

**MINUTES**  
**Approved by the Committee**  
**Criminal Justice Reinvestment Oversight Committee**  
**Monday, June 18, 2018**  
**9:00 A.M.**  
**Room WW54**  
**Boise, Idaho**

Co-chair Patti Anne Lodge called the meeting to order at 9:09 a.m.; a silent roll call was taken. Committee members in attendance: Co-chair Senator Patti Anne Lodge and Co-chair Representative Lynn Luker; Senators Jim Rice, Cherie Buckner-Webb, Jeff Agenbroad, and Mark Nye; and Representatives James Holtzclaw, Bryan Zollinger, John McCrostie, and Melissa Wintrow.

Other attendees: Barry Wood and Jason Spillman - Idaho Supreme Court; Carlie Foster - Lobby Idaho; Jarod Cash - Idaho Commission on Pardons and Parole; Sandra Meyer and Holly Koole - Idaho Prosecuting Attorneys Association; Ashley Dowell, David Birch, Pat Donaldson, Henry Atencio, and Janeena White - Idaho Dept. of Correction; Betsy Russell - Idaho Press; Kathy Griesmyer - ACLU; Phil Haunschild - Idaho Freedom Foundation; Jesse Taylor and Rich Hahn - American Bail Coalition; Jacob Mulkey and Paul Jagosh - Fraternal Order of Police; and Alejandra Cerna - Idaho Center for Fiscal Policy.

**Overview of Justice Reinvestment Strategies in Other States (via conference call) - Marc Pelka and Elizabeth Lyon, Council of State Governments**

Co-chair Lodge call upon Mr. Pelka and Ms. Lyon to begin their presentation. Ms. Lyon explained that the [presentation](#) provided criminal justice system reinvestment examples from other states. She introduced the CSG Justice Center as a data-driven organization that provides data-driven analysis of state specific information on a wide range of public safety topics.

Behavioral Health Policies

Ms. Lyon stated that 39 states have used a justice reinvestment initiative approach since 2004. She said that states had reported challenges regarding substance abuse, reducing recidivism, and improving supervision outcomes. She described successful outcomes as better behavioral outcomes, improvements in recidivism, averting growth, and savings for reinvestment purposes. She emphasized that people with substance addictions, or other behavioral health needs, have higher recidivism rates than those without specialized needs. She explained that people in the criminal justice system with behavioral health needs should have access to the range of treatment necessary to adequately address their health needs as well as their criminogenic needs. To be effective, programs must address multiple needs simultaneously. She added that when three or more criminogenic needs are addressed, the rate of recidivism decreases at a much higher rate than when addressing only one to two criminogenic needs.

Ms. Lyon listed a number of ways that states can improve the quality of behavioral health services:

- Provide funding and establish standards for quality training;
- Provide funding and establish behavioral health care standards for people diverted from jail;
- Reduce reliance on providing community-based treatment resources within the criminal justice system;
- Develop payment strategies that incentivize treatment providers to deliver specialized services for the criminal justice population; and
- Require quality assurance processes.

Some examples of reforms implemented in other states:

- North Dakota is expanding the availability of community-based behavioral health services for people in the criminal justice system through contracts with community-based treatment providers across the state

to deliver specialized services. The state also appropriated money to increase the number of treatment providers serving this population. Their policy framework is projected to reduce the forecasted prison population by 1,650 people in five years;

- Law enforcement can place people arrested for nonviolent offenses who are experiencing mental health crises in crisis stabilization units (CSUs) instead of jail, where necessary treatment is often lacking. CSUs are designed to address mental health crises in a clinical setting with trained staff and connect people to services in the community upon discharge. Arkansas's policies are expected to reduce projected growth in the prison population by nearly 10% and result in projected averted costs of over \$288 million; and
- North Carolina's treatment program prioritizes substance addiction treatment for people on supervision who have the greatest need for treatment and are at the highest risk of reoffending. The state also instituted new quality assurance metrics to ensure the delivery of higher-quality treatment. The state saw a 50% drop in probation revocations between FY2011 and FY2014.

Ms. Lyon stated that Idaho had completed a gap analysis that presented where the needs are for mental health and substance abuse treatment across the state.

