

MINUTES
Approved by the Committee
Criminal Justice Reinvestment Oversight Committee
Monday, September 17, 2018
9:00 A.M.
Room WW54
Boise, Idaho

Co-chair Lynn Luker called the meeting to order at 9:07 a.m.; a silent roll call was taken.

Committee members in attendance: Co-chair Representative Lynn Luker and Co-chair Patti Anne Lodge; Representatives James Holtzclaw, Bryan Zollinger, John McCrostie, and Melissa Wintrow; Senators Jim Rice, Cherie Buckner-Webb, and Mark Nye. Absent and excused: Senator Jeff Agenbroad. Legislative Services Office (LSO) staff present: Ryan Bush, Jared Hoskins, and Jennifer Kish.

Other attendees: Sara Thomas and Judge Barry Wood - Idaho Supreme Court; Sandy Jones - Idaho Commission on Pardons and Parole; Tom Arkoosh - Arkoosh Law Offices; Paul Jagosh, Mike Miraglia, and Jacob Mulkey - Idaho Fraternal Order of Police; Ian Adams - Utah Fraternal Order of Police; Ingrid Andrus and Kathy Griesmyer - ACLU; Jesse Taylor and Rich Hahn - GEO Group; Greg Lewis, David Birch, Janeene White, Ashley Dowell, and Debbie Field - Idaho Department of Correction; Alejandra Cerna Rios - Idaho Center for Fiscal Policy; Scott Johnson and Chris Saunders - Ada County Sheriff's Office; Scott Bandy and Jan Bennetts - Idaho Prosecuting Attorneys Association; and Lisa Bostaph - Boise State University.

Co-chair Luker explained that the Criminal Justice Reinvestment Oversight Committee was established in connection with the justice reinvestment legislation. He reminded the committee that part of what they are called upon to do is make recommendations on reinvestment and, while changes have been made, not a lot of reinvestments have been made. He stated that there were projections, not necessarily on saving funds, but on averting expenditures in the future.

Co-chair Lodge stated that all stakeholders need to work together to find solutions to the prison system. She thanked the county prosecutors for putting together a book regarding caseload information and drug offender data for the committee.

A request for a motion to approve minutes for the August 13, 2018, meeting was made by Co-chair Luker. **Motion to approve the minutes as received was made by Senator Buckner-Webb; motion was seconded; minutes were approved by voice vote.**

Update on data regarding first-time drug offenders - Scott Bandy, Deputy Prosecutor, Ada County

Mr. Bandy explained that after the JRI meeting on July 10, 2018, he approached Director Atencio regarding the reported 1,245 first-time drug offenders throughout the counties in Idaho. He thanked Director Atencio for providing a spreadsheet with the information regarding the 1,245 offenders and access to his data personnel as well. He expressed concern that the meeting on July 10, 2018, left the committee and the public with the wrong impression - that prisons were full of first-time drug offenders. Prosecutors wanted to correct that impression.

Mr. Bandy stated that he sorted the spreadsheet to eliminate the offenders (742) who had more than one felony conviction because those offenders were not incarcerated in prison for first-time offenses. After this initial elimination, there were 642 offenders left. This number included:

- 177 first-time drug traffickers;
- 33 individuals for delivery of controlled substance;
- 43 individuals for possession with intent to deliver controlled substance;
- 5 individuals for manufacturing possession by an inmate in a correctional facility or jail; and

- 2 individuals adulterating.

He emphasized that the approximate 258 serious drug offenders in prison had committed serious crimes in the community, threatened the safety of citizens, and deserved to be in prison.

After the second elimination, this left 245 first-time felony drug possession offenders. In speaking with Director Atencio's staff, Mr. Bandy noted that the number for first-time drug offenders was based on the data in the IDOC system, which did not include any information regarding out-of-state felony convictions. Both prosecutors and IDOC have found that, of the 245 simple-possession offenders, 97 had prior felony convictions before the felony drug possession offense. This third elimination left 148 offenders with no prior felony convictions that were serving term sentences for possession of controlled substances. Mr. Bandy sorted the 245 first-time felony drug possession offenders by county and asked each county prosecutor to review the case files and provide a summary of the case. He emphasized that only six of the 245 offenders were sent to prison without multiple opportunities at rehabilitation. He explained that of the six individuals who did not have prior felony convictions, two of them had very significant non-felony prior history.

