of sentences in any form. He also noted that Idaho's policy was very limited; it provided earned time for meritorious (heroism) conduct. With respect to neighboring states, Nevada has an extensive good time policy for extensive crime reductions depending on the number of programs the inmates participate in. Oregon takes a more general approach; the sentence can be reduced by 20% to 30% for "appropriate behavior." In Utah, someone can have a four-month reduction for completion of a case action plan; inmates can participate in up to two programs. He also noted that the parole board has discretion to award additional time.

Mr. Bush stated that in Texas a person can receive 10 to 30 days per month for participation in various programs such as treatment, vocation, etc. In Washington, a person can have up to a third of their total sentence reduced for good behavior and performance. For those convicted after 2010, a person can request up to a 50% reduction in his sentence for good behavior and participation in a reentry program plan. Wyoming offers a reduction of 10 to 15 days per month based on inmate performance, conduct, and behavior. Mr. Bush noted that all the states that have indeterminate sentencing are highlighted in blue.

Mr. Bush directed the committee to the [handout](#) on compassionate release and explained that it included state policies regarding medical release as well as early release for the elderly and the

terminally ill. He said that every state in the region, as well as Texas, has reductions for what they call serious medical conditions.

Mr. Hoskins directed the committee to an [article](#) that compares the 35 states that have instituted justice reinvestment. He proceeded to another [article](#) by the Vera Institute of Justice that discusses the relationship between incarceration and crime rates. He explained that the article concludes, consistent with other research, that crime rates since the 1970s have continued to decrease in spite of incarceration rates, not because of high incarceration rates.

Discussion

Senator Agenbrood asked if there were any statistics relative to recidivism regarding this population. Mr. Bush responded that he would research this request and provide any information to the committee at a later date. Representative McCrostie inquired about Idaho's medical release program. Mr. Bush responded that Idaho has medical parole, but could not find details regarding the program in statute; he was unsure about the board's discretion regarding the program. Executive Director Sandy Jones for the Commission of Pardons and Parole explained that there is an allowance for someone who is "terminally ill" and does not pose a threat to society. Their definition of terminally ill is a limited life expectancy of typically one year or less.

Senator Buckner-Webb inquired if there was methodology for finding placement for this population given their medical needs. Director Jones responded that the medical provider presents the medical needs and housing options for the offender and the case manager incorporates the recommendations as part of the parole plan.

Co-chair Lodge inquired about the number of compassionate releases that are granted by the parole commission yearly. Director Jones responded that about twenty medical paroles are granted yearly, but the commission receives a great number of requests that are not granted.

Co-chair Luker inquired whether any of the states were comparable to Idaho in terms of indeterminate sentencing. Mr. Bush responded that a number of indeterminate states (e.g., Nevada, Utah, Texas, and Wyoming) have a version of good time policies. Co-chair Luker asked if the good time applied to the fixed term or the indeterminate time. Mr. Bush believed it applied to the fixed term.

Representative Wintrow asked LSO staff whether they came across any surprising or unexpected distinct points during their research. Mr. Hoskins found the incarceration paradox surprising because it seems to go against what many people tend to believe in terms of incapacitation and deterrence of future criminal behavior. He stated that while the article found that incarceration does have a marginal impact on property crimes, he was surprised to read that when incarceration is concentrated in certain communities it can actually increase violent crime rates. The article concludes that there are more efficient ways to have a same or better effect on crime rates other than focusing on incarceration.

Overview of Dept. of Education programs for at-risk students - Matt McCarter, Department of Education

Mr. McCarter began his [presentation](#) by explaining that many of the prevention programs offered by the Dept. of Education are provided to at-risk populations as well as the general population. He clarified that not all the programs are offered in all the schools across the state. He explained that schools are unique individual jurisdictions with their own approach and prerogative. The Student Engagement, Career, and Technical Readiness Division supports schools in identifying what programs work well and where support is needed.

Mr. McCarter believes that student wellness is a prerequisite for academic outcomes. He suggested that it's beneficial to include discussion about students' social, emotional, and physical wellness in conversations regarding student advising and not solely in conversations about bullying, suicide,

harassment, and children-at-risk. He explained that the discussion goals are to increase the understanding of state support for at-risk students and conceptualize how to leverage supports to meet the unique needs of Idaho students.