### Probation Policies

Ms. Lyons informed the committee that efforts to reduce recidivism for the probation population can have a greater impact than focusing only on people released from prison. There are three major policy levers to impact crime and recidivism:

- Deter crime - Increase law enforcement's ability to use hot spot strategies and deploy additional officers to increase the perceived certainty of apprehension;
- Reduce recidivism - High-quality supervision (e.g., risk, need, responsivity), consistent sanctioning, and high-quality treatment programs tailored to needs; and
- Prolong incapacitation - Increase length of stay to hold moderate- to high-risk people in prison for an additional three months, adding 250 to the prison population.

She emphasized that the first two options had a higher benefit-to-cost ratio compared to prolonging incapacitation.

Ms. Lyons referred to [slide 14](#) and explained that each example of reducing caseloads and probation term lengths occurred through a justice reinvestment process. She emphasized that caseload management went hand in hand with effective supervision. She emphasized that resources should be focused on intervening when people are at the greatest risk of reoffending, during the first two years of supervision. She explained that officers should have more frequent contact at the start of supervision, particularly with those at higher risk of reoffending, and reduce frequency of contact over time with ongoing compliance. This would allow for officers to prioritize treatment resources for people at the start of supervision based on risk and need.

Ms. Lyons referred to slide 15 for examples of recent legislation that strengthened Alabama's and Missouri's community supervision systems to reduce recidivism:

- Alabama reinvested \$28 million to hire, train, and maintain over 100 new probation and parole officer positions and reduce caseload sizes. High-risk cases are capped at 20 per officer to enable them to spend more time on each case. Alabama also reinvested money in building its network of day reporting centers by establishing smaller centers in probation offices in rural areas where a high need for treatment services had been identified, allowing for easier access to services and programming; and
- Missouri will be restructuring its community supervision centers from serving primarily as housing for people on probation or parole to serving as a resource for responding to people who violate their supervision conditions and persistently fail to demonstrate positive behavior change. These centers will be used as a final graduated response to technical violations and provide programming and treatment services.

She reminded the committee that drug treatment in prison was not as effective as drug treatment in the community.

Ms. Lyons listed a few examples of states that had strengthened community-based violation response options to divert people from prison:

- Arkansas expanded its Supervision Sanction Program (SSP) to cover people supervised on probation in addition to people on parole. The SSP offers a residential alternative to prison for people who have violated the terms of their supervision;
- Pennsylvania redesigned its state-run community corrections facilities and contractor-operated community corrections centers to serve as a network of residential facilities for people supervised on parole. As a result of this restructuring, Pennsylvania reduced the number of technical parole violators returning to prison by 15% from 2012 to 2014; and
- North Carolina's confinement in response to violation centers provide treatment and programming for 90-day periods to people who have committed technical violations of their supervision. Between FY2011 and FY2016, probation revocations decreased 64%.

Ms. Lyons stated that good time and earned time policies give people the opportunity to earn reductions in their sentence or period of incarceration and reduce the prison population. Some examples include:

- North Dakota applied the state's existing good time policy to time served in jail as well as prison, to encourage rehabilitation and discourage rule-breaking while allowing the state to avert the cost of housing people for their entire sentence;
- Utah implemented an earned-time program to allow people to reduce their period of incarceration through participation in programs recommended in their case action plan; and
- Michigan's County Jail Reimbursement Program is a tool to limit the state's prison population while allowing people to remain in their local communities while serving their sentence. The state provides funding to counties for housing people who otherwise would have been sent to prison.

She clarified that Michigan's example was not a result of justice reinvestment process.

Ms. Lyons said that states increasingly rely on problem-solving courts to serve specialized populations. She stated that several states had changed felony thresholds for property and drug crimes. At least 39 states have raised felony theft thresholds since 2000. Research shows that states can safely increase felony thresholds for theft offenses without increasing property crime or larceny rates. In addition, states that increased their thresholds reported approximately the same average decrease in crime as the states that did not. She emphasized that pretrial detention increases the likelihood of recidivism for certain defendants. She explained that detaining low- and moderate-risk defendants, even just for a few days, is strongly correlated with higher rates of new criminal activity both during the pretrial period and years after case disposition.

