

## **2018 FINAL REPORT**

Criminal Justice Reinvestment Oversight Committee  
Section 67-456, Idaho Code

### **Members of the Committee**

Senator Patti Anne Lodge, Co-Chair  
Senator Jim Rice  
Senator Jeff Agenbroad  
Senator Cherie Buckner-Webb  
Senator Mark Nye

Representative Lynn Luker, Co-Chair  
Representative James Holtzclaw  
Representative Bryan Zollinger  
Representative John McCrostie  
Representative Melissa Wintrow

### **Staff**

Ryan Bush, Principal Legislative Research Analyst  
Jared Hoskins, Principal Budget and Policy Analyst  
Ana Lara, Secretary

## **I. Committee Charge**

The Criminal Justice Reinvestment Oversight Committee was authorized in 2014 by Section 67-456, Idaho Code. The purpose of the committee is to monitor, study and guide analysis and policy development in all aspects of the criminal justice system in Idaho including, but not limited to, monitoring performance and outcome measures as set forth in the Justice Reinvestment Act (JRI) and studying the data-driven justice reinvestment and resource allocation approach and policies to improve public safety, reduce recidivism and reduce spending on corrections in Idaho.

## **II. Meetings**

The committee met six times in 2018 at the State Capitol in Boise on the following dates:

1. March 27 (Organizational session)
2. June 18
3. July 10
4. August 13
5. September 17
6. October 26

## **III. Updates Provided to the Committee**

The committee received input from Idaho Department of Correction (IDOC) at each of its meetings. At the meeting in June, the committee heard from the Council of State Governments regarding justice reinvestment strategies in other states. Director Henry Atencio of IDOC presented an update of inmate population, discussed measures taken to address population trends and gave a forecast for future needs including the Department's bed expansion proposal. David Birch of the Commission of Pardons and Parole discussed the caseloads that probation and parole officers currently manage, and Director Sharon Harrigfeld of the Department of Juvenile Corrections presented to the committee on some of her department's "front-end" programs to assist juveniles who might be at risk.

In July, Canyon County prosecutor Bryan Taylor presented on the effects of drug use from, and Sara Thomas gave an update on the Supreme Court's felony sentencing working group, threshold crimes in Idaho and the work of problem-solving courts. Director Atencio discussed community reentry centers, mental health programs for inmates, and out-of-state placement of inmates. Executive Director Sandy Jones of the Commission of Pardons and Parole discussed her department's work following the passage of justice reinvestment, continued challenges, and potential solutions. LSO also presented research on justice reinvestment approaches taken by Utah and Texas and pending legislation in Congress.

At its August meeting, the committee heard presentations from the Departments of Education and Health and Welfare regarding programs for at-risk students and IDOC offenders who require mental health services. Holly Koole Rebholtz presented data on behalf of the prosecutors

regarding sentencing for first-time drug offenders, and Director Atencio followed up on requests from the July meeting on substance use disorder services. Finally, LSO provided research on good time / earned time policies in neighboring states, compassionate release programs and incarceration rates.

On September 17, the prosecutors presented additional data on sentencing for first-time drug offenders, and Tom Arkoosh gave a defense attorney's perspective on what is needed to improve justice reinvestment. The committee received additional information on Utah's justice reinvestment initiative from the Utah Fraternal Order of Police. Sheriff Stephen Bartlett of Ada County discussed the possibility of a new facility for probation violators to ease the impact on county jails. Director Atencio then followed up on requests for more information on community service providers, treatment services and programs, mental health prescriptions, the CAPP facility, and recidivism rates.

At its meeting on October 26, the committee heard from Sara Thomas on the scope, intent, and substance of the Court's sentencing working group and from representatives from IDOC who discussed the inmate population forecast and mandatory minimum sentences for drug trafficking . LSO also provided research on savings and investments associated with justice reinvestment, total statewide funding of criminal justice, and lawsuits based on good time/earned time policies in other states.

#### **IV. Recommendations / Feedback**

##### Formal Recommendations of the Committee:

1. The committee should continue its work and be extended an additional four years via legislation to amend Section 67-456, Idaho Code.
2. The committee supports the budget request of the Department of Correction for FY2020 for the addition of thirty new probation and parole officers.
3. The committee supports the Department of Correction's proposal to expand the St. Anthony Work Camp and to add a new community reentry center in northern Idaho.
4. The committee recommends that the germane committees consider drafting legislation to allow judges to deviate from mandatory minimum sentences for drug trafficking offenses based upon criteria determined by the committees.
5. The committee supports the changes to Section 19-2521, Idaho Code, proposed by the Supreme Court's sentencing working group that would incorporate sentencing principles from Idaho case law and provide an emphasis on favoring a community-based sentences.

Other Feedback from Committee Members:

1. Co-chairs Lodge and Luker commented that the U.S. Attorney had suggested that the Legislature review the level of THC in marijuana and the potency of fentanyl and suggested that this concern could be forwarded to the germane committees for further study.
2. Senator Rice suggested that an increased focus should be placed on the role of mental health in the criminal justice system and how it can be better addressed and emphasized the importance for tracking data for justice reinvestment, reviewing the implementation of policies and programs, and making adjustments as needed.
3. Rep. Wintrow suggested 1) reviewing the threshold level for some crimes such as theft; 2) examining methods of early intervention to prevent people from entering the criminal justice system; 3) looking at ways to remodel or expand facilities to accommodate the population without having to build a new prison; and 4) that beds allocated in prison for inmates with severe mental health issues could be better used if such inmates were placed in other community services

## **APPENDIX**

Persons who presented to the  
Criminal Justice Reinvestment Oversight Committee

**Persons who presented to the committee (date of presentation)**

1. Ian Adams, Utah Fraternal Order of Police (9/17)
2. Joe Andreoli and Brian Holland, Fraternal Order of Police (7/10)
3. Tom Arkoosh, Arkoosh Law Offices (9/17)
4. Henry Atencio, Department of Correction (3/27, 6/18, 7/10, 8/13, 9/17)
5. Scott Bandy, Idaho Prosecuting Attorneys Assoc. (9/17)
6. Sheriff Stephen Bartlett, Ada County (9/17)
7. David Birch, Department of Correction (6/18,
8. Ryan Bush, Legislative Services Office (7/10, 8/13, 10/26)
9. Ashley Dowell, Department of Corrections (10/26)
10. Ross Edmunds, Department of Health and Welfare (8/13)
11. Sean Falconer, Department of Corrections (10/26)
12. Sharon Harrigfeld, Department of Juvenile Corrections (6/18)
13. Jared Hoskins, Legislative Services Office (8/13, 10/26)
14. Sandy Jones, Commission of Pardons and Parole (3/27, 7/10,
15. Elizabeth Lyon and Marc Pelka, Council of State Governments (6/18)
16. Matt McCarter, Department of Education (8/13)
17. Holly Koole Rebholtz, Idaho Prosecuting Attorneys Assoc. (8/13)
18. Bryan Taylor, Idaho Prosecuting Attorneys Assoc. (7/10)
19. Sara Thomas, Idaho Supreme Court (7/10, 10/26)
20. Janeena White, Department of Correction (6/18, 10/26)