Mr. McCarter briefly described adverse childhood experiences (ACEs) and explained that the more abuse, neglect, and household dysfunction children experience, particularly at a younger age, the more likely they will experience hardship in their lives. He stated that ACEs provides a more empathetic approach to disciplinary behavior; it's been found to be more effective as well. He referenced Dr. John Medina's work that states that children who experience chronic, toxic stress are in fight or flight mode all the time. Dr. Medina also concluded that stressed brains do not learn the same way. Mr. McCarter referenced [data](#) (slide 18) from the Dept. of Health and Welfare that reported 22,062 child protection and prevention referrals for fiscal year 2015. He commented that a significant number of students experience chronic, toxic stress every day. He stated that the second leading cause of death for males ages 10 to 14 is suicide. While much work is being done on suicide prevention in Idaho, the percentage of Idaho high school students who have seriously considered attempting suicide in the previous 12 months increased significantly from 15.4% in 2011 to 21.7% in 2017. He observed that the percentage of students who seriously considered attempting suicide during the past 12 months was significantly associated with academic achievement; they tend to have lower grades.

Mr. McCarter stated that as part of Superintendent Sherri Ybarra's initiative to keep students safe, the Dept. of Education has an anti-bullying campaign that provides schools with tools and messaging. A statewide training (Idaho Prevention and Support Conference) event is held every year, and the Dept. of Education informs attendees regarding what efforts schools are making to provide support to young people at risk. The Juvenile Corrections partnered with the Dept. of Education for the last conference and focused on diversion with an emphasis on restorative justice practices. He described restorative justice practices as a method of restoring a perpetrator back to the school community either by way of reflection, by way of a facilitated group discussion, an apology and acknowledgement of impact and harm, or an agreement of some type of restitution (e.g., community service). He clarified that this option is not appropriate for every perpetrator or victim, but in appropriate circumstances the impact can be very positive.

Mr. McCarter informed the committee that the FBI had identified and shared with schools pre-attack behaviors for students who could potentially perpetrate violence at schools. He stated that oftentimes, when a school team knows what behaviors to look for, meets regularly, and implements the concept of a behavior threat assessment, it can redirect what could potentially be a dangerous trajectory.

Mr. McCarter described the Idaho Lives Project as a program that implements a suicide prevention model (best practice model) known as "sources of strength." The program model identifies peer leaders who are trained to spread messages of hope, health, and strength throughout the school community. He stated that this program would be practiced in 81 secondary schools in fiscal year 2019. He explained that the suicide prevention program focuses on hope, help, and strength rather than solely identifying warning signs. He emphasized that when the state is effective at preventing suicide in this manner, it is also effective at preventing a range of risk behaviors. The state funds the activities in this program through the state suicide prevention youth programming fund. He stated that some school districts that were not chosen in the grant application choose to self-fund this program because they see a need for it in their student bodies. He added that a precursor program (Good Behavior Game) was identified for elementary schools and would be piloted soon.

Mr. McCarter stated that the Idaho Youth Risk Behavior survey was a surveillance tool used every other year to obtain information from students regarding risk behaviors. He explained that about a quarter of students surveyed state that they have been a victim of bullying/harassment; the rate has been steady throughout the years. He noted that the rate of suicide ideation had increased some

and the rate of sexual activity had decreased slightly. He explained that the surveillance tool helps track the pulse on what students are feeling and experiencing.

Mr. McCarter explained that the school activities for at-risk students are funded through the following sources:

- Safe and Drug Free Schools Funding: FY18 appropriation was \$4 million (mostly funded through tobacco and lottery sales); and
- Every Student Succeeds Act (ESSA) Title IVA - Safe and Healthy Students: FY18 appropriation was \$2 million and FY19 appropriation was \$5 million.

He commented that more federal funds were provided this year, but the cost of training, cost of employing a school resource officer, etc. can expend funds quickly. He noted that oftentimes the funding is not enough on its own and schools have to use their own funds to do meaningful work that will last longer than one year.

