



# STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

C.L. "Butch" Otter

Governor

Sandy Jones

Executive Director

## QUARTERLY BUSINESS MEETING

**DATE/TIME:** January 22, 2018 8:30 a.m. MT  
**LOCATION:** Parole Commission Office  
3056 Elder Street, Boise, ID 83705

**Commissioners:** Lisa Bostaph R. David Moore  
Cortney Dennis Karen Neill  
Janie Dressen Rich Wills  
Mike Matthews

**Executive Director:** Sandy Jones  
**Deputy Director:** Jarod Cash

**Business Operations  
Manager:**

Geraint Morgan

### Guests:

Henry Atencio, Director IDOC  
Ashley Dowell, Chief of Prisons, IDOC  
David Birch, Chief, Probation and Parole, IDOC  
Greg Lewis, Deputy Chief, Community Corrections  
Walter Campbell, PhD, IDOC Chief Psychologist  
Jeremy Clark, IDOC Clinical Supervisor

## AGENDA

1. Call to Order – Parole Commission Office—Call to Order at 8:30 a.m.
2. Henry Atencio, Director, IDOC  
Ashley Dowell, IDOC Chief, Prisons  
David Birch, IDOC Chief, Probation and Parole
  - a. Director Atencio spoke about the current populations.
    - Commissioner Bostaph asked about those returning to custody.
      - Chief Birch said 25% of violations are technical
    - Commissioner Bostaph asked if Diversions are adding to the population
      - Some have been diverted to CRS and some to Specialty Courts
  - b. The Parole Commission Research Analyst compiled a composite look at the numbers of decisions through the diversionary process.
    - The length of stay through diversionary process should spend less time in a prison bed.
    - It is hard to know the impact.
      - The best comparison is now to pre-JRI.
  - c. Commissioner Bostaph spoke about other states that have implemented JRI
    - The main difference is Sentencing Reform that was not done in Idaho.



- When the Commission indicates the offender should complete assigned programming, the Commission assumes they will complete the programming.
  - Chief Dowell will follow up, but her understanding is that they are not doing that
    - Director Jones indicated they don't want to go back to the Commission mandating programming, saying that if there is an admission in the hearing (to drug use), then IDOC staff will assist in the dissemination of that programming.
    - Commissioner Matthews noted that many of these individuals are those that have never had CBI-SA programming
    - Director Jones commented that during a prior discussion about the diversion process, there was a "test" for a violator to complete Advanced Practice; the violator can get into that and be out in a month.
    - If the offender shows they have the skill mastered, they complete quickly.
    - Terressa Baldrige, IDOC Director of Re-Entry, previously noted that RDU Staff doesn't see the parole violation.
      - Chief Dowell said that isn't exactly true.
      - Director Atencio noted they may not be reading the notes
      - The RDU process is being reviewed and he will report that back to Director Jones.
      - Chief Dowell indicated there is a new RDU manager who may not know the process.
- Commissioner Wills noted that money was reallocated for JRI and allowed more POs to be hired.
  - There was no noticeable savings except that there are no new prisons.
  - Director Atencio said they are adding beds
    - The Twin Falls work center is scheduled to re-open.
    - Commissioner Wills asked if IDOC is getting what they needed.
      - When JRI was implemented, it was to get more help for IDOC.
      - It appears they still need POs.
      - Commissioner Wills is concerned that JRI is doing what it needed to do since in the beginning, the legislature didn't want it.
      - Director Atencio noted that last year they asked for 24 POs, and were funded for 12.
      - Commissioner Wills said he still receives questions and will talk to the courts about some of these issues.
  - Director Jones commented that the thinking seems to be why they should fund more POs when it seems to be not working.
    - Commissioner Matthews asked if Utah is one of the ones that is doing better.
      - Incarcerated personnel was approximately 7,500 according to an article that was recently in the Desert News.
      - Director Atencio noted part of that figure is sentencing.
      - Director Jones noted the front-end of the process has not been reviewed.