Ms. Lyons said that women's experiences leading up to their commission of crimes may suggest different intervention needs than those that are appropriate for men. She explained that women involved in the justice system are nearly four times as likely to have been a victim of physical or sexual abuse in childhood, 20% more likely to have mental illnesses, and two times more likely to have co-occurring mental illnesses and substance addictions. Women in the justice system are more likely to experience unemployment and poverty, and 66% of women are the primary caretakers of minor children. She stated that Missouri had plans to conduct training on gender-responsive interventions for behavioral health providers working with women in the criminal justice system.

### Discussion

Representative Wintrow inquired how people with substance abuse issues were being diverted from the criminal justice system and what assistance was offered upon exiting the system. Ms. Lyons responded that treatment resources were difficult to obtain for all circumstances (i.e., pretrial, probation, etc.). She explained that many states were trying to centralize treatment services and train treatment providers to meet criminogenic needs as well as substance abuse needs. Senator Buckner-Webb inquired about housing and employment needs for the offender population upon release into the community. Mr. Pelka referred to the North Dakota model that involved Dept. of Correction and Dept. of Health selecting priority populations that were driving costs - both for supervision and community behavioral health reasons. They then contracted with providers across

the state to work with the populations to deliver the array of services needed (i.e., substance use, cognitive behavioral therapy, employment programming, housing, etc.). He emphasized that addressing one need without addressing the other needs will not produce a significant reduction in recidivism. He added that the parole term length was tied to the sentence that the individual received at the court level. He explained that the court will sentence the original and maximum terms and, when the offenders are released to parole, the balance of time left indicates how long they will remain on parole. He added that different factors are impacting the length of supervision and, ultimately, impacting the number of people on supervision on any given day.

Co-chair Luker referred to slide 9 and inquired about the 50% drop in probation revocations between FY2011 and FY2014. He further inquired how Idaho compared to North Carolina. Mr. Pelka explained that the focus was on the probation population because it was the primary driver of the increase in prison admissions at the time. He explained that the drop in probation revocations to prisons was driven by sanctioning options that probation officers could apply in response to a probation violation. He added that some efforts Idaho undertook included developing a sanctioning matrix, which guided sanctions in response to supervision violations, and was guided by the seriousness of the violation and risk of the individual to reoffend.

### **Population Forecast and Bed Analysis – Director Henry Atencio, Idaho Dept. of Correction (IDOC)**

Director Atencio explained that his [presentation](#) would address the following issues:

- Population update;
- Measures taken to address population trends; and
- Forecast for future needs.

He stated that, with respect to reentry into the community, the department had created a new position, reentry manager, to examine the work being done in prisons and community correction to effectively streamline the process of an inmate transitioning into the community. IDOC was awarded a \$3 million grant over the course of three years and created six case manager positions whose focus will be to assist offenders in transitioning to the community in a more effective and successful manner. Director Atencio explained that IDOC had a partnership with AmeriCorps to assist parolees and riders with critical resources in the community. He added that IDOC had partnered with the Dept. of Labor to obtain identification cards for offenders prior to release.

Director Atencio stated that, with respect to substance abuse treatment, IDOC had created a criminal justice treatment provider network that implemented parameters to assist the offender population in being more successful. Two of those requirements were weekly urine surveillances and monthly feedback to the supervision officer.

### Discussion

Representative Holtzclaw inquired how difficult it was for offenders to relocate from one county to another county when they are under supervision. Director Atencio responded that it was a simple process and emphasized the importance of communication between the offender and the supervision officer.

Senator Rice inquired whether there were any barriers to offenders traveling outside of their assigned district areas for employment purposes. Director Atencio responded that offenders could request a travel permission for work purposes from their supervision officers. Senator Rice inquired about the time frame for obtaining work travel permissions. Director Atencio stated that supervision officers have 48 to 72 hours to visit with a new probationer/parolee. If the probationer/parolee has a new job and cannot meet with their assigned parole officer, the parolee can communicate with the parole officer's supervisor to obtain a work travel permission. Senator Rice inquired about the percentage of vacancies in IDOC and suggested data could be used to present the case for an increase in supervision officers. Director Atencio responded in the affirmative.