Mr. McCarter stated that the superintendent is interested in a student safety initiative. The three main foci of the initiative are:

1. Safety course for teachers to assist in identifying youth risk behavior indicators;
2. Safety grant for schools to increase safety measures and to ideally have a trained security presence; and
3. The addition of a crisis communication counselor at the state level to assist with behavior threat assessment implementation and to help schools respond in the event of a crisis.

Discussion

Co-chair Luker inquired about the status of early risk assessments in elementary schools. Mr. McCarter responded that the status of this work varies significantly throughout the state due to a number of reasons. He explained that some schools do well in this area as evidenced by student attendance, a low proportion of behavior policy violation, parent engagement, etc. and some schools could use some support.

Representative Wintrow asked what three factors should be addressed to divert students from incarceration. Mr. McCarter responded that he would:

1. Increase the number of counselors at the elementary level;
2. Implement a school safety course; and
3. Ensure that everyone involved in education have a basic understanding of the issues addressed in his presentation.

Representative McCrostie inquired about the steps that should be taken to ensure that students don't feel a sense of thwarted belongingness. Mr. McCarter referred back to the Idaho Lives Project and stated that the success of the program should prove effective at preventing risk behaviors.

Co-chair Lodge asked whether there was a correlation between the size of schools and a feeling of belongingness. Mr. McCarter responded that the common denominator for students to feel a sense of connection with their peers in school is a leadership expectation and prerogative around staff encouraging young people to connect. He explained that what contributes most to young people feeling valued in their community is the frequency of informal, unplanned, positive interactions with adults day to day. In a school setting, both big and small, leadership expectation for teachers is to interact positively with each other, greet students in the hall, and interact with parents. He emphasized that regardless of the program used, the fidelity with which the program is implemented and the demeanor and relational connectivity of the adults implementing it, makes all the difference.

Representative Wintrow inquired about the average student-to-teacher ratio in Idaho schools. Mr. McCarter responded he was unsure, but would follow up with this information at a later date.

Funding appropriated for mental health services for IDOC offenders - Ross Edmunds, Administrator Division of Behavioral Health, Dept. of Health and Welfare (DHW)

Mr. Edmunds began his presentation by stating his intent to cover the history of serving the IDOC population, provide an overview of the new funding for mental health services for IDOC offenders, and potential steps going forward.

History of mental health assessments

Mr. Edmunds stated that several years ago, the Legislature passed a directive instructing judges to, prior to sentencing, order the DHW to perform a mental health assessment for any person who was convicted or plead guilty to a felony crime. He explained that the purpose of the mental health assessment was to determine if there were any mental health needs that would affect whether or not the judge would place the person in the community instead of prison, depending on whether mental health services were available. He described the process stating that first, IDOC performs a behavioral health assessment and submits it to the DHW for review. The DHW must then decide whether any mental health illness exists. If a recognizable mental illness exists and enough information is provided from the GAIN assessment, then the DHW can provide a plan for treatment and the judge can move forward with sentencing. If the GAIN assessment is inconclusive, the DHW would refer the person to a regional program to obtain a full mental health assessment.

Mr. Edmunds commented that historically the focus had been solely on identifying mental health illness instead of also focusing on delivering care or treatment. He informed the council that the felony mental health courts have a model of treatment called Assertive Community Treatment (ACT). He stated that DHW staff deliver ACT team services, a very intense treatment model. However, he said, the intensity of the model requires a great amount of time and staffing resources to administer, limiting the number of patient openings available.

Treatment funding

The Legislature provided the DHW an appropriation of \$5.6 million for behavioral health services and an additional employee to oversee the care delivery. He stated that providing medication is one of the most effective interventions to assist a person suffering from serious mental illness. He noted the high cost of medication and explained that the DHW works with federally qualified health centers (FQHC) to avoid paying over-the-counter rates for medication that they would pay if they worked with any willing provider. He clarified that FQHCs are fully integrated practices, meaning they integrate behavioral health care with physical health care and offer discounted medication through their federal programs.