Discussion

Representative Wintrow inquired about the rider programs, its success rate over time, its assessment process, and whether the Legislature could make this program more useful. Mr. Bandy responded that most of the participants receive an opportunity to parole and use the program tools in the community. He believed that IDOC had eliminated the programs that were not evidence-based, but opined that IDOC could probably use additional resources.

A defense attorney's perspective on justice reinvestment - Tom Arkoosh, Arkoosh Law Offices

Mr. Arkoosh introduced himself as a member of the Idaho Association of Criminal Defense Lawyers and thanked the committee for the opportunity to present alternatives to imprisonment. He stated that his presentation would focus on two areas:

- Additional discretion for prosecutors and judges; and
- Additional due process.

He suggested that the provision for more discretion would not cost the state any additional funds, but would save the state a substantial amount of money. Providing more due process would require some investment in the criminal justice system, but in the long term would save the state money due to a potentially lower incarceration rate.

Mr. Arkoosh reminded the committee that one of the first things the criminal justice initiative did was to provide that parolees who violate parole must be given county time prior to receiving a revocation and reincarcerated. He also reminded the committee that the parole commission and law enforcement had returned to the Legislature to ask for additional discretion to move away from the one-size-fits all mentality. He suggested that judges needed additional discretion and advocated for the revocation of mandatory minimums for drug sentences. He opined that the criminal justice system would not be negatively impacted by this revocation. He explained that a first-time drug offender could be sentenced to the maximum sentence and a second-time offender, without mandatory minimums, may be a probation candidate but judges' hands are tied. He suggested that judges needed the same discretion that parole commission petitioned for to deal with each individual case.

Mr. Arkoosh referred to prior testimony regarding anecdotal evidence e.g., recorded prison phone calls cautioning drug traffickers against doing business in Idaho due to the mandatory minimum sentences. He highlighted the irony of convicted felons making these comments. He also noted that those who are not convicted and are making these comments are engaged in criminal enterprise. He opined that nothing was resolved with mandatory minimums; these people are still criminals and still remain a problem. He relayed his personal experience of appearing in over 100 federal cases in the district, many of which were federal drug cases with mandatory minimums. He suggested that, with

respect to most first-time federally charged defendants in federal court, there was no deterrence as evidenced by their request for new counsel due to their disbelief that drug mandatory sentences are what they are reported to be. He emphasized that they have no knowledge of mandatory minimums prior to the commission of a crime. He noted that second-time drug offenders who are familiar with mandatory drug sentences are recidivists and opined that mandatory drug sentences had no deterrence effect. He suggested that the focus for reinvestment should be placed on preventing recidivism and opined that prisons were not useful in preventing recidivism.

Mr. Arkoosh referenced a study by The Pew Charitable Trusts that included statistical evidence demonstrating that mandatory minimums are not effective. He stated that the conclusion is that the absence of any relationship between states' rates of drug imprisonment and drug problems suggests that expanding imprisonment is not likely to be an effective national drug control and preventive strategy. The study found that the most effective response to drug misuse is a combination of:

- Law enforcement to curtail trafficking and prevent the emergence of new markets;
- Alternative sentencing to divert non-violent drug offenders from costly imprisonment;
- Treatment to reduce dependency and recidivism; and
- Prevention efforts that identify individuals at high-risk for substance disorders.

He stated that the arguments by those advocating the continuation of mandatory minimums is that they are needed because drug abuse and drug crime is on the rise. He noted that the mandatory minimum statute was initially passed in 1992 and opined that it's not an effective deterrent if drug trafficking continues to increase. Mr. Arkoosh recommended taking measures to ensure that those subjected to harsher penalties for drug trafficking are in fact actual drug traffickers. He suggested removing from statute the presumption that the possession of a certain amount of drugs means that the person is a drug trafficker, and instead restoring the judge's discretion to make that determination prior to sentencing.