## Population Update - Ms. Janeena White

Co-chair Lodge called upon Ms. White, evaluations and compliance supervising officer, to present. Ms. White stated that the total incarcerated population had increased by 20% from the week before. She explained that the incarcerated population decreased quite significantly in 2015 due to the elimination of the Therapeutic Community option and many offenders, who had either failed the program repeatedly or refused the option, were then eligible for release. Since May 2016, the rate of incarcerated had steadily increased; IDOC experienced its highest growth rate ever at 8%. She stated that most of IDOC's population growth was attributed to the term population; parole violators had started to decrease slightly.

Ms. White said that this year:

- 26% of total admissions to term incarceration are new convictions;
- 19% are new admissions;
- 31% are probation violators;
- 37% are parole violators; and
- 10% are offenders that failed their riders.

Ms. White informed the committee that the new violator sanctions had gone into effect July of 2016. She explained that the parole violator status in the IDOC system was indicative of whether an offender had committed a new crime and whether their parole would be revoked or reinstated after spending some time in prison. There were about 140 total parole violations per month, with 57 parole revocation reinstatements. She added that, although fewer total parole violators are expected in 2018, a record number of revocations are expected - about 300 more than last year. She clarified that parolees who committed new crimes were not eligible for sanctions.

Ms. White stated that:

- 20% of new sentences were for violent offenses;
- 50% of new sentences were for drug crimes;
- Half of drug, property, and alcohol crimes were sentenced to probation;
- Drug sentences to term were more likely to have a lengthier criminal history, a higher LSI score, and tended to be male, older, and Hispanic; and
- 62% of drug convictions to term were already on probation or parole.

Ms. White explained that the revised CSG projection, after some initial confusion regarding how long inmates were held for their fixed terms, was a rate of 8% over six years (1.3% per year). The actual population decreased for a time, and then increased, and is expected to increase by 3.3% over the coming year. She stated that the 2019 projections for the actual incarcerated population and the revised CSG projection would be very close. She emphasized that IDOC would have 700 fewer inmates incarcerated than they had expected prior to justice reinvestment. Ms. White stated that IDOC expected that they would need close to 2,000 additional male beds and 400 female beds by the end of 2022. She explained that while IDOC didn't expect any significant increases in the rider and parole violator populations, it did expect a continued increase in the term population.

## Managing the Increasing Inmate Population

Director Atencio stated that IDOC added 107 permanent beds to its existing facilities during the current fiscal year. He explained that IDOC had 482 inmates in county jails; it has contracted with Bonneville County Jail to house 80 inmates and Karnes County Correctional Center in Texas that currently houses 306 inmates. He added that IDOC would soon sign a contract with Eagle Pass Detention Facility in Texas to accommodate 678 inmates.

Director Atencio informed the committee that, in the next fiscal year, there would be some Division of Public Works (DPW) projects to remodel and refurbish some of the facilities to accommodate for

the increase of beds in the facilities. The FY2019 facility capacity expansion projects would add an additional 292 beds. He emphasized that all facilities were directed to keep their capacity at 100% or above. He cautioned that it had led to operational challenges:

- Additional interstate and facility moves;
- Taxing of existing resources;
- Lack of institutional flexibility; and
- Facilities budgeted at only 98% of capacity.

### Discussion

Co-chair Luker asked whether the high number of parole revocations was due to new crimes being committed. Ms. White responded in the affirmative and explained that, in most cases, when a new crime is committed, parole is revoked and a new tentative parole date is set typically for 6 months in the future. She added that they do have the option of mandating parolees to serve the full term of their sentences. Representative Wintrow inquired about the type of crimes being committed by parolees (i.e., nonviolent crimes, drug offenses, etc.). Ms. White responded that most of the crimes being committed on parole/probation were felony possession of a substance.

Representative Holtzclaw inquired about the quantities of marijuana and methamphetamine that would constitute a felony crime. Ms. White responded that possession of either a testable amount of methamphetamine or more than 3 ounces of marijuana would qualify as felonies. Senator Rice inquired about how much of the increase [in parole violations] was due to delays in obtaining the treatment programs that were requested as part of justice reinvestment, and how much of it could be mitigated by increasing the number of probation and parole officers. Director Atencio responded that there was a limited amount of funding for substance abuse treatment and mental health treatment; the funding had become available only recently. He emphasized the importance of reducing caseloads for probation and parole officers.