In preparing a contract, DHW noted that one FQHC entity served as management for the FQHC network; contracting with this FQHC meant DHW would be contracted with all FQHCs in the state. The array of services DHW contracted for was: medication management, pharmacy, individual counseling or psychotherapy as necessary, care management, and group work (treatment). He briefly described the referral process, explaining that:

- Probation and parole officer makes a referral directly to the FQHC;
- Patient undergoes an evaluation to determine whether medication is necessary and what courses of treatment are appropriate;
- Funding is provided for care coordination; and
- Delivery of services begins

Mr. Edmunds stated that to this day, \$700,000 of the \$5.6 million appropriation has been expended and about 361 people have been treated. He emphasized that a much higher number of people actually need services. He explained that about 5,000 new felony sentencings take place every year and about 15% to 30% of this population have a mental illness. However, the DHW was focused on assisting the population with serious mental illness: those with true difficult-to-manage chronic mental illnesses.

Mr. Edmunds commented that there have been some challenges with instituting a contract between the FQHC management center and other FQHCs in certain areas (e.g., Coeur d'Alene) of the state. He explained that there have been challenges with how the center has traditionally managed its behavioral health program. At this time, the DHW is taking steps to have the management center contract with private treatment providers so that some treatment can be provided in that region. He emphasized the importance for coverage across the state and referred to the statistic that people with serious mental illness die on average about 20 years earlier than people without serious mental illness. He explained that the reason this population dies earlier is because they struggle so much to take care of their behavioral health condition that they overlook their physical health. He suggested that by referring this population to FQHCs, they can have their behavioral and physical health needs met. He stated that while the appropriation only covers mental health needs, the FQHCs have other funding sources to address physical health needs.

Future steps

Mr. Edmunds commented that the DHW had discussions with IDOC and the courts regarding how to potentially expand mental health courts. He stated that DHW staff deliver care for people in mental health courts and, at this time, they do not have staff available to deliver an expansion of mental health courts. The DHW is exploring the idea of using a private provider and determining how funding could be secured.

Discussion

Co-chair Luker inquired how the DHW is able to regulate the number of referrals versus the available resources. Mr. Edmunds responded that the DHW monitors it through a spend-down. He explained that in the event that the funding comes close to depletion before the end of the year, referrals (and potentially services) would cease, and the DHW would collect and report data to the Legislature to show that the appropriation may not be enough. He explained that if national spends are applied to the estimated population, the appropriation might fall short for the needs of this population. However, he said, at this time the state's trend does not seem to indicate that there will be an immediate shortage, but the DHW will continue monitoring and collecting data.

Co-chair Luker inquired whether there was a process for medicaid referrals. Mr. Edmunds responded in the affirmative. He explained that referrals take place in multiple places (i.e., state hospitals, IDOC, DHW, and FQHCs).

Representative Wintrow asked whether the FQHCs had the capacity to undertake all the referrals from IDOC. Mr. Edmunds explained that this new book of business has been a challenge for FQHCs and they've had to adjust their models to accommodate all the referrals. He clarified that while the centers will not turn referrals away, a considerable amount of time may pass before the patient can be seen by a treatment provider, due to a limited amount of capacity. He suggested that once the funding has channelled through the providers, they will be able to hire more providers to serve the population. He stated that DHW is meeting regularly with FQHCs to discuss the needs and number of referrals.

Representative Wintrow asked what the time frame is for accessing, referring, and providing treatment services. She also inquired whether someone is performing case management to assist the probation and parole officers in ensuring that people are connecting with services. Mr. Edmunds responded that probation and parole officers make referrals, but an amendment was added to the contract with FQHCs to add a care coordination element. He explained that DHW pays the FQHC providers to perform patient outreach and scheduling.

Senator Agenbroad inquired about the transition process between the IDOC contract provider (Corizon) and FQHCs. Mr. Edmunds responded that he was not sure exactly what information Corizon provides to new health care providers. He stated that typically in health care settings, the new health care provider requests the medical records from the former health care provider to

ensure continuance of care is in place. Senator Agenbroad asked Mr. Edmunds about the measure of success for the program. Mr. Edmunds responded that the typical measures of mental health care success are a challenge to examine, for example:

- Social connectedness;
- Stability in housing;
- Contacts with law enforcement; and
- Meaningful involvement in the community.

He explained that DHW will have plenty of data in terms of utilization, but this alone does not necessarily indicate whether a program is successful or not. He stated that DHW is partnering with IDOC to provide well-rounded data and outcomes regarding this population and the pilot program.