He noted that many counties were near the point of expanding or building new county jails. He suggested that statutorily changing the criminal rules would be beneficial with respect to the pre-trial detainee population. He suggested that, as is done in the federal system, juvenile system, and in several states, our system should have a presumption that if there is a condition or a series of conditions that appear to the discretion of the magistrate, or to the district court in a felony case, that the defendant will appear and is not a danger to the community, then the defendant be given pre-trial release.

Mr. Arkoosh stated his belief that prosecutorial discretion should be expanded. He also suggested the Legislature:

- Reevaluate all drug laws, particularly for small amount of controlled substances held by addicts; and
- Raise thresholds for theft statutes.

He suggested that the Legislature should seriously consider increasing funding for social services, investigators, community supervision, etc. He referenced drug courts as an efficient tool. He stated that changing the direction from imprisonment and punishment as the primary outcome of criminal activity to recidivism as the enemy; more direct funding toward recidivism instead of incarceration, then in the long-run the committee's purpose will be accomplished in a better manner.

Discussion

Senator Rice requested Mr. Arkoosh to further explain his comments regarding pre-trial release. Mr. Arkoosh explained the difficulty of having a rule that has a presumption in it is that someone has to show good cause to be released on their own recognizance (O.R.). He questioned why there isn't a presumption if there is a condition or a series of conditions that ensure that the person will come back to trial and that the person is not a threat in society. He opined that the phrase "good cause" may inhibit discretion at times.

Representative Holtzclaw asked if Mr. Arkoosh believed that mandatory minimums for drug sentences deterred drug traffickers from coming into Idaho. Mr. Arkoosh responded no. He based his response on two things: research studies and his own personal experience. He relayed his personal experience with repeat drug traffickers. He believed that what protects Idaho is the prevention of recidivism and not mandatory minimums drug sentencing.

Utah's approach to justice reinvestment - Ian Adams, Executive Director, Utah Fraternal Order of Police

Mr. Adams began his presentation by referencing the similarities between Idaho and Utah and describing his work experience in law enforcement. He noted that Utah was an indeterminate state and had few mandatory minimums; a great deal of discretion is provided to judges. He stated that the Board of Pardons and Paroles has a great deal of discretion once they take jurisdiction of the case.

Mr. Adams referred to The Pew Charitable Trusts study regarding justice reinvestment and stated that the study reported that crime in Utah had decreased by 1%, in spite of the reforms. He informed the committee that crime statistics in Utah were collected by the Utah Dept. of Public Safety. He explained that they normally receive crime statistics in January, but unfortunately the data was not available until after May and after the study was published. He further explained that The Pew had used FBI index data and the information was not accurate. He stated that there was not a 1% decrease in crime, but an overall increase of 1.9%. He stressed that while the study never directly stated that a decrease in crime was correlated to JRI implementations, it left that impression with many policy makers. He stated that law enforcement's suspicion about the accuracy of the data was substantiated when the accurate data was released by the Dept. of Public Safety.

2016 Crime Data

- Murder increased by 42%;
- Violent crime increased by 17.66%;
- Arrests decreased by 4%;
- Rape increased by 10%; and
- Aggravated assault increased by 19.7%.

He noted that all drug possession crimes in Utah became class a and class b misdemeanors with the JRI initiative.

2017 Crime Data

- Violent crime decreased by 8.3%;
- Aggravated assault decreased by 14%;
- Rape increased by 11.36%;
- Hate crimes increased by 32%; and
- Murder decreased 2.6%.

Mr. Adams stated that the 2018 crime data would be available in January and offered to present the information to the Legislature during session. He agreed with Mr. Arkoosh's comments on providing more discretion to judges. He stated that the issue of recidivism had been ongoing for over 100 years and suggested that it would forever remain a social science problem with no direct resolution. He stated that imprisonment can serve as a useful "time-out" for the incarcerated offenders. He noted that nearly 60% of offenders in Utah recidivate within three years of release.

