

Increasing Efficiencies in Idaho's Parole Process

Evaluation Report
February 2010

Office of Performance Evaluations
Idaho Legislature



Report 10-02

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February 22, 2010

Members
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Last year, you directed us to evaluate Idaho's parole process to identify potential efficiencies. This report discusses factors associated with an offender being released after his or her tentative parole date, the costs associated with release delays, and ways that Idaho can increase efficiencies and reduce costs. All of our analyses were conducted within the statutory framework of Idaho's Unified Sentencing Act and in recognition of full discretion given to parole commissioners for making parole decisions.

The Commission of Pardons and Parole plays a critical role in Idaho's criminal justice system by making difficult decisions about when public safety and justice are served by releasing offenders back into the community and determining the conditions of their release. Public interest is best served to the extent that the commission has sufficient procedures, resources, and coordination with other criminal justice agencies, particularly the Department of Correction (IDOC), to make fully informed and timely decisions. Undue delays within the parole decision-making process not only have implications for the efficient administration of justice, but also have a direct impact on state taxpayers by housing offenders in expensive prison beds longer than is needed.

In 2004, nearly 40 percent of offenders were released on time; in 2008, it was just 17 percent. We found the strongest predictor of an offender being released after a tentative parole date was the timing of his or her rehabilitative programming. Those offenders who began programming after a parole hearing were significantly more likely to have a release delay. The successful movement of offenders through the parole process is essential to slowing growth in the prison system, preparing offenders for reentry into the community, and most importantly, maintaining public safety.

This report makes recommendations for streamlining the joint processes of IDOC and the commission by focusing on improvements in training, communication, policies, and data management. This report also presents the commission with an opportunity to look into its operations and work toward addressing issues raised by its employees.

Additional work in the area of alternatives to incarceration can also ease the burden on the parole system by reducing the incarcerated population and addressing the need for offender programming outside of the parole process. In his response to our companion report *Operational Efficiencies in Idaho's Prison System*, Director Brent Reinke of the Department of Correction said that he "will request the Joint Legislative Oversight Committee consider allowing OPE to develop a relationship with the Washington State Institute for Public Policy to initiate an outcome study on the three identified alternatives to incarceration."

We thank the Governor, IDOC, and the commission for providing their formal responses to our report. These responses are included at the end of the report. Our special thanks to commission and IDOC staff who took time from their other duties to enable us to carry out the essential function of legislative oversight on behalf of the Joint Legislative Oversight Committee and the Legislature.

Sincerely,

A handwritten signature in black ink that reads "Rakesh Mohan". The signature is written in a cursive, flowing style.

Rakesh Mohan

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Executive Summary

Increasing Efficiencies in Idaho's Parole Process

The Unified Sentencing Act is the cornerstone of Idaho's current parole process and requires a fixed incarceration time that must be served by the offender for every felony sentence. Additionally, Idaho Code § 20-223 gives full discretion to parole commissioners when making decisions on whether to grant parole. Our evaluation of the parole process was conducted within this statutory framework.

The Commission of Pardons and Parole plays a critical role in Idaho's criminal justice system by making difficult decisions about when public safety and justice are served by releasing offenders back into the community and determining the conditions of their release. The public interest is best served to the extent that the commission has adequate procedures, sufficient resources, and coordination with other criminal justice agencies to make fully informed and timely decisions.

Delays within the parole process not only have implications for the efficient administration of justice, but also have a direct impact on state taxpayers by housing offenders in expensive prison beds longer than necessary. When looking at the total number of offenders in our timeframe who were granted parole between January 1, 2007 and September 14, 2009, and who were incarcerated beyond their tentative parole date, we estimate the state spent nearly \$7 million in continued offender management.¹

For the parole process to operate effectively, several critical elements need to be in place and operating well, particularly coordination between the Department of Correction (IDOC) and the commission. The remainder of this executive summary highlights the key areas of strengths and weaknesses we found in the parole process and provides a summary of our recommendations for increasing efficiencies.