Co-chair Lodge inquired about the GAIN program and whether there were any new assessment tools. Mr. Edmunds responded that while GAIN was a cutting-edge program at the time of its implementation and provides good information, he estimated that about 60% of the assessment provides research information rather than the information needed to deliver care. He emphasized that they do not want to eliminate GAIN as a resourceful instrument, but are considering adding another instrument or two that can be used consistently across the state and can monitor for success.

The committee recessed for a break at 10:41 a.m.

The break ended at 10:51 a.m.

Presentation on first-time offenders - Holly Koole Rebholtz, Idaho Prosecuting Attorney's Association

Co-chair Lodge stated that Ms. Rebholtz's presentation would be a continuation of the first-time offender discussion from the previous meeting. She explained that the prosecutors across the state had performed some information-gathering and would be presenting the data to the committee. Ms. Rebholtz explained that after the last committee meeting, the Idaho Prosecuting Attorney's Association (IPAA) requested IDOC's list of 1,245 inmates who are in prison for drug offenses. The prosecutors reviewed the cases in an effort to show that most people are not in prison for first-time, nonviolent drug offenses. She referenced the [handout](#) that displayed the prison's term population. She explained that after reviewing the list and cases, they found that 742 of the 1,245 inmates had prior felonies. She noted that of the 503 inmates left, 258 inmates were incarcerated for drug trafficking, delivering, possession with intent to deliver, or manufacturing; they were removed from the list because they were not simply drug possessors but drug traffickers. After these initial eliminations, there were 245 inmates remaining who were classified as first-time drug offenders, with no priors, in prison.

The IPAA reached out to each county prosecutor to request they pull each case file to see whether:

- The individual had priors that were not reported or shown by IDOC; and
- What rehabilitation efforts had been used in an effort to keep the individuals out of prison and had failed.

She stated that they had not completed compiling the data, but would submit the information to the committee members upon completion.

Ms. Rebholtz explained that county prosecutors were examining each of the 245 case files and performing case studies to determine why the person was in prison. They have found that 75 of the 245 people in prison for first-time felony drug possession did in fact have priors. She added that the 75 individuals had multiple opportunities for rehabilitation. She noted that Canyon County had not yet completed its case studies and the number of inmates found with priors was likely to increase. She stated that in-depth case study was necessary to research why a person had been sent to prison; reviewing the data alone was not sufficient. She commented that data alone does not indicate whether a person has a violent criminal history and opined that categorizing this population as nonviolent drug offenders was inaccurate. She emphasized that case studies show that judges are

sending people to prison either because they have multiple felony convictions and are a danger to the community and/or after every attempt has been made to keep them in the community.

Ms. Rebholtz recalled the first time that the Council of State Governments (CSG) had visited Idaho to examine the state's prison population and had found the inmates' prison placement appropriate. She noted CSG's recommendation was that Idaho work on addressing recidivism.

Discussion

Co-chair Lodge inquired about the remaining 170 inmates left from the group of 245. Ms. Rebholtz reiterated that the number of 75 may increase once Canyon County completes its case summaries. She stated that, once the case study is completed, the committee members will be able to review the case summaries and examine criminal history, rehabilitation efforts, and case history. She suggested that the case study will show that placement in prison was appropriate.

Representative Wintrow inquired about rehabilitation efforts and what resources are provided to offenders. She also asked whether enough resources are being provided to people within the rehabilitation efforts. Ms. Rebholtz referenced probation officers, mental health and/or substance abuse treatment, rider services, speciality court services, etc. She stated that rehabilitation efforts could be included in the case study for the committee to review as well.

Senator Agenbroad inquired whether there were any commonalities among the offenders that failed at rehabilitation or any potential defects in the justice system. Ms. Rebholtz referenced her personal experience as a deputy prosecuting attorney and noted that there has been an increase in new felony crimes as well as multiple probation violations.

Follow-up on justice reinvestment from July 10 - Director Henry Atencio, Department of Correction

Director Atencio began by explaining that he took the committee's request for the number of inmates incarcerated in prison for first-time drug offenses literally. If IDOC had taken a broader approach, it could have presented a more detailed description of people entering prison. He briefly described the criminal background information available to IDOC. He explained that the construction of the criminal history begins at the beginning of the pre-sentence investigation (PSI) process which includes criminal history from outside of Idaho. He stated that the challenge is that much of the criminal history is found within the PSI. While it's an electronic record, there is no mechanism in IDOC's database to retrieve the information from the PSI. He commented that the Legislature had funded the first year of the new offender data system and noted that the new system has the capability to retrieve information from the PSI.