Mr. Adams stated that JRI is predicated on the theory that treatment should be offered in lieu of state prosecution and incarceration. He informed the committee that because drug possession crimes were reduced to misdemeanors, and only people who were charged with felonies would be placed in jail, there was no incentive for people to request treatment in lieu of serving time in jail.

He suggested that policy makers should create more than two categories (violent, nonviolent) for crimes to take into account the experiences of victims, specifically property and drug-crime victims.

Discussion

Representative Wintrow inquired whether Mr. Adams had performed statistical analysis of Utah's JRI and/or whether he had a role with JRI in Utah. Mr. Adams responded that The Pew Charitable Trusts was a nonprofit research organization that is charged with performing statistical analysis. He stated that while he did not believe that The Pew was a biased source, their research is only as good as their source of data. He clarified that he had presented on behalf of the Utah's Fraternal Order of Police and had been invited to present by Idaho's Fraternal Order of Police. He stated that his goal was to explain potential implementation challenges to reclassifying crimes.

Senator Nye inquired why the state of Utah had about half the rate of imprisonment compared to Idaho. Mr. Adams responded that the Dept. of Correction and county prosecutors created a variety of speciality courts and that seemed to perform well on the problem. He stated that he could not answer this question any further because he was not familiar with Idaho's crime rates or data.

Co-chair Luker inquired about the impact of Utah's decision to no longer accept offenders charged with misdemeanors into their jails. Mr. Adams clarified that the decision was only in effect for a year and a half; it's since been modified to allow people charged with misdemeanors to be jailed. The state of Utah recognized that it was a bad policy decision, partially due to the fact that crime occurs in cycles in individuals and societies and would be best served by some method of early intervention (i.e., treatment, jail time, etc.). He clarified that he would not imply that JRI lead to an increase of homicide or rape, but it would be accurate to state that the rates for murder and rape crimes increased after the JRI policy changes. He stressed that Utah is too limited in their time frame to perform a causal analysis and a [causal] link could not be drawn between the JRI implementation and the increase in overall crime, but believed that a correlation did exist.

Co-chair Luker asked whether treatment was provided by the county or the state. Mr. Adams responded that through JRI, most of the funding for treatment is provided by the state, but some is provided by the counties. He stated that there is a combination of treatment providers, although most treatment providers are nonprofit. He opined that not enough funding is provided for treatment.

Representative Wintrow stated that Utah's experience assists Idaho in its decision making and emphasized the importance of hearing from all stakeholders. She commented that Utah has over 3 million people and Idaho has 1.7 million people; 6,000 people are incarcerated in Utah and 8,000 people are incarcerated in Idaho. She stressed that while stakeholders could analyze data from different viewpoints, it is vital to hear from a variety of stakeholders and thanked Mr. Adams for reminding her about what other voices were absent from the discussion.

Senator Nye made a disclosure that his law office represents the fraternal order of police.

The committee took a break at 10:25 a.m..

The committee reconvened from break at 10:35 a.m.

Follow up on justice reinvestment - Director Henry Atencio, Dept. of Correction

CAPP facility and recidivism rates

Director Atencio referenced a [handout](#) that briefly described the CAPP facility. The time line for the CAPP facility can be found on slide 7 of the [presentation](#). He explained that in 2014, after the JRI initiative, CAPP was used to house some of the parole violators who were serving 180-day sanctions. In 2015, the Council of State Governments (CSG) was invited to return to Idaho to conduct the justice program assessment and, as a result of the assessment, IDOC eliminated the therapeutic community models in all its facilities. The programming was replaced with evidence-based

programming, primarily from the University of Cincinnati. In 2017, the 90- and 180-day sanctions were repealed from the justice reinvestment statute, Section 20-229(b), Idaho Code. He stated that the CAPP facility is primarily focused on the rider population. As of today, there are 1,274 beds dedicated to the rider population within IDOC institutions. He was concerned that, like many of the other inmate populations, there are more rider inmates than available rider beds. He stressed the agency's need for operational flexibility and used the CAPP facility as a prime example.