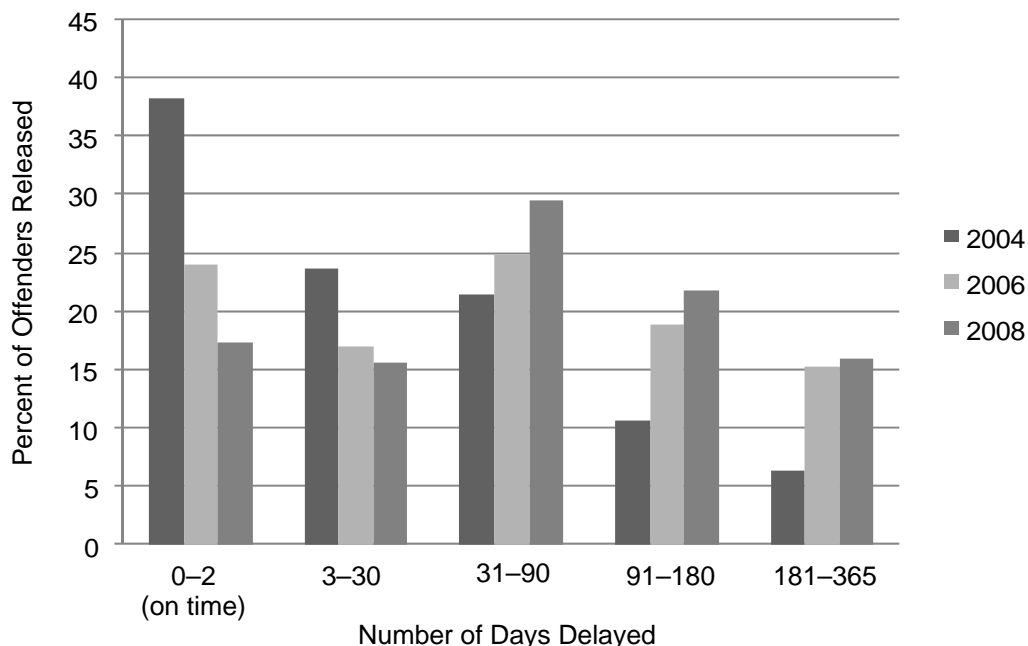
¹ Of the \$7 million, approximately \$790,000 was due to delays in transferring offenders who were either paroling to another state or serving another sentence in an Idaho county, in another state, or for the federal government.

Parole Release Delays Continue to Increase; Timing of Programming Linked to Delays

The commission and IDOC, which are responsible for the oversight and management of Idaho's parole process, must work closely together to ensure offenders are moved through the correctional system in a timely manner while still ensuring public safety. The working relationship between these entities has improved over the last several years. However, as shown in exhibit E.1, the percent of offenders being released on time (within two days of their tentative parole date) has decreased. In 2004, almost 40 percent of offenders were released on time, compared with only 17 percent in 2008.²

To better understand factors associated with release delays, we analyzed information for 2,017 offenders who were released from prison between January 2007 and September 2009.³ We found that those offenders who began at least

EXHIBIT E.1 RELEASE DELAYS OVER TIME FOR 2004, 2006, AND 2008



Source: Analysis of data from the Department of Correction.

Note: Release delays beyond 365 days were more likely to have variables that affected the reliability of data; therefore, we did not include this data in the exhibit.

² At the time of our report, 2008 was the last full year that release information was available.

³ We chose this timeframe based on the availability of certain data necessary for our evaluation, some of which was not maintained prior to 2007.

some programming after their parole hearing were significantly more likely to have a release delay than those offenders who began their programming prior to the hearing. Of the offenders in our timeframe, 78 percent of those who began programming after their parole hearing were also released after their tentative parole date.

The measure of delay is only one part of an agency's overall efficiencies. In our review of the parole process, we found IDOC has made significant strides in improving its operations to maximize efficiencies and provide staff with the tools to perform their duties successfully. We also found the commission conducts its hearings in a timely manner and has made some progress in improving its efficiencies. However, the commission lacks policies and procedures, sufficient guidance for hearing officers and commissioners, and an effective process in place to ensure commission staff are treated fairly.

To further streamline the joint processes between IDOC and the commission, we have made recommendations that focus on improvements in four areas: communication, training, policy, and data management. We have also made recommendations to address the operational issues of the commission.

IDOC and Commission Should Strengthen Communication to Reduce Delays

One of the critical roles IDOC plays in offender management is conducting assessments and placing offenders into appropriate programming. In June 2009, IDOC began implementation of its Pathways for Success program, an approach designed to provide specific guidelines for offender programming based on standardized assessments. This approach will help to ensure that each offender has made sufficient progress in program completion by the time he or she attends a parole hearing.

Although IDOC has the responsibility to properly assess an offender's risk and needs and ensure he or she has access to appropriate programming, the commission is ultimately responsible for granting or denying parole. When granting parole, the commission also has the right to require additional programming, even if the addition does not align with the offender's programming already assigned by IDOC.

We recognize the commission's commitment to public safety and acknowledge commissioners' discretion to require that an offender complete additional programming. However, IDOC and the commission should create more opportunities for their staff to communicate *throughout* an offender's incarceration. Ongoing, reciprocal communication will help ensure that IDOC's approach to programming more closely aligns with the release expectations of

the commissioners, reducing the number of offenders who are directed to complete additional programming before being released on parole.