### IDOC Bed Expansion Proposal

Director Atencio stated that IDOC projected an incarcerated population of 10,109 by November 2022. IDOC currently has less than 8,000 beds available in the state today and would need 2,094 additional beds by November 2022. He provided a brief summary of IDOC's bed expansion [proposal](#):

- Community reentry center in northern Idaho with 125 beds. The estimated cost is \$12.9 million;
- St. Anthony Work Camp expansion by purchasing and renovating Lincoln School to house 100 beds. The estimated cost is \$7.8 million; and
- CAPP expansion would add 432 beds with an estimated construction cost of \$66.5 million.

He emphasized that IDOC's most significant proposal was a male and female stand-alone facility to house 1,510 beds at a cost of \$439 million. The facility would include:

- Reception and diagnostic units (intake, assessment, processing);
- Mental health units (acute, non-acute, civil commitment);
- Infirmaries (chronic care, recovery, long-term care);
- Cognitive care units (dementia, Alzheimer's); and
- Special needs unit (vulnerable population, protective custody).

Director Atencio emphasized that the Board of Correction had not yet voted on the proposal; it has requested additional information.

### Discussion

Representative Holtzclaw inquired about how many inmates were incarcerated in work camps. Director Atencio responded that he was unsure and estimated about 600 inmates; he clarified that this number did not include the inmates incarcerated at the community reentry centers. Representative Holtzclaw inquired about the incarceration rates for violent crimes compared to

Idaho's neighboring states. Ms. White responded that the Idaho had a lower rate of nonviolent crimes compared to its neighboring states, but the incarceration rate was higher. Representative Wintrow asked how many people were incarcerated with a life sentence without the possibility of parole. Ms. White responded that 140 male inmates and 15 female inmates were incarcerated without the option of parole. She added that an additional 400 inmates were incarcerated with a life sentence with the opportunity for parole.

Representative Luker requested the supporting data for the projected November 2022 incarcerated population (10,109).

The committee adjourned for break at 11:07 a.m.

The committee reconvened at 11:19 a.m.

#### Probation and Parole Population

Ms. White stated there were 2,000 people in the limited service unit (LSU). The LSU caseload for both the probation and parole caseloads had decreased by 20% since May 2017. The probation and parole populations (without LSU caseload) had increased since May 2017. Ms. White explained that half of the probation and parole population was classified as levels one and two and that 25% were classified as a level three or four (high-risk), which required stricter reporting requirements and weekly substance abuse testing; the sex offender two or three caseload accounted for 6.5% of the population.

Ms. White stated that the forecast for the probation and parole population was expected to reach 17,500 by the end of 2022. She suggested that the population could reach 16,000 by the end of 2018.

#### Discussion

Co-chair Luker requested more information regarding the supporting data and method of calculation for forecasting population. Representative Wintrow referred to the justice reinvestment impact statement and asked what amount of resources should be directed to the term population admitted due to failed riders, revoked probation, and parole violators. Director Atencio referred to the \$7.2 million allocated for treatment services and stated that the "risk to revoke" population was eligible for some treatment service funding. He stated that, from a statutory obligation, IDOC was obligated to provide treatment to certain people who took precedence over the risk to revoke population. He lamented the possibility that some of the that population may not receive referrals due to funding constraints. He clarified that, in cases where there was insufficient funding, IDOC staff would refer individuals to in-house treatment staff. Co-chair Luker inquired whether there was a need to allocate funding specifically for the risk to revoke population. Director Atencio responded in the affirmative.

#### Desired Caseload Size - David Birch, Probation and Parole Division Chief - IDOC

Mr. Birch summarized the ideal caseload size, depending on the risk level of the offenders. He stated that it was important to focus on quality of contacts rather than the quantity of contacts. He described the classification of risk levels with level one being considered a low-risk classification. He emphasized the importance for probation and parole officers to engage in conversations with individuals, in person, to better understand their thought processes and behaviors, and work to build intrinsic motivation in those individuals to make positive life changes. He stated that the higher the risk-level population, the smaller the caseload should be for the parole officer.

