



STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

C.L. "Butch" Otter
Governor

Sandy Jones
Executive Director

Quarterly Business Meeting
October 23, 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 
Jarod Cash, Hearing Officer Manager
Jack Carpenter, Business Operations Manager
Connie Morgan, Hearings Manager
Maria Young, Administrative Assistant

Others Present:

Henry Atencio, IDOC Deputy Director
Cally Younger, Associate Counsel to the Governor and Public Records Ombudsman

- I. Executive Director Jones called the meeting to order at 08:30.
 - Welcome guests

Commissioner Scheihing motioned to amend the agenda to accept the addition of agenda item "Parole Violators: New felony and sentenced to retained jurisdiction" and to modify the Executive Session Idaho Code reference from §§ 67-2345 to §§ 74-201 through 74-208. Seconded by Commissioner Bostaph; all commissioners present voted aye.

- II. Justice Program Assessment and Early Discharges presented by Henry Atencio
 - Overview of findings publicized in September
 - Introducing curriculum developed at University of Cincinnati
 - Substance Abuse
 - Research-based program; Only one program nationwide considered evidence-based
 - The community provider network to help provide aftercare
 - General cognitive behavioral programming
 - Sex Offender programming
 - Anger Management programming

- Commissioner Bostaph will provide contact information to Deputy Director Atencio for Sam Houston State University
 - Executive Director Jones noted that the commission office has processed 190 releases in the past month with only one person; whereas, previously, two people processed half that number
 - Release numbers are increasing while population numbers remain about the same
 - Tracking releases and the trend of daily population count
 - Will discuss caseloads
- Community Mentor Program
 - Approximately 3,000 volunteers in the prisons
 - Creating a position to facilitate mentoring program
 - Will serve to strengthen the reentry process
 - The mentor would be included in the meetings with offender and PO and would serve as a conduit between the parolee and the district office
 - Catholic Church has a reentry conference and already visit homes
 - Does not have to be religious
 - A training program already exists that can be expanded
 - It was recommended that IDOC reach out to the Interfaith community as there is representation from most of the churches
- Discretionary Jail Time
 - Allows parole officers flexibility and they are excited to have that discretion
 - Currently only have 5 days available
 - POs want more days so they don't have to jump right to a Parole Violation
 - Research indicates that 1 – 7 days in jail is more impactful than 30 days and having to serve 2 on 2 or 3 occasions has a profound impact

Commissioner Moore motioned to increase the number of Discretionary Jail Time days from the current 5 to 10 in order to allow Parole Officers flexibility.

Discussion: Beginning with new cases in November; PO's may request more days for a parolee that has already begun supervision and may only utilize 2 days at a time.

Commissioner Moore motioned to increase the number of Discretionary Jail Time days from the current 5 to 10 and only 2 days can be used at any one time, beginning with the November Parole Hearing Session. Commissioner Matthews seconded the motion; all commissioners present voted aye.

- The Commission has recently seen parole violation reports wherein the violating officer does not appear at the Parole Violation Interview, nor are they writing comments for the Violations Hearing Officer
 - Deputy Director Atencio noted it is in policy for the PO to attend or make arrangements for someone else to attend

Deputy Director Atencio will follow up with the IDOC Chief of Probation and Parole

- Violators appear before the commission stating when they are assigned a new PO they must begin again with the new PO as though nothing was passed from one PO to another
- Violators also indicate they cannot contact their PO
 - The Chief of Probation and Parole is working with local District Managers to change that
- The District offices are discontinuing the group orientations that have been conducted for new parolees
- Parolees will now report immediately upon release and have the first meaningful contact with the PO within 24 hours, either in person or by phone

➤ **Early Discharges**

- IDOC is observing that about 50% of the Requests for Early Discharge are being granted
 - IDOC would like to know what the Commission is expecting so they can help the Commission be more inclined to grant
 - Commission noted that many are simply submitted too early
 - a. Every case is considered individually
 - b. Consider after the one year of supervision moving that person that would be considered for Early Discharge into the Limited Supervision Unit for one year and if they are still doing well, then submit for Early Discharge
 - Currently there are 3,500 on parole, 11,000 – 12,000 on probation and that equals approximately 15,000 on supervision and that is why the district staff like the Early Discharge process
 - PO's have been notified that they are not to prioritize sexual offenders and if the Commission is seeing those submissions to make Deputy Director Atencio aware
 - Additionally, the parole release contract has a date indicating when an offender is eligible for an Early Discharge and officers will submit applications when that date is reached
 - a. Modify language
 - b. Research indicates violations will usually occur within the first 18 months
 - The Commission asked if they have discretion when identifying special conditions for sexual offenders
- The Commission will review language allowing the supervising authority to have discretion over the supervision level of sexual offenders**
- a. Deputy Director Atencio indicated that would be beneficial for the supervising officers
 - b. This can be implemented immediately with no action from the Commission
- Deputy Director Atencio thanked the Commission for the additional 5 days DJT – making 10 days total and for the language modifications agreed upon at this meeting
 - Additionally, each district has staff meetings and both Commissioners and staff are interested in traveling to each district and to IDOC facilities

for staff meetings and tours

III. **Commissioner Scheihing motioned to approve the minutes from the July 24, 2015 Business Meeting. Commissioner Bostaph seconded the motion and all Commissioners present voted aye.**

