



# STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

C.L. "Butch" Otter  
Governor

Sandy Jones  
Executive Director

## Quarterly Business Meeting

April 24, 2015

Commission of Pardons and Parole  
Conference Room  
3056 Elder, Boise, ID

### Commissioners Present:

Lisa Bostaph  
Janie Dressen  
Mike Matthews  
R. David Moore  
Gary Scheihing

### Commission Staff Present:

Sandy Jones, Executive Director   
Connie Morgan, Hearings Manager  
Asa Martineau, Business Analyst  
Mary Schoeler, Legal Assistant  
Maria Young, Administrative Assistant

### Others Present:

Henry Atencio, IDOC Deputy Director  
David Birch, IDOC P&P Deputy Chief  
Brian Underwood, US Marshals Service  
Tony Campa, IDOC P&P District 6 Manager  
John Esquibel, IDOC P&P Sr. Probation & Parole Officer  
Mark Kubinski, IDOC Lead Deputy Attorney General

- I. Executive Director Jones called the meeting to order at 08:30.
  - Welcome guests
  - Brian Underwood, US Marshal
    - General updates
- II. Crossroads Program - Overview
  - Tony Campa – District 6 Manager
- III. IDOC Lead Deputy Attorney General Mark Kubinski
  - Intent of the Legislature
    - 90 – 180 day sanctions now in Idaho Code
  - Conduct of the Hearings

- Parole Commission is quasi-judicial
- Public hearings
  - Medical and Mental Health issues
  - HIPPA - Offenders must give consent to discuss
  - Mr. Kubinski will research further and respond to Director Jones
- Meetings are open
  - Except Executive Session
  - Minutes are open to disclosure
  - Maintain the appearance of fairness
    - a. There should be no perception of a preconceived decision
    - b. Guidelines clarify
      - i. Guidelines document is protected from disclosure
    - c. Recuse yourself if you have knowledge of a case or a person
    - d. Avoid misperceptions
      - i. Step out completely for the entire hearing if you have recused
      - ii. Avoid the impression of influence and the appearance of impropriety
- Parole revocation vs. denial of parole
  - No expectation or entitlement to be granted parole
  - Parole revocations only require a preponderance of the evidence
  - A person who has been released has a limited liberty interest
    - a. Entitled to some due process
    - b. Right to be free from arbitrary decisions
- Due process is not required in granting or denying parole
- Cases involving an Alford Plea
  - Accusation that a decision had been made based on the plea
  - Attorney said due process was violated
  - Other offenders notifying staff they will also attempt to select Commissioners for their hearings
  - Plea has no effect on decision to grant or deny parole
  - It is not the job of the Parole Commission to retry a case
- Mr. Kubinski will take the feedback of this meeting back and use the information for future cases of a similar nature
- Minutes
  - New format suggestions to reduce future questions
  - Would be rational
  - No due process at the granting stage
  - Must have a rational basis

- No entitlement to a transcript of a hearing
- Commissioners appreciated having the old minutes but are becoming accustomed to new process
- Continuing to summarize more
- Director Jones will sign the revocation forfeitures after the Commissioners have signed the minutes

IV. Review of Minutes

- **Commissioner Scheihing motioned to approve the minutes from the January 16, 2015 Business Meeting. Commission Matthews seconded; all members present voted aye.**

V. Detainers

- Continue to coordinate with IDOC regarding programming and releases for offenders that have detainers

VI. Self-Initiated Progress Report

- Mary Schoeler currently prepares everything the Commission reviews
  - May send back anything for content, wrong form for commutation, gold seal, medical
  - If offenders do not asked for anything specific, it will be denied
  - She has asked IDOC to check the requests and help offenders to fill out the form correctly

VII. Hearing Officer Reports

- Commissioners do not need old information in the reports
- Only go back three (3) years for C-Notes and DOR's
- If there is more, say, "XX previous DOR's, but one XX since ..."
- If the report is on a new crime, go back 3 years

VIII. Specific Training

- Commissioner Moore did receive LSI-R training
- All Commissioners still need Classification and Pathways training

IX. Executive Session

**Commissioner Matthews motioned to amend the Agenda, removing the Executive Session. Commissioner Moore seconded; all members present voted aye.**

X. Executive Director Jones

- Received a telephone call that was asked to be shared with the Commission
  - The woman's son recently appeared before the Commission and was denied parole. She wanted the Commission to know she felt she and everyone were treated badly; like a child.
  - Executive Director Jones noted that the Commission often must

ask uncomfortable questions

XI. Parole Hearing Officers

- Cathy McVey, CSG has been in Idaho training PHO's
- They are beginning to use the Guidelines
  - Commissioners will start to see them before needed
- Asa Martineau updated the Commission on the progress of the new Database

Commissioner Dressen motioned to adjourn the meeting at 11:45. Commissioner Moore seconded the motion. All commissioners present voted aye.

Meeting adjourned at 11:45

Prepared by M. Young, Administrative Assistant