Commission Should Provide Staff and Commissioners with More Tools to Guide Parole Decisions

The commission has not regularly updated its hearing officer manuals, nor does it have a systematic approach to review or guide the work of its hearing officers. Although the commission has made some improvements to standardize the reports officers complete, staff are not always formally trained in conducting interviews, understanding assessments, or formulating recommendations to commissioners.

Conversely, IDOC has made significant progress in updating its approach to offender management. To guide their work, several divisions are in the process of updating or drafting new procedure manuals. These manuals generally standardize processes, clearly define expectations, and provide a mechanism to ensure quality and oversight.

We recommend the commission update its manuals to provide officers with comprehensive, ongoing guidance in completing their work. The commission should work closely with IDOC in updating the commission's manuals to align the communication expectations of hearing officers with both parole officers and case managers. The commission and IDOC should also work together to give hearing officers clear guidance on how to understand the role of assessments and programming in offender management.

We also found that commissioners, who are appointed by the Governor and serve in a part-time capacity, have not undergone a standardized training protocol to guide their work. To align with national standards, we recommend the commission develop a training program for all commissioners. The program could include a training manual and standardized checklist, as well as information about how to formally incorporate assessments and other specific criteria into making parole decisions.

Commission Should Maximize Use of Technology

Data management, including accuracy and accessibility of data, continues to be a challenge for both IDOC and the commission. To remedy its data issues, IDOC has nearly implemented the first phase of its Correctional Integrated System (CIS). Part of this new computer system will provide a more centralized and standardized approach to how offender information is entered, maintained, and retrieved.

Because the work of IDOC and the commission is interrelated, IDOC's implementation of CIS includes a dedicated component, called a module, to be accessed and used by all commission staff. However, we found that not all commission staff have an adequate understanding of the technology they use and that the commission may not have sufficiently involved its staff in the development and design of the commission module.

We recommend the commission take steps to improve its understanding of how CIS will work and closely examine whether more elements of commission data should be maintained through its module. Additionally, we recommend commission staff undergo more training in basic word processing and data management to assist them in maximizing efficiencies. By taking advantage of existing technologies, the commission will be able to reduce the time spent entering data, to streamline processes, and to help ensure information is entered accurately, timely, and in a consistent format.

Commission Should Adjust Daily Operations to Improve Working Environment

The commission's executive director has served the commission for 25 years and possesses a wealth of information about the pardons and parole process. Attendance at parole hearings requires the executive director to be out of the office for one to two weeks each month to read commissioner decisions to each offender and advise commissioners on statutes and rules. We recommend commissioners consider options to allow the executive director more flexibility in meeting her other workload demands.

In the course of our interviews with commission staff and management, 40 percent of staff raised concerns about the overall working environment of the commission, ranging from being frustrated with management to being fearful of retaliation by the executive director. Given the impact of the working environment on the overall efficiencies and effectiveness of any agency, we recommend the Office of the Governor work closely with the executive director to create a formal grievance and communication process to improve conditions and ensure all staff are treated fairly.

Legislature Should Consider Modifying Statute to Reflect Current Efforts

The current statutory configuration does not reflect the actual operations of the commission and its working relationship with IDOC. We recommend the Legislature review current statute and decide whether the commission should become a completely independent state agency. By designating the commission

as an independent agency, the commission will be accountable for specific performance measures.

The Legislature should also consider expanding the statutory definition of rehabilitation to more accurately reflect the work of IDOC. In recent years, IDOC has made a focused effort to improve and standardize its approach to offender programming, recognizing the role effective programming plays in successful reentry into the community. A clear, comprehensive definition of rehabilitation in Idaho Code that applies to all offenders will assist IDOC in meeting its goal of standardized programming through Pathways for Success.

Acknowledgements

We appreciate the assistance we received from the following entities: the Department of Correction, the Commission of Pardons and Parole, the Idaho State Judiciary, legislative Budget and Policy Analysis, the Office of the Attorney General, and the Division of Financial Management within the Office of the Governor.

We appreciate the information provided by members of the Criminal Justice Commission, as well as staff at the Idaho Association of Counties and the Idaho Sheriffs' Association.

Amy Lorenzo, Jared Tatro, and Hannah Crumrine of the Office of Performance Evaluations conducted this study. Margaret Campbell and Brekke Wilkinson of the office were the copy editor and desktop publisher respectively.

Dr. Kathleen Sullivan, former professor and director of the Center for Education Research and Evaluation at the University of Mississippi, conducted the statistical analyses and quality control review.