- When asked what would constitute building a new facility, Director Atencio noted they use county jails as overflow.
  - If 800 – 900 beds are used, then they start looking out of state.
  - Depending on how long that lasts, they can then look at building a new facility.
  - Right now there are 500 – 600 IDOC offenders in county facilities, but the counties are saying they cannot handle it.
  - Felony criminal filings have increased.
    - He thinks the number they can actually handle is closer to 400.
    - The counties need relief.
    - Texas has beds available, short-term. Long-term options are Colorado and Arizona.
    - IDOC has added 100 beds, and they are asking for 99 more.
    - The Community Re-Entry Center in Twin Falls has about 120 beds.
    - Legislators do not want to build a new prison
- Commissioner Neill asked where the crisis centers play into the system.
  - Deputy Chief Lewis said POs refer people.
    - Crisis centers are more a band aid to a long-term problem. They're not sick enough to go onto Medicaid.
- Commissioner Dressen asked how the mentor program is doing.
  - Director Atencio responded there are currently about 320 mentors trained.
  - They have a grant through AmeriCorps: one person in Central Office as a coordinator and more in the Community.
    - They felt there was a gap between release and being in the community. IDOC owns both sides, but there is a gap.
    - They announced a Re-entry Manager position. That person will have authority and will report to the deputy director.
    - This will facilitate the transition from release to parole.
      - One goal is to make sure they have a driver's license/ID upon release.
      - Will also help with the CAPP transition.
      - Chief Dowell said they will look into the concerns the Commissioners have recently heard: that several violators say they were released from CAPP and were completely unprepared.
    - Director Jones noted that sanctions confused many staff and offenders
      - Director Atencio said he is grateful for this partnership with the Parole Commission.
      - They will do what they can to ensure the LSI concerns are addressed.
      - They will return with updates as often as needed
- The Diversion Review Team is processing approximately 70 cases per month.

- These are diverted from full revocation for the most part, and have reduced revocations.
- Chief Dowell talked about the recent lock-downs and the programming delays.
  - There were delays
  - The volume will not be caught up quickly.
  - They did what they had to do to keep people safe.
  - She also said it would be helpful to e-mail them in "real-time" so they can look into it. She has also asked the Judges to do the same thing. She said if it is a problem, then they need to fix it in the beginning.
  - PERs: the staff said they were told that they couldn't ask for any PERs.
- 3. Deputy Director Cash said there are 2 people going through CPM training.
  - a. Capstone: TBAR format for a block of instruction for the POs. He was told to talk to Training Manager Gary Charland.
- 4. Greg Lewis, IDOC Deputy Chief, Community Corrections
  - a. Substance Use Disorder and Mental Health Funding availabilities
    - Budget YTD document
    - \$7.1 million that is in the community is being used for the population
      - JRI did result in an increase in this network
      - In this region Easter Seals is the provider; up north it is Change Point.
      - Includes housing providers.
    - For Parolees
      - Any parolee being released that has a drug and alcohol issue is considered and will do their primary aftercare
      - There are drug and alcohol staff in the community/districts.
      - Almost everyone needs help with something.
      - Some research shows that offenders who can get \$500 treatment have a 17% higher success rate than the rest of the population.
        - Set up a streamlined process to get them into treatment, but they cannot continue.
        - Have to work with them to keep them motivated in treatment
  - b. Commissioner Neill noted many offenders don't have a good aftercare plan. They don't think it through in advance and she asked if there is someone working with them prior to release to find out what they need and where they need to go.
    - Deputy Chief Lewis said there is a case manager that does that prior to release
  - c. As the re-entry person is brought in
    - CBI-SA has a success plan
    - They lose that when they release
    - They show up with nothing.
    - Motivation
    - Can do a wonderful program but there is no follow-through
  - d. The mental health piece
    - Health and Welfare wants to use the federal qualified health centers (here it is Terry Reilly)
    - Health and Welfare has the money
    - They are signing contracts and staggering implementation
    - 19-2524s have precedence
      - Once stabilized, will evaluate other populations
    - Contracts and the capacity of the networks has been a stopping point.
    - Currently 3,000 – 4,000 referrals annually