He explained that recidivism rates for rider inmates are similar across the facilities for males, including the CAPP facility (22.1%). He attributed this to the uniform programming offered in all the facilities, but would like to see the rate of recidivism decrease. However, the rate is lower for female rider inmates released from South Boise Women's Correction Center (SBWCC).

Discussion

Representative Holtzclaw requested more information about the rider program. Director Atencio explained that in the rider program, the courts retain jurisdiction up to a year by statute. The programming lasts about seven to nine months, depending on the programming needed by the inmate. Representative Holtzclaw inquired about the monthly cost to house a rider inmate. Director Atencio responded that the average cost to house an inmate in IDOC is \$69 a day. Although he was unsure about the specific cost for housing an inmate in the CAPP facility, he believed it would be close to the average cost. He stated that he would provide the exact cost to the committee later in the afternoon. [Mr. Martin Bilbao, who represents the Management and Training Corporation (MTC) that operates the CAPP facility, followed up with the committee via e-mail to provide the following numbers for the CAPP per diem: \$49.06 for 1 to 388 inmates and \$28.37 for 389 to 432 inmates. He noted the significant cut in the rate if the facility is kept full. If the CAPP facility is full at 432 inmates, the split per diem rate is \$46.95. He stated that these numbers only reflected the MTC portion of CAPP and did not include the medical per diem for those inside the facility.]

Representative Wintrow inquired further about recidivism rates. Director Atencio responded that IDOC examines the rates of recidivism for riders, parole violators, probationers, and term inmate populations separately. He stated that collectively, these populations have a three-year recidivism rate of 32%; the rider population is higher at 40%. He said that the recidivism rates seemed to be in line with other states, but noted that each state measured recidivism differently. He stressed the importance of decreasing the caseloads for probation and parole officers to provide them with the time needed to focus and work on each offender. Representative Wintrow inquired whether it would be beneficial to increase case management support for probation and parole officers. Director Atencio responded that IDOC had recently hired a reentry program manager, a newly created position within IDOC. He explained that the position is tasked with facilitating the process of reentry into the community. He added that in October 2017, IDOC was awarded a \$3 million grant over the course of three years to create case manager positions in the district offices to bridge communication between the parole officers, case managers in the institutions, and inmates scheduled to be released.

Senator Rice asked whether the lack of beds for rider inmates impacts their ability to obtain the full scope of treatment intended by the courts. He also asked whether there was a difference in recidivism rates for offenders who are unable to enter the IDOC system promptly. Director Atencio explained that the treatment program is not shortened for the inmate, it just takes them longer to enter the system. He added that county jails are impacted because of the number of beds taken up by riders. He said that IDOC had not done research on whether recidivism rates differed for the rider populations who entered IDOC's system in a timely manner versus those who didn't; IDOC's data personnel would look into whether there was enough data to research this question.

Co-chair Luker inquired about the best rate of recidivism among the populations in IDOC. Director Atencio believed that the probationer population recidivated at the lowest rate, followed by the rider population, followed by the parolee population.

Discussion of a possible justice reinvestment solution regarding facilities - Sheriff Stephen Bartlett, Ada County

Sheriff Bartlett began his presentation by referring to the [handout](#) provided to the committee regarding the data collected by the sheriff's department. He stated that when the justice reinvestment initiative was implemented by IDOC a few years ago, he had hoped that it would prove to be beneficial. He suggested that JRI, as implemented by IDOC, had caused many new problems for Idaho law enforcement agencies, including overflowing county jails with parolees. He opined that many of these parolees should not have been released. He stated that the concept of JRI was to provide treatment and oversight for parolees who are released into society. He suggested that adequate treatment and adequate oversight had not been provided to parolees for JRI to work properly. He stated that, as a result, more parolees are being released back into communities and committing new crimes. He stated that they are also contributing to the overcrowding problem in county jails.

Sheriff Bartlett suggested that IDOC inmate management had somehow become a responsibility for county jails. He also suggested that JRI was an unfunded mandate that placed stress on communities. He emphasized that changes should be made to JRI in order to make communities safer. He directed the committee to the first page on the [handout](#) and noted that:

- Parolees who commit new crimes average about 100 days in jail;
- Parolees who are arrested on technical crimes average 42 days in jail; and
- Non-parolees arrested for new crimes average 24 days in jail.