Dr. Tedd McDonald, professor and director of the Master of Health Science Program at Boise State University, interviewed hearing officers, violation hearing officers, administrative staff, and managers, and then analyzed responses.

Chapter 1

Introduction

Legislative Interest

Questions have been raised about the overall efficiency of the probation and parole process. To answer those questions, the Joint Legislative Oversight Committee directed us to review the efficiency of the current process.

To maintain a manageable scope, our study focused on four major areas of the parole process:

1. What are the roles and responsibilities of the Judiciary, the Department of Correction (IDOC), and the Commission of Pardons and Parole with regards to parole? How do these entities work together to facilitate the parole process?
2. How many offenders are being incarcerated beyond their tentative parole date? What are the costs to incarcerate an offender beyond his or her tentative parole date? What factors affect how and when offenders are granted parole? How efficient is Idaho's approach to the parole process?
3. What work has already been done to improve efficiencies in the process? What can be done to further enhance the system's efficiency?
4. How does Idaho's approach to the parole process compare with other states? What are the evidence-based practices of the parole process? What evidence-based practices is Idaho currently applying?

Glossary of Terms

Case Manager: IDOC staff who provides offenders with assessments and programming placement, and addresses any subsequent needs, problems, or adjustments. Case managers may have the title of psycho-social rehabilitation specialist, counselor, social worker, psych-tech, or clinician.

Determinate Sentence: The minimum length of incarceration an offender must serve as decided by a judge. Offenders may not be considered for parole during this time. Statute requires judges to impose mandatory minimum sentences for certain drug and sex related felony offenses.

Hearing Officer: Commission staff who conducts offender investigations prior to parole hearings and writes offender reports with release recommendations for parole commissioners. A number of hearing officers also make determinations and compile reports for offenders who violate the conditions of their parole.

Indeterminate Sentence: A subsequent period of time decided by a judge during which an offender is eligible for parole or discharge as determined by the commission.

Parole: The conditional release of an offender before the completion of his or her indeterminate sentence. Paroled offenders remain under the supervision of IDOC while living in the community and must abide by conditions set forth by parole commissioners.

Parole Eligibility Date: The date an offender may be considered for parole. This date marks the completion of an offender's determinate sentence and the beginning of his or her indeterminate sentence. The eligibility date is **not** a guarantee of parole release. Our analysis did not use eligibility date as a measure of delay.

Probation: An alternative sentence to incarceration, determined by a judge, that allows the offender to serve his or her sentence within the community and under the supervision of IDOC staff.

Probation and Parole Officer: IDOC staff who supervises offenders living in the community and serves as a link to a variety of social services. For the purposes of our study, we use the term *parole officer*.

Programming: Education and treatment provided to offenders by IDOC. Programming may consist of both core and ancillary (secondary) education and treatment options. However, for the purposes of our study, we generally use *programming* to refer to core treatment options.

Tentative Parole Date: The release date given to an offender by the commissioners if parole is granted at a hearing. This date is generally contingent on the completion of assigned programming or other pre-release requirements. Our analysis used the tentative parole date given by commissioners as a measure of delay.

Methodology

We gathered multiple types of data and viewpoints from those involved in the parole process:

- Observed hearing officer interviews and parole hearings, including revocation hearings.
- Toured several Idaho prisons.
- Observed the Reception and Diagnostic Unit (RDU) process for both male and female offenders. Also observed case managers and clinicians conducting different offender assessments.
- Observed various elements of offender programming.
- Accompanied a parole officer during home visits of several offenders under community supervision.
- Observed several discussions between IDOC and the commission about the commission's operating requirements for IDOC's updated computer system. Participated in an interactive demonstration of the commission module and provided feedback on potential improvements.
- Interviewed staff from the courts and judges from the Felony Sentencing Committee.
- Working through the executive director of the commission, surveyed commissioners about their perceptions of the parole process.
- Using a web-based survey tool, asked parole officers throughout the state to log, over a four-week period, the amount of time they spent conducting parole plan investigations. Analyzed the level and types of communication officers had with case managers throughout the investigation process as well as the frequency of changes that occurred to parole plans from that communication.
- Using a web-based tool, surveyed case managers at all facilities about their communication with hearing officers and parole officers. Analyzed the frequency and types of communication case managers reported.