- Would overwhelm the network
  - Services will be a mental health evaluation
  - Case Manager will send a referral
  - Will be scheduled for an evaluation
  - If there is a Mental Health Need, that individual will receive treatment.
- If granted services, they will receive med management.
- IDOC will coordinate the levels of care that will be considered for treatment
- Those identified will be eligible if they are not already serviced through SSDI/SSI.
  - Will receive a new evaluation.
  - Case Manager will then work with the provider and get a release of information in order to be able to share information
- The Commission asked if this is when the evaluation ordered in a Parole Hearing happens
  - Deputy Chief Lewis said yes. The CM makes a referral to the regional provider
  - If they qualify, there is no excuse that they couldn't get it done
  - Once the system is more functional, yes, this is when that evaluation happens
- \$5.4 million isn't that much and there are some flaws: this is managed care
  - As long as the parolee is on supervision, they will qualify for care, after this is fully implemented
  - There will be ongoing appropriations
  - It will take time
- The case manager will staff with the clinician
  - Will not make a referral until there is a firm release date.
- Commissioner Matthews asked about those with a serious issue, usually mental health, who doesn't have a parole plan – they may be denied for not having that plan
  - Director Jones noted they should be able to articulate a general plan – including where they will go and what will happen when they receive a date
    - The case manager should be able to map that out.
    - Resources focused on the higher risk population
    - Multiple options are not a bad thing
      - Different in each community and from prison
      - They may have no idea what the community has available
- Revocations
  - Going back to district of conviction instead of to primary support
  - Chief Birch said they are working on that as they want the parolee to go to the place where they have the best chance of support; communicate with IDOC about concerns
  - Re-entry manager will have this task – to ensure everyone is trained up for releases
  - Deputy Director Cash will ensure Chief Dowell is aware
    - New questionnaire

- o Matches the report
  - o Standardization; using online learning management system, instead of going through the program managers
  - o WEBINAR
  - o CRC/Diversions
    - o Options for violators
    - o Narrow set of circumstances
  - o Commissioner Bostaph has viewed the ACE program in District 3 noting it is a positive venture
    - o Cases in ACE: program and options available
5. Dr. Walter Campbell, IDOC Chief Psychologist & Jeremy Clark, IDOC Clinical Supervisor
- a. Sex Offender Risk Assessments and Mental Health Evaluations
    - Mr. Clark will be travelling the state conducting training
    - Standardizing everything
    - Some crimes aren't in system
      - Will still do the SORA but can't determine risk
      - Static-99R cannot be administered to some populations
  - b. SORAs appear to contain valuable information
    - MHEs are ok
  - c. Some people are more concerning in the community
  - d. Commission understands that resources are limited
    - CMHS2 – if these individuals cannot be re-evaluated, they cannot be released
    - Commission cannot let someone like that out
  - e. Director Jones shared Idaho Code 20-223(5) with Dr. Campbell
    - Governs risk assessments for the release of prisoners onto parole
  - f. Chief Dowell noted the level of care indicators are of benefit for IDOC to know if the individual demonstrates potential risk or not
    - E-mail Dr. Campbell ore Mr. Clark
      - Antisocial Personality Disorders?
      - Specific case discussed
      - Need some kind of appropriate housing
    - Against stigmatization.
    - CMHS-2 is comparable to someone in the community that is taking mental health medications and is stable.
    - Dr. Campbell needs to understand what the problem is
    - Commissioner Dennis said that if they are asking for it in the hearing, there is something that is troubling
  - g. Mr. Clark said they should be able to tell the Commission what might be going on.
    - There will be no real diagnosis of psychopathy
  - h. Commissioner Matthews asked Mr. Clark when the Static 99R is administered
    - Not completed for Juveniles
  - i. VRAG:
    - VRAGs are only on the current offense;
  - j. Clarification discussion
  - k. Mental health evaluations: upon release
  - l. Through the latest incidences with the lockdowns and restricted movements; staff did very well working around and through.