Mr. Birch suggested the state would benefit from increasing the capacity and number of problem-solving courts. He explained that the sex offender population was supervised differently due to some standards and cautions that differed from the rest of the population. IDOC's community population was 13,430 (not including LSU). He added that the forecasted population for the community population was expected to increase to 14,700 by FY2020.

Mr. Birch stated that IDOC had 212 probation and parole officers in district offices with an average of about 185 officers per month that can supervise a full caseload. He explained that this number took into consideration vacancies, training periods, sick leave, etc. He suggested that, in an effort to build in a relief factor to accommodate for those considerations and reduce the caseloads to a more ideal size, IDOC would need nine additional probation and parole officers. He emphasized the amount of training and time it took for a parole officer to complete the POST Academy as well as on the job training with a seasoned probation and parole officer. He added that, based on the forecasted growth in FY2020 and the ongoing need for a relief factor, IDOC would need an additional 30 probation and parole officers (total of 242) in order to maintain the desired caseload size.

Mr. Birch addressed another IDOC position, pre-sentence investigator, that was experiencing a significant increase in workload and high turnover. He stated that IDOC was on track to complete 6,266 investigations by the end of the year compared to 4,665 investigations completed in 2015. He emphasized that while the workload had increased significantly the amount of staff had not increased. He added that when a new investigator is hired, the investigator has to complete a very robust training program to prepare the investigator to be able to carry a caseload, complete investigations, and submit them to the courts in a timely manner.

Mr. Birch stated that:

- The total cost of 30 additional probation and parole officer positions would be \$1,946,175;
- The total cost of two pre-sentence (minimum) investigators would be \$116,546; and
- The total cost for four additional section supervisor positions would be \$315,296.

He emphasized that the total costs included the start-up costs.

### Discussion

Co-chair Luker asked how IDOC's payscale for probation and parole officers compared to neighboring states. Mr. Birch stated that, when comparing Idaho to surrounding states, Idaho offered the lowest pay for that position. He opined that increasing the pay could have a significant impact to IDOC's ability to retain quality probation and parole officers.

Co-chair Lodge inquired if there were measures being examined to possibly reduce the workload or time needed to complete pre-sentence investigations. She stressed that many people were sitting in county jails waiting for pre-sentence investigations to be completed. Mr. Birch responded that IDOC had built a file review option for the courts. He explained that if a short amount of time had passed since the defendant's last pre-sentence investigation, a file review could be provided to include the original pre-sentence investigation as well as updated criminal history information, etc. He commented that this method was being adopted quickly throughout the state and had saved the pre-sentence investigators some very critical time. He emphasized the need for the system as a whole to come together to decide what information was most critical to include in the report.

Co-chair Lodge expressed her concern that section supervisors supervised an average of only eight or nine probation and parole officers. She suggested that any additional positions for IDOC might be better served as probation and parole positions rather than additional section supervisor positions. Representative Holtzclaw inquired whether section supervisors carried caseloads. Mr. Birch responded in the negative; section supervisors, at times, assist with caseloads in the event of a vacancy, but IDOC strongly discourages it.

### **Dept. of Juvenile Corrections' Front-end Youth Programs - Director Sharon Harrigfeld**

Co-chair Lodge called upon Director Harrigfeld to present. Director Harrigfeld provided the committee members with a [handout](#) with information regarding the department's youth program. She stated that Idaho had looked at reinvesting in the youth population since before the department was created. It had examined the most effective and efficient uses of appropriated funds. She explained that the juvenile justice system and the adult justice system differed in that 95% of what



occurs in the juvenile justice system occurs at the county level; only the highest-risk level of juveniles are committed. She emphasized that this arrangement requires the department to work very closely with every county and their respective district liaisons. She explained that the district liaisons work as a conduit to meet with judges, legislators, county commissioners, etc.

She referenced the difference in cost for a juvenile versus an adult to be custody. She explained that the cost for a juvenile in custody was significantly higher because juveniles spend the majority of their day in education classes and programming. She stated that, given the average length of stay of 19 months, each juvenile costs taxpayers \$170,000 to be in custody. She stressed the importance for youth to be raised within their communities, with their families, rather than inside a juvenile institution.