We involved commission staff and IDOC staff early on with our approach to data analysis to ensure that both entities understood our analysis and that we did not miss any critical components. Once we confirmed that our proposed analyses

would not duplicate reports generated by IDOC or the commission, we used the following information from IDOC and the commission to conduct our analyses:

- Data from both IDOC and the commission for offenders who were *granted* parole by the commission at their first hearing, who were given a tentative parole date, **and** who had subsequently been *released* on parole between January 1, 2007 and September 14, 2009.
 - Evaluated various elements of the parole process using averages (medians), standard deviations, and frequencies. Data was analyzed and compared by crime group, age, gender, ethnic group, parole year, reading level, disciplinary actions, and programming start dates.
 - Number and types of revocation hearings for all offenders who had a revocation hearing with the commission, regardless of when the offender was initially released on parole.
- Parole releases from January 2004 to December 2008, looking at overall data for each year.
- Data from IDOC for caseload distributions of probation and parole officers as well as the time taken to complete the parole plan process between 2007 and 2009.
- Interviewed all commission hearing officers, administrative staff, and commission management. Analyzed those interviews to better understand issues of workload, training, and communication between commission staff and IDOC staff.

Through the course of our initial interviews, commission staff raised significant concerns about the working environment of the commission. Although evaluating the working environment of the commission was outside the initial objectives of this project, we decided to analyze those concerns because government auditing standards require us to report significant issues that affect the evaluation objectives.

Report Organization

To provide better context for our recommendations, we have described various elements of the parole process in detail. This information, along with our recommendations, is divided among the following chapters:

Chapter 2 provides an overview of the parole process, describing the roles and responsibilities of the courts, IDOC, and the commission.

Chapter 3 details the process leading up to the parole hearing, including admission to prison, enrollment in rehabilitative programming, and the hearing officer report. The report helps prepare commissioners for the parole hearing.

Chapter 4 describes the parole hearing, including the role of the commissioners, and outlines the steps that occur once an offender has been granted parole but has not yet been released to the community.

Chapter 5 identifies the roles of parole officers in supervising offenders while managing other duties, including revocations, and outlines the complex process of addressing parole violations that requires the joint efforts of IDOC and the commission.

Chapter 6 makes recommendations specific to the commission to help improve its efficiencies, maximize technology, and improve the working relationship between commission staff and management.

Chapter 2

Understanding the Parole Process

Recent History of Parole in Idaho

The current configuration of a five-member Commission of Pardons and Parole was established in 1969. Statute was amended in 1994 to give the Board of Correction the responsibility of appointing an executive director to handle the day-to-day operations of the Commission of Pardons and Parole. In 1999, a new statute was enacted incorporating both the Board of Correction and the Commission of Pardons and Parole into the Department of Correction. That same year, the Governor, rather than the Board of Correction, was designated to appoint the five commissioners and the commission's executive director. Statute has not been significantly modified since that time.

In 1986, the Unified Sentencing Act was passed, changing both Idaho's sentencing and parole processes. Idaho Code § 19-2513 requires that judges impose a minimum length of incarceration for all felony offenses committed on or after February 1, 1987. Additionally, no offender may be considered eligible for parole while serving his or her minimum length of incarceration. In Idaho, this minimum length is referred to as the *determinate* or fixed portion of an offender's sentence. Under the Unified Sentencing Act, judges may also impose a subsequent *indeterminate* length of continued custody. An offender may be considered eligible for parole or discharged at any time during his or her indeterminate sentence as determined by the commissioners. Idaho Code § 20-223 provides commissioners with the complete discretion to grant or deny parole; we purposefully excluded offenders that had been denied parole from our study and conducted our analyses within the parameters of the Unified Sentencing Act.

Current Roles and Responsibilities

Idaho's parole process involves the collaborative efforts of three separate entities: the Idaho State Judiciary, the Idaho Department of Correction (IDOC), and the Idaho Commission of Pardons and Parole. Together these entities work to move offenders through the correctional system, understanding that the majority of offenders will be released back into the community. With the ultimate goal of public safety, each entity plays a pivotal role in the parole process through sentencing determinations, education and treatment, and reentry

into the community. Offenders are also held responsible for their own behavior and programming efforts while incarcerated.

Idaho State Judiciary

There are two levels of criminal offenses: misdemeanors and felonies. Misdemeanors are usually tried by magistrate judges and are punishable by fine or county jail time. Felonies are tried by district judges and may result in incarceration in state prison, probation, or retained jurisdiction.¹ A person who has been found guilty of a felony may also be admitted to a problem-solving court program.

Idaho law gives judges the discretion to make appropriate sentencing determinations.² Within the parameters of the Unified Sentencing Act, judges specify the determinate and indeterminate portions of an offender's sentence. District judges rely on pre-sentence investigation reports, provided by IDOC staff, to help in making their decisions.