IV. Executive Director's Report and General Commission Business

- Two Judges have been invited for the next Commission Business Meeting in the interest of keeping lines of communication open
- Problem Solving Courts
 - Value for Parolees
 - Would capture those not quite ready for a violation
 - When Public Defender and treatment providers accept
 - Worth further discussion
 - Levels of Supervision and the wrap-around services are of great benefit
 - Begin initially with Veteran's Court
 - Have wrap-around services from the VA
 - Substance abuse treatment
 - Open to any crime
 - Use Veteran's Court as a pilot and review in Executive Session as a Miscellaneous Review
- Parole Violators
 - Sentenced on new offense to a retained jurisdiction program
 - Offender so sentenced was passed one year by the Parole Commission; however, the program was completed more quickly than the term the Commission assigned.
 - a. VHO asked for a review
 - b. Completed retained jurisdiction and judge released; however, remained incarcerated until TPD
 - *Does the Commission want to review each of those cases as there will be more in the future?*
 - These complications arise when there is violent behavior and a new crime between the time the violation occurs and the conviction takes place.
 - Cannot hold on a warrant
 - Executive Director Jones was told the sanctions of 90/180 are for technical violators
 - The use of the word "conviction" is extremely restrictive and becomes problematic
 - **Modify language to "upon completion of your rider or one year"**
 - **RIDERS: Will be considered on a case by case basis as there are factors to weigh including the sentence and the completion of the rider.**

V. Cally Younger, Governor's Office

- Why are Commissioners votes confidential?
 - To protect the Commissioners from undue influence

- Would impair questioning
- In a panel of 5 Commissioners
 - Feasibility of indicating the vote ratio
 - Can indicate unanimous or not unanimous
 - Decisions are available online after the hearing session ends
- In a panel of 3 Commissioners
 - Must be unanimous or it is referred to the Full Commission
- The Commission also tells the person why they are being denied
- Executive Director Jones receives any complaints about the process and she feels 100% confidence in the decisions that are being made
- Ms. Younger told the Commission they are doing a great job
 - Has observed hearings
 - Invited anyone that wishes to attend to come sit in on hearings

Ms. Younger departed at 10:59 am

VI. Executive Director's Report and General Commission Business (continued)

- Gun Rights Criteria: 18-310
 - At discharge, all civil rights are returned
 - Last year was the first time it was put into rule and it came up during committee
 - Pardons that were denied and some that were forwarded to the Governor will need to be reviewed
 - If the Commission says no to the pardon, that individual may still may apply for restoration of gun rights
 - Could potentially issue gun rights at the same time as the pardon before the Governor sees the application
 - Will design criteria
 - General things to consider in these decisions
 - No new crimes
 - 5 years on parole
 - Orders for protection (federal law)
 - Violent and sexual offenses
 - Indecent exposure
 - Victim concerns
 - Criminal history, Etc.
 - Review: At a minimum, will consider...
 - Reasons for denial
 - Adjusting some language
- Victim Impact Piece

Commissioner Dressen motioned to deny the request that Idaho Parole Commission participate in the documentary piece presented by Sundance Media that will highlight victim's impact of the parole process. Commissioner Bostaph seconded the motion to deny. Commissioners Moore, Matthews, and Scheihing also voted nay. Motion carried. Idaho Parole Commission will not participate in the documentary. Ms. Young will notify requesting party.

- Options for future hearings

- Was September a glitch?
- Shorter days with fewer people = more days
 - Significant cost increase
 - Questionable decisions at 21:00
- There are states that do “breakouts”
- There is also the option of a full-time commission
- There are still other entities that see no offenders

While 20 hearings per day was discussed, it is not fiscally feasible

- Business Meetings will move to the first week of the session beginning with the 2nd Quarterly Meeting to accommodate other meetings requiring Commissioners and the Executive Director
 - Commissioners need to get out into the community more, and there will be many upcoming opportunities when the legislative session begins

VII. Commission Miscellaneous

- Reports
 - If an attached report is mentioned in the body, it must be included
 - Reference all scores compiled for the report

VIII. Executive Session

Commissioner Scheihing motioned to move into executive session at 12:20 citing § I.C. 74-206 (1)(g). Motion was seconded by Commissioner Bostaph. All Commissioners present voted aye.

IX. Regular Session

Commissioner Scheihing motioned to return to regular session at 13:09 p.m. Seconded by Commissioner Bostaph; all Commissioners present voted aye.

Meeting adjourned at 13:10

Prepared by M. Young, Administrative Assistant