IDOC Staff Departed 12:10 p.m.

6. Review of July 2017 Business Meeting Minutes  
**Commissioner Matthews motioned to approve the minutes from the October 6, 2017 Business Meeting. Commissioner Dennis seconded the motion and Commissioners Neill, Wills, Bostaph, Moore and Dressen voted aye at 08:34.**
7. Legislative Updates
  - a. Open meeting law
8. Executive Director's Report
  - a. Technical Assistance Opportunity
9. Foreign National Treaty
  - a. Parole Commission will continue to review instead of IDOC
  - b. It is a form of commutation
10. National Parole Resource Center/APAI Technical Assistance Grant
  - a. Review current guidelines
  - b. Looking at multiple factors
  - c. Data is available, but the process has changed several times
  - d. Include revocations

**Commissioner Wills motioned to make application for Technical Assistance form NPRC. Commissioner Matthews seconded the motion and Commissioners Bostaph, Dennis, Neill, Moore and Dressen voted aye at 12:50**

11. Commission Business
  - a. Commissioners discussed protocol to go into executive session while at hearings. Commissioners will ask for unanimous consent of the others present while citing the statutory reference.
12. Executive Session
  - a. *I.C. 74-206 (1)(g) By the Commission of Pardons and Parole, as provided by law*
13. Deputy Director/Hearing Officer Manager Cash
  - a. One officer is being reassigned to Pocatello, on a permanent basis
    - Working remotely
  - b. Ask for the Commissioners to be patient during the transition of officers
14. Reports
  - a. Question:
    - Decision was to deny; the note said will be seen in person at next hearing. No report required; Commission wants to talk to them in person
      - Staff are confused.
  - b. Report Review
    - If there was a sex offense that wasn't addressed.
    - Continuing or setting in 6 months (7)
      - 3 months or more = memo
      - Under 3 = nothing
      - 1 year = update
      - More than one = full
    - HORs are no less work than regular



- Is there a place to minimize the hearings
  - Do we need to see them in 6 months or set a date 6 months out
  - Revocations used to be full term and now they are shorter
  - Some states terms are legislated.
  - Can delegate to Executive Director:
    - Parole plan review
    - DORs
  - Deputy Director Cash has to be able to instruct staff
- Need to monitor workload

c. Diversion → Commission.

- Where will the Commission see the diversion meeting
  - Up on the top with the date. A reason will be included:
  - There is no reason in a Revocation the Commissioners cannot send the case back to diversion.
  - If there are pending charges; don't continue
  - Don't have to revoke
  - Would also expect to see that in the summary in the findings report
  - Violations: findings report for ease of use.
    - One officer is already testing the new report.

15. Executive Session

**Commissioner Bostaph motioned to move into executive session at 13:25. citing § I.C. 74-206 (1)(g). Motion was seconded by Commissioner Dressen. All Commissioners present voted aye.**

16. Regular Session

**Commissioner Dennis motioned to return to regular session at 14:11. Commissioner Neill seconded the motion. All Commissioners present voted aye.**

17. Commission Business:

- a. Commissioner Moore asked why the Commission doesn't run a driver's license check for those victims whose letters are returned.
- If we have sent notification to the place we know of, then we have done our part.
  - Director Jones said it is a privacy issue.
  - Our only other option is through the prosecutor's office who often has a way to contact victims of previous crimes.
  - 24 – 25% of all mailings are returned undeliverable.
  - Our victim services office then attempts to contact by other means.
  - Adding Lori into the area will be more efficient.

**Commissioner Bostaph moved to adjourn the meeting at 14:20. Commissioner Dennis seconded the motion. All Commissioners present voted aye.**

**Meeting adjourned at 14:20**

Submitted by A. Tardiff, Administrative Assistant