After an offender has been found guilty, pre-sentence investigators conduct investigations and prepare reports, which offer details about the defendant's current crime, criminal history, and personal background. Reports may also include substance abuse, mental health, psychological, or psycho-sexual evaluations. The investigation process generally takes four to six weeks to complete. As shown in exhibit 2.1, the report is given to judges prior to the sentence hearing to aid them in making appropriate sentencing determinations based on all available factors.

Idaho's Felony Sentencing Committee, whose membership includes seven district judges from throughout the state, is currently revising the pre-sentence investigation report. The revised report will provide judges with a standardized format that will identify the specific needs of offenders and the potential programming of each offender by possible sentencing options.

Idaho Department of Correction

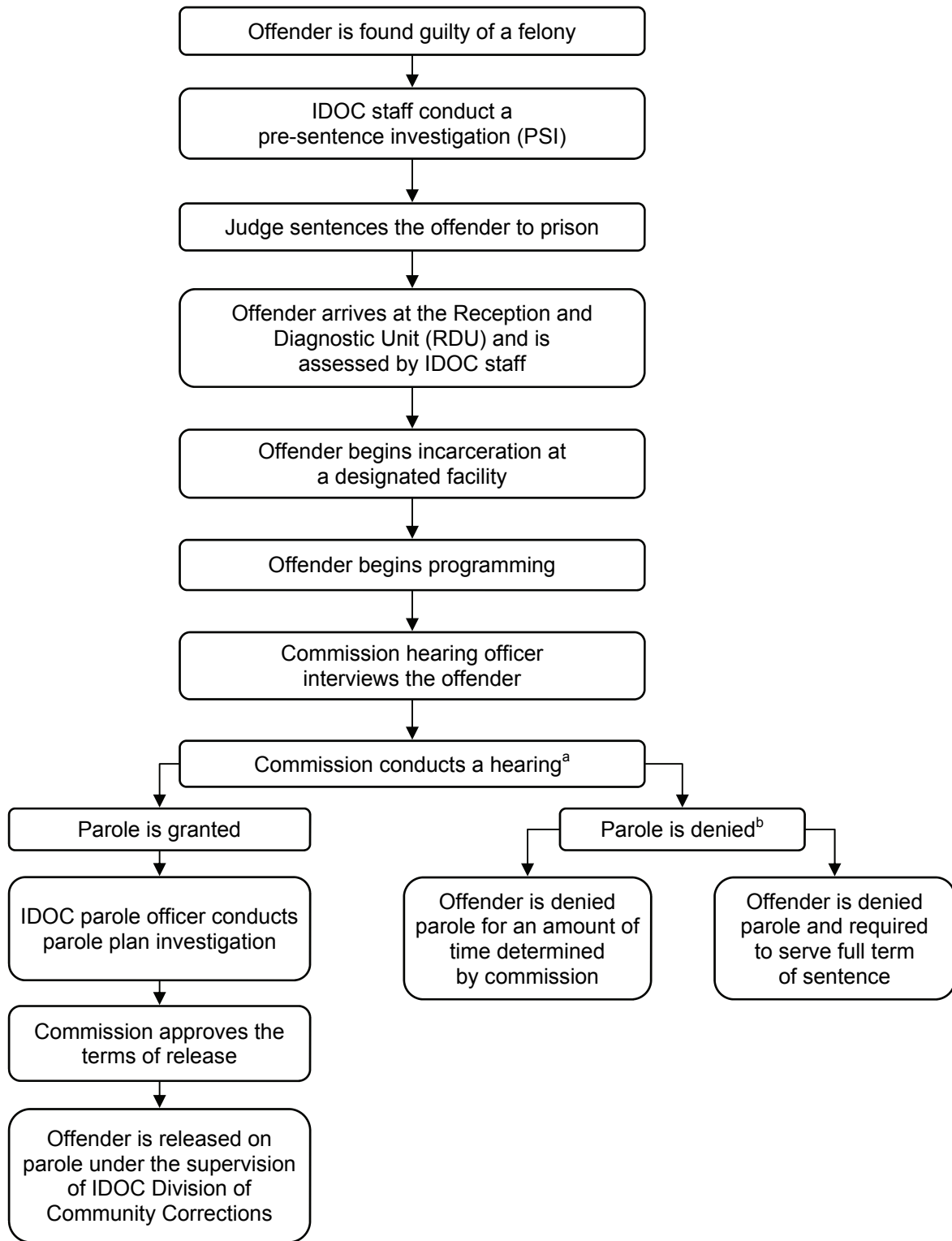
In fiscal year 2009, IDOC accounted for \$163 million (6 percent) of Idaho's general funds and over 1,500 full-time positions. IDOC is charged with providing for the care, maintenance, and employment of all offenders committed to its custody.³ Although IDOC does not determine when offenders enter or exit the correctional system, it does play an important role by equipping offenders

¹ IDAHO CODE § 19-2601(4) states that retained jurisdiction, also called a rider, is typically a 180-day sentence served under IDOC supervision; however, the offender remains within the jurisdiction of the courts. At the end of the sentence, the courts, rather than the commission, determine release from prison.