He noted the burden on county jails who must house parolees who are arrested for state charges and suggested these parolees should have remained in state facilities.

Sheriff Bartlett suggested that the implementation of JRI caused parolees to be released when it wasn't safe to do so. He noted the significant increase of parolees in county jails since the implementation of JRI in 2014. He noted that the number of new crimes committed by parolees had increased significantly and the number of technical violations had decreased. He suggested that high caseloads were responsible for the decrease in technical violations.

Sheriff Bartlett noted that Ada County Jail was overwhelmed with the number of inmates housed there. He stated that over the last year, Ada County averaged 142 IDOC inmates in the jail every day; they account for 13% of Ada County's jail population. He noted that since the JRI implementation in 2014, the daily beds days had doubled (52,000). He suggested that parole violators should be housed in an IDOC facility specifically designed for parole violators e.g., sanction center. He noted that IDOC had not discussed the creation of a potential sanction center. He suggested that a sanction center would allow IDOC parole officers additional oversight and parolees could continue their programming in the facility. A sanction center would also remove parolees with technical violations from all the county jails.

Discussion

Representative McCrostie asked if there is a correlation between the growth that Ada County is experiencing and the increase in daily bed days and parolees housed in jails. Sheriff Bartlett responded that Idaho is not experiencing an increase in crime rates, but the number of inmates in jail is increasing. He noted that IDOC parolees are housed in jails for over 100 days which ties bed space in jails at three times the average length of time. Representative McCrostie inquired whether it would be beneficial to increase the number of parole officers. Sheriff Bartlett could not speak to the number of parole officers, but stated that additional supervision/oversight is needed.

Representative Wintrow inquired whether inmates of different risk levels are housed in the same areas. Sheriff Bartlett explained that they have a classification system to ensure that the person is placed in the right housing location and with others in the same classification. He stated that some inmates could be living in the same space with others who have committed severely different

crimes, but are still within the same classification. Representative Wintrow inquired about Sheriff Bartlett's remarks regarding inmates being released when they shouldn't be. He responded that counties are seeing an increase in new crimes committed by parolees. Representative Wintrow asked what part of JRI is causing this to occur. Sheriff Bartlett opined that the prosecutors would be better suited to speak to question.

Senator Rice reminded the committee that JRI passed through the Legislature four years ago, and while administrative functions were implemented, the substance was not. He noted that the state had not increased the number of probation and parole officers to provide the amount of quality supervision that JRI recommends. He also noted that the treatment portion of JRI has also not been implemented.

Representative Wintrow asked Executive Director Sandy Jones from the Commission on Pardons and Parole to comment on the presentation. Director Jones emphasized that the statute did not mandate inmates to be released early or under certain conditions. She clarified that the mandate was that the parole commission review evidenced-based factors, including a parole guideline document, in determining when a person is eligible for release. She noted that the parole commission's responsibility is not to adjust a sentence; judges make decisions regarding fixed sentences. At the end of the fixed sentence, the parole commission's responsibility is to decide whether a person has a reasonable likelihood of success if supervised in the community with resources. She noted that all inmates pose a risk; not many low-level risk inmates are currently in prison. She believed that there is a lack of resources and suggested that additional supervision officers could increase the likelihood of earlier intervention. She emphasized that the parole commission has always had complete discretion to make parole decisions, both before and after the JRI implementation; the practice of parole was not changed. She noted that at the time that JRI was implemented, a new treatment system was also implemented. She noted that due to the amount of people waiting for treatment programming, who had already been granted a parole date, once the new treatment program was implemented, a significant number of people were able to complete their programming and transition to parole.

Director Jones explained that parolees remain in jail until the new crime is resolved in the court and the amount of days it takes to be resolved is outside the purview of the Parole Commission and IDOC. She emphasized that bed space in facilities does not figure into a person's parole decision.

The committee recessed for a lunch break at 11:43 a.m.

The committee reconvened from lunch at 1:12 p.m.