Director Harrigfeld referred to the Community Incentive Program and explained that it incentivizes communities to keep the youth in their communities. She stated that the grants in this program (Mental Health Program Grant, Community Incentive Program Grant, Reentry Program Grant) had been successful. She explained that county probation officers develop plans for treatment to keep young people in the community, and they may request funding from the community incentive program for services. The funding covers a variety of services (i.e., sex offender treatment, counseling, cognitive behavioral therapy, medication management, etc.). She stated that due to the success of the program the Dept. of Juvenile Corrections developed the mental health program grant to wrap services around justice involved youth, with mental health issues, to keep them in their communities. She added that the department had developed the reentry program grant for youth that could not be kept in the community.

As a result, the department was able to keep its population below 300 compared to a population of 405 in 2009. Director Harrigfeld attributed this trend to partnerships with the communities and the community incentive program. She lamented that many federal grants were no longer provided, but she appreciated the funding that the Legislature had provided to reinvest in the youth to keep them in their communities.

### Discussion

Co-chair Luker referred to the first page of the handout and inquired about the FY2017 recidivism rate of 28%. Director Harrigfeld clarified that the definition of recidivism for the Dept. of Juvenile Corrections was conviction of a new offense within a new year. She clarified that young people who return to juvenile custody fell under the term of "recommitment"; the rate was 15%. She added that the rate of youth that proceed to the adult criminal system was 12%. She stated that the rate of recidivism varied from 30% to 28%; the rate is tracked every quarter. She explained that the complexity of the youth in custody had grown immensely and cited issues with mental health, substance abuse disorders, etc.

### **Final Committee Discussion**

Co-chair Lodge called for the approval of the March 27, 2018 minutes. **Senator Nye made a motion to approve the minutes. Senator Buckner-Webb seconded the motion. The motion passed by voice vote.**

Co-chair Lodge asked the committee members to provide any agenda items to Mr. Ryan Bush in LSO for the next meeting. The committee members provided some suggestions for the following meetings:

- Co-chair Lodge suggested having Mr. Bryan Taylor, a prosecutor, provide a presentation to the committee regarding the effects and fallout of one person abusing drugs.
- Representative Wintrow suggested:
  - Reviewing some of the findings and recommendations in the last annual justice reinvestment report;

- Reviewing felony crimes - specifically possession and trafficking amounts - as well as what substance amounts constitute a felony versus a misdemeanor;
  - Exploring what resources to invest in an effort to build relationships with the Commission of Pardons and Parole and stakeholders; and
  - Examining what support and resources are provided in areas such as housing, treatment, employment, etc., for people transitioning from prison to the community; and
  - Examining what support and resources are provided to prevent people from returning to the criminal justice system.
- Representative Holtzclaw suggested reviewing which additional resources could be provided to the justice system and the public to address mental health concerns.
  - Co-chair Luker expressed a desire to focus on the potential for additional community reentry centers in the state.
  - Co-chair Lodge suggested delving into good time and providing additional options (alternative sentencing) for judges. She also would like to review what the state is doing, specifically the education system, to provide early intervention services in schools.
  - Senator Buckner-Webb commented that having someone with first hand experience detail the effort, work, and challenges presented with assisting and mentoring people in the criminal justice system on how to become fully functional members of society.
  - Senator Agenbroad requested data from the criminal justice system regarding whether changes made two years ago to justice reinvestment provided for any accomplishments and, if so, at what cost.
  - Co-chair Luker proposed researching other models of classifications in other states and potentially focus more additional resources to certain segments of the population.

Co-chair Lodge asked the Commission of Pardons and Parole to present its report at the following meeting. She also invited Commissioner Wills to provide a presentation to the committee as well.

Representative McCrostie expressed his concern regarding the cost of building a new prison. He asked whether it was possible to further the goals of justice reinvestment without the state spending \$439 million for a new prison. He suggested considering statutory changes to reduce the classification of some crimes. Co-chair Lodge stressed the importance for stakeholders to come together, analyze the criminal justice system, and work toward decreasing the growth of the prison population.

After some discussion, the committee selected July 10 and August 13 for future meeting dates.

The committee adjourned at 12:49 p.m.