IDOC Substance Use Disorder (SUD) Services

Deputy Chief Greg Lewis for the Division of Probation and Parole began his [presentation](#) by providing a SUD program overview. He stated that IDOC was allocated \$7.2 million for fiscal year 2019 for substance use services in the private provider network. He explained that treatment in the community included recovery support services and was based on assessed level of care. He commented that medication assisted treatment (MAT) had never been offered due to concerns regarding treating a drug addiction with an alternative drug as well as the cost of the program. Due to the opioid crisis in the country, IDOC thought that it was timely to pilot MAT services. He stated that the average cost for the pilot program was at least \$5,000 per patient for MAT services. He noted that while the MAT pilot program is expensive, it is also costly to the state to house inmates. He referred the committee to samhsa.org for additional information regarding MAT services. He commented that, the Substance Abuse and Mental Health Services (SAMHSA) provides a list of improved outcomes with respect to MAT services such as patient survival rates, decrease in crime, decrease in illicit drug use, increase in treatment engagement, etc.

Deputy Chief Lewis stated that IDOC set aside \$250,000 of SUD funding for a one-year pilot program to expand MAT services. The funding will provide MAT services for approximately 50-opioid

using offenders in districts three and four. He stated that the MAT contract services are provided by FQHCs and they will have oversight over the buprenorphine prescriptions for this population. He listed the three services types:

- SUD services only;
- SUD and MAT services; and
- MAT services only.

He stated that in a year, IDOC will examine the data to review effectiveness between the three service types in: treatment engagement, urinalysis testing, and recidivism.

Discussion

Co-chair Luker inquired how the individuals in the group of 50 would be selected. Deputy Chief Lewis responded that the process would be the same referral process used by probation and parole officers, but the first 50 who are referred for opioid issues would be potentially eligible for MAT services. Co-chair Luker asked if the funding for behavior health services (\$5.3 million) was part of the \$7.2 million allocated for substance use services. Deputy Chief Lewis responded in the negative.

Co-chair Lodge inquired about the payment arrangement for services, particularly in the case where one of the group of 50 people participating in the pilot program was to withdraw. Deputy Chief Lewis explained that the contract was written with the understanding that some of the 50 people may withdraw or fail the program. He expects that many more than 50 people will have contact with the pilot program. IDOC chose to begin with a group of 50 because of the estimated cost of \$5,000 per person and the need to keep the total cost under \$250,000. Director Atencio clarified further by stating that IDOC will only pay for services delivered.

Co-chair Lodge asked whether any prescribed medication from the pilot program would need to be continued for life. Deputy Chief Lewis responded that it was possible, but research has shown that a dosage of nine to twelve months creates a significant impact. He added that there is only \$250,000 available in the budget for the pilot program of 12 months. Co-chair Lodge asked if participants were required to pay a fee to participate or cover costs in the program. Deputy Chief Lewis responded in the negative, but referred to the high cost of housing inmates in prison and noted that it could be cost-efficient to invest in expanding MAT services within the pilot program.

Representative Wintrow inquired about the selection process, specifically whether IDOC was selecting from the population who might be set up for success best. Deputy Chief Lewis responded that at this time the minimum requirement is active drug and alcohol use. He explained that people who are actively using will typically score at least a moderate risk on the assessment (LSI-R). He stated that at the end of the program, IDOC will analyze variables to see what populations (low-risk, high-risk, etc.) the program impacted the most.

JPay Services

Director Atencio stated his intent to provide an [overview](#) of JPay communication services and, more specifically, the incident that had been reported in the media a few weeks prior. He explained that JPay is a subcontractor to CenturyLink that holds IDOC's inmate communication contracts. He listed some of the communication services offered through JPay (slide 6). He stated that IDOC can request a block or suspend an account of any outside party at any time. From a security standpoint, all content is electronically screened as soon as it is submitted.