² IDAHO CODE § 19-2513 and § 19-2601.

³ IDAHO CODE § 20-209.

EXHIBIT 2.1 GENERAL PAROLE PROCESS



Source: Interviews with Department of Correction staff and Commission of Pardons and Parole staff.

^a Some cases are decided in executive session without the offender present.

^b An offender has the option to appeal the commission's decision by submitting a progress report no sooner than 6 months after the commission's decision and once every 12 months thereafter.

with the tools necessary for successful reentry into the community, reducing the likelihood that an offender may return to prison. IDOC must also be responsive to the expectations and requests of both the courts and the commission.

IDOC is comprised of four divisions:

- Division of Management Services oversees information services, construction, financial services, inmate placement, central records, research and quality assurance, and human resources. It also includes the director's office. Management Services staff calculate offender parole eligibility dates using court sentencing information.
- Division of Education and Treatment is responsible for providing all offenders in IDOC's jurisdiction with both health care services and rehabilitation opportunities. Education and Treatment staff also work with the commission to coordinate offender release.
- Division of Prisons oversees eight prisons, one community work center, and the prison administrations. Prisons staff implement IDOC assessments and supervise incarcerated offenders. Additionally, the movement of offenders incarcerated outside of an IDOC facility, including the privately-operated prison and county jails, is coordinated by Prisons staff in conjunction with Management Services.
- Division of Community Corrections is responsible for the operation of four community work centers, the supervision of probationers and parolees throughout the state, and interstate compacts (the supervision of offenders as they are transferred between states). Community Corrections staff also prepare the pre-sentence investigation reports and conduct parole plan investigations.

Upon receiving a prison sentence, offenders are placed under the jurisdiction of IDOC. All offenders are initially transported to a Reception and Diagnostic Unit (RDU). Using a comprehensive assessment protocol, RDU staff assign each offender a level of custody, a facility location, and a case plan that details the offender's education and treatment goals while incarcerated. Offenders are then transferred to their assigned facility to begin serving their sentence.

IDOC uses education and treatment goals to help prepare offenders for release into the community. According to Education and Treatment staff, most education and treatment goals are evidence-based and ensure that the offender

has fully completed or at least 50 percent completed the assigned programming prior to his or her parole hearing before commissioners.⁴ IDOC staff use the offender's parole eligibility date to determine program start dates in accordance with estimated parole hearing dates.⁵

Parole hearings are generally scheduled six months prior to the offender's parole eligibility date.⁶ If commissioners grant the offender parole, IDOC continues to assist the offender with his or her reentry efforts. IDOC staff help offenders develop parole plans to ensure that offenders are adequately prepared for reentry into the community. IDOC staff then investigate and approve offender parole plans and coordinate offenders physical release dates with the commission. Exhibit 2.2 illustrates Idaho's seven parole districts, which also align with the judicial districts.

Idaho Commission of Pardons and Parole

The Commission of Pardons and Parole is the gatekeeper for parole releases. It has complete discretion to grant or deny parole for all eligible offenders. In fiscal year 2009, the commission received \$2.3 million in general funds and was allocated 31 full-time positions. The commission is statutorily part of IDOC; however, it operates more like an independent agency to uphold the commission's commitment to public safety through a fair and individualized review of each offender's case.⁷

Parole decisions are made by five part-time commissioners appointed by the Governor. In addition to granting parole, commissioners have the authority to grant pardons and commutations; they can also revoke parole and review applications for appeal. Commissioners rely on hearing officers to provide detailed information about each case before an offender's scheduled hearing date. Hearing officers conduct investigations and synthesize their findings in reports given to commissioners for review one week before each hearing.

Commissioners conduct about 185 hearings each month over a one to two-week period. In approximately two-thirds of those hearings, commissioners interview offenders prior to making a decision. In the remaining cases, commissioners rely

⁴ Evidence-based practices have defined, measurable outcomes. IDOC uses this term in its approach to offender management.

⁵ IDOC uses offender sentencing information to calculate each offender's parole eligibility date. This date is based on the determinate portion of the offender's sentence.

⁶ An offender who begins his or her sentence already eligible for parole or eligible within six months of his or her commitment is scheduled a parole hearing date six months after the commission is notified of the commitment.