Follow up on justice reinvestment (continued) - Director Henry Atencio, Dept. of Correction

Treatment provider's perspective - Ms. Amy Jeppesen

Director Atencio stated that IDOC utilizes treatment providers from the BPA network and to deliver drug and alcohol treatment to people on probation and parole. Director Atencio introduced Ms. Amy Jeppesen from Recovery 4 Life and stated that she was invited as a treatment provider to provide her perspective on the treatment program. Ms. Jeppesen began her [presentation](#) by explaining that addiction is a chronic disease and is characterized by compulsive drug seeking. She emphasized that addicts do not care about consequences. She noted that drugs change the chemistry in brains and that changes in the brain can lead to harmful behaviors. She said that drug addiction is a relapsing disease, however, drug treatment can be very successful. She referred to the addiction profile on [slide 3](#). She listed a number of characteristics of addiction which included: instant gratification, inability to do cause and effect, distorted thinking and/or criminal thinking, etc.

Ms. Jeppesen noted that centers are seeing an increase in opioid and heroin use between the ages of 18-30 and 50+. She suggested the older age group population was struggling due to the manner pain has been treated and are now being weaned off by prescribers and providers. She noted that methamphetamine and alcohol continue to be a problem. She noted that people are seeking residential treatment for THC use because they cannot stop consuming THC. She also noted

an uptick in cocaine use. She referred to slide 7 and commented that despite the decrease in heroin use in 2017, the amount of people who died due to heroin use increased significantly. She noted that methamphetamine use had decreased in Idaho in the last few years.

Ms. Jeppesen referred to slide 9 that listed the treatment provided for substance abuse and mental health. She emphasized that early engagement is the biggest predictor of success. Recovery 4 Life redesigned the intake process so that no one goes more than three days without being processed into the program and begin treatment. She attributed the increase of engagement rates to the redesigned intake process. She stated that the right amount of treatment and length of treatment is important too. She emphasized the importance of collaborative partnerships, recovery coaches/peer supports, and stabilization. She stated that the combination of these factors increased the rate of success for treatment episodes.

Ms. Jeppesen referred to slide 11 that listed a number of improvements since the JRI implementation. She spoke to some of the issues ([slide 12](#)) that treatment centers are experiencing:

- No funding for misdemeanor probation;
- Decrease in funding overall;
- Disproportionate amount of SUDS funding per the mental health funding;
- Work force shortage; and
- Lower reimbursement rates.

She suggested that shifting some funding could increase early engagement and success rates for patients.

Discussion

Co-chair Luker asked what percentage of their patients are on probation and parole. She estimated that 90% of their patient population is on probation and parole. Co-chair Luker inquired about the funding for both substance abuse and mental health treatment. She explained that they are able to make referrals to Terry Reilley for behavior health issues; she noted that many of their patients have severe mental health issues. She emphasized the importance for patients to obtain medication and that it helps the treatment experience be more successful.

Representative Wintrow asked what amount of treatment funding would be appropriate for the misdemeanor population. Ms. Jeppesen responded that she was not sure what amount would be appropriate, but noted that there was a complete lack of funding for treatment for misdemeanor probation. She noted that oftentimes people who commit misdemeanor drug possession crimes are already struggling with addiction.

Co-chair Luker inquired about the treatment center's interaction with probation and parole officers. Ms. Jeppesen responded that they have weekly or biweekly communication with probation and parole officers in some cases when they are experiencing difficulty engaging with some patients. She noted that there has been an increase in communication with probation and parole officers since the JRI implementation.

Community service providers, treatment services and programs, and mental health prescriptions - Director Henry Atencio

Director Atencio continued his [presentation](#) and spoke about IDOC institutional programming. He reminded the committee that in 2016, IDOC invited CSG to review their programming. In September, 2017, IDOC unveiled the results and recognized that the majority of IDOC's programming was not evidence-based. IDOC then took on the task of selecting evidence-based programming that could be provided in the majority of their institutions and facilities. He listed the programming on slide 2. Director Atencio stated that inmates receive programming toward the end of their fixed sentence in anticipation of their parole hearing and potential release into the community. He explained that inmates are enrolled in programming based on their priority (slide 3).