Director Atencio stated that JPay was not hacked by IDOC inmates, inmates did not obtain access to the internet, and inmate trust accounts were not involved. He explained that JPay had a programming error in its system that has since been fixed with all the institutions it provides services to across the country. The JPay system's programming error credited the inmate's JPay media account for the cost of deleted items from the shopping cart even though the inmate had

not actually made a purchase. The vulnerability was exploited by 363 inmates for approximately \$224,772 in virtual funds to purchase tangible items from JPay.

Director Atencio stated that inmates had been held accountable with disciplinary offense reports for theft. He said that JPay suspended services for inmates who received and kept items that were not purchased. He stated that the services would remain suspended for those inmates until they have made restitution payments to JPay. IDOC invited CenturyLink and JPay to meet and discuss security issues or any other issues with their services.

Discussion

Co-chair Lodge asked whether the incident cost state taxpayers any money. Director Atencio responded in the negative; all JPay services are purchased by offenders with their own money.

Co-chair Lodge asked if any inmates were fighting fires in Idaho at this time. Director Atencio responded yes; some were fighting fires in Idaho and others in California. He added that it was not unusual for inmates to be dispatched to other states to fight fires. Co-chair Lodge inquired about their rate of pay. Director Atencio was not sure, but would provide this information to the committee at a later date. Co-chair Lodge inquired further by asking if the pay would be subject to restitution and fine payments. Director Atencio responded in the affirmative. Co-chair Lodge asked about the state of the agriculture programs. Director Atencio responded that the programs were working well and noted the high level of participation, especially in the Treasure Valley.

Co-chair Luker asked whether information had been provided to the committee regarding the methodology used to forecast the population growth. Director Atencio referred to a [handout](#) recently provided to the committee. After some discussion, Director Atencio offered to present the information in more detail to the committee at the following meeting.

Final committee discussion (continued)

Co-chair Lodge called for the approval of the June 10, 2018, minutes. **Senator Nye made a motion to approve the June 10, 2018, minutes. Senator Buckner-Webb seconded the motion. The motion passed by voice vote.**

Co-chair Lodge directed the committee to the meeting calendar. After some discussion, the committee selected September 17 for its next meeting date.

Representative Wintrow suggested it would be beneficial to hear from community treatment providers to better understand the programming provided in the institutions. Deputy Chief Lewis stated that they could provide information on both the programming offered in the institutions by IDOC staff and in the community by the private sector. Senator Agenbrood requested a comprehensive list of programming offered to offenders as well as any pilot programs.

Senator Buckner-Webb suggested hearing from individuals who could speak to their experience regarding accessing services in the community, including any challenges, prohibitions, and benefits. Deputy Chief Lewis responded that IDOC could reach out to parolees and probationers in the community.

Representative Holtzclaw suggested information regarding how inmates use their time to prepare for release.

Senator Nye asked whether the committee had received the information it had requested at the last meeting regarding the number of people incarcerated who have mental health issues. He also inquired whether IDOC had a response regarding the Pew Trust's study report that was presented at the last meeting regarding the effectiveness of incarceration.

Representative Wintrow stated that it would be beneficial to hear from defense attorneys.

Co-chair Luker referred to IDOC's request to expand the CAPP program. He stated his desire to learn more about the CAPP program and its outcomes including the recidivism rate.

Co-chair Lodge stated that the Legislature had provided funding to the Youth Challenge Program. She suggested hearing from some of the children who had successfully completed the program.

Co-chair Luker stated that the committee should discuss at some point whether it wants to make any recommendations regarding the following areas:

1. Reclassification of laws and appropriate sentencing;
2. Increasing probation and parole funding;
3. Emphasis on community reentry centers;
4. Mental health and drug treatment; and
5. Prison expansion and/or repurposing current facilities.

Senator Nye suggested discussing whether the number of judges in Idaho is adequate for the needs of the state as well as their respective compensation. Co-chair Lodge requested Ms. Sara Thomas to present at the next meeting regarding Senator Nye's request. She also requested that Ms. Thomas' presentation include information regarding sentencing.

Co-chair Lodge suggested reviewing good time and earned time policies as well as compassionate release policies. She reminded the committee that Idaho was one of three states that had few, if any, policies in these areas.

The committee adjourned at 12:18 p.m.