Director Atencio stated that IDOC's education program is an accredited system that focuses on: adult basic education, secondary education, post-secondary education (in some cases), and prerelease classes. He commented that inmates who increase their education level while in prison have a reduced rate of recidivism (10% to 12%) while on parole. He provided a list of apprenticeships through Idaho Correctional Industries on slide 5. He stated that as of today, IDOC has 112 inmates enrolled in the program.

Director Atencio stated that mental health services are provided via the level of care system. He stated that about 35% of IDOC inmates are on medication for a mental health concern, more specifically, 31% of men and 66% of women.

Discussion

Co-chair Luker inquired about the methodologies for constructing the IDOC population forecast. Ms. Janeena White, evaluations and compliance supervising officer for IDOC, explained that the main assumptions of the projections were:

- Trend in admissions and releases;
- Idaho's population growth;
- Rate of incarceration over time;
- Trend in parole violations;
- Overall inmate population growth compared to Idaho's growth; and
- Expected portion of Idaho's population to be incarcerated.

She stated that even using when using a 5.2% incarceration rate, the same rate as in 2012, the inmate population would be 9,800 by the end of fiscal year 2022.

Co-chair Luker asked Ms. White to provide detailed information regarding IDOC's calculations (e.g., number of admissions and releases) and their assumptions (i.e., population rate, conviction rates, etc.) to Mr. Jared Hoskins, LSO staff.

Final Discussion

Co-chair Lodge stated that she would like to hear from Ms. Sara Thomas, administrator for the courts, regarding the court's recommendations. Ms. Thomas stated that she would have those recommendations ready before the committee's next meeting. She stated that, regarding misdemeanor treatment funding, there is about \$700,000 in SUDS funding that currently goes to the Dept. of Health and Welfare; the court manages the dollars and the Dept. of Health and Welfare reimburses the courts. She said that there used to be another source for treatment funding, but last year the Dept. of Health and Welfare identified a shortfall and so the courts are no longer receiving money from this fund.

Co-chair Lodge inquired about the cost of an individual treatment session. Ms. Jeppesen responded that the reimbursement rate is \$57.50 for an individual treatment session.

Co-chair Lodge asked the committee for ideas regarding any legislation they would like to present during the legislative session. Representative McCrostie stated his desire for the committee to review thresholds for property crimes. Co-chair Luker listed the following items to consider:

- Probation and parole funding;
- Treatment funding;
- Thresholds for crimes; and
- Increase for probation.

Representative Wintrow suggested:

- Reclassification of crimes and appropriate sentencing;
- Creative social work solutions;

- Emphasis on community reentry centers; and
- Examining sanction centers.

Co-chair Luker asked Director Atencio whether he and the Board of Correction had discussed the potential benefits of a sanction center. Director Atencio responded in the affirmative, but their view is that a work center could also function as a parole violator center. He commented that they do have parole violator diversion beds, but only about 20 parolees in all the work centers combined. He pointed out that state prisons are being operated at over 100% capacity, and while they do not have inmates on the floor, they are sleeping on cots to help alleviate some pressure in county jails. He explained that IDOC took a system approach in forming their expansion request and recognized the number of deficiencies in the entire system.

Co-chair Luker asked how he would prioritize his list of expanding and adding institutions and facilities. Director Atencio prefaced his response by stating that in a month, IDOC would have 700 inmates out of state. He stated that his first priority would be the 1,500 bed facility.

Representative Wintrow stated her desire for the committee to have discussions on how to prevent people from entering jail and prison. She asked if there is the ability to build on any existing facility to increase the number of beds available. He explained that IDOC had added at least 200 permanent beds to their existing facilities in addition to using cots.

Co-chair Luker inquired about the timetable and the location for the potential new prison. Director Atencio responded that the new prison would take a few years depending on how the prison is funded. He was unsure about the location of the prison and noted that it would depend somewhat on where IDOC could best recruit new employees for the institution.

After some discussion, the committee selected October 26 for its next meeting date.

The meeting was adjourned at 2:20 p.m.