⁷ IDAHO CODE § 20-201.

EXHIBIT 2.2 IDAHO PAROLE DISTRICTS AND PRISON LOCATIONS



Official Name	Acronym
Idaho Correctional Center	ICC
Idaho Correctional Institution – Orofino	ICIO
Idaho Maximum Security Institution	IMSI
Idaho State Correctional Institution	ISCI
North Idaho Correctional Institution	NICI
Pocatello Women’s Correctional Center	PWCC
South Boise Women’s Correctional Center	SBWCC
South Idaho Correctional Institution	SICI
St. Anthony Work Camp	SAWC

solely on the reports provided by hearing officers and do not require the presence of the offender to make a decision.

When making parole release decisions, commissioners apply their individual criteria in addition to the information provided in hearing officer reports. As shown in exhibit 2.1, commissioners may grant offenders parole.⁸ Because the commission strongly believes that programming provides offenders with the tools for change and helps ensure public safety, commissioners may require offenders to complete further programming before release. Commissioners may deny parole or deny parole consideration for a specified length of time.⁹

The Offender

In addition to the work of the courts, IDOC, and the commission, offenders are accountable for ensuring their release is timely. Both IDOC and the commission support opportunities for offender change, but offenders must also be motivated and invested in the process. Offenders have several important responsibilities to complete while incarcerated and prior to the parole hearing. Those responsibilities fall into three major areas, which are discussed in more detail throughout the report:

- Successfully complete all outstanding programming. Offenders who began programming after their parole hearing were more likely to be released after their tentative parole date.
- Submit feasible parole plans for investigation. The offender is primarily responsible for securing adequate housing, employment, and continued community treatment before submitting a parole plan for investigation.
- Remain free of disciplinary write-ups. Offenders who received a disciplinary write-up after their hearing were more likely to be released after their tentative parole date.

⁸ If granted parole, an offender is given a tentative parole date, which is an estimated date and not a guaranteed date. Prior to release, the offender must complete any requirements set forth by the commission.

⁹ All offenders have the right to appeal the commissioners' decisions by submitting self-initiated progress reports.

Chapter 3

Preparing for the Parole Hearing

Role of the Department of Correction

After sentencing, the Department of Correction (IDOC) is responsible for transporting offenders from county jails to prison to begin incarceration. The movement and placement of offenders between facilities is based on a number of factors, two of those being access to and availability of programming.

IDOC is also responsible for preparing eligible offenders for parole. IDOC has recently revised its approach to the selection and delivery of programming. Given the timing of this reorganization, we did not evaluate the overall effectiveness of education and treatment services in the timing of parole release or recidivism. However, the role that programming plays in parole release is a significant factor in delays.

Statute Does Not Clearly Define Rehabilitation

Idaho Code § 20-101 and § 20-209 require IDOC to maintain care and custody of state prisoners. Idaho Code § 20-101 requires IDOC to maintain rehabilitation centers for offenders but provides no further explanation of those terms. Although offenders have no constitutional right to be rehabilitated while in custody, IDOC interprets these statutes as a mandate from the Legislature to provide offenders rehabilitative services and opportunities. However, rehabilitation is not explicitly defined in statute except to require it as a provision of management for those offenders who are being housed or supervised in a facility other than an Idaho prison, as outlined in Idaho Code § 20-241A.

This code specifically allows IDOC to enter in agreement with other governmental entities and private parties to house and maintain the care and custody of state prisoners in non-IDOC facilities. Subsection (1) authorizes IDOC to contract to provide “programs for the reformation, rehabilitation and treatment of prisoners.” To support IDOC’s strategic goal of providing opportunities for offender change and to meet current legislative intent, Idaho Code § 20-101 and § 20-209 should be amended to include the definition of rehabilitation in Idaho Code § 20-241A(1) and to clarify that this definition applies to offenders in direct custody of IDOC as well as in contract facilities.

Staff from the Division of Education and Treatment suggested that the amended statutes could also identify such terms as mental health, substance abuse, education, and vocational training to further enhance IDOC's commitment to offender rehabilitation. For example, statutes in Montana, Nevada, Oregon, and Washington provide language that specifically addresses these types of rehabilitative services.

Movement of Offenders to Prison Is Not Based on Parole Eligibility Date

The movement of offenders can be broken down into two major categories: between county jails and IDOC facilities, and within facilities. Offender movement is a complex process that involves ongoing communication and coordination. Within the timeframe we examined, offenders spent an average of 36 days in county jail prior to movement to an IDOC facility; the range of days in county jail was between 0 and 357 days.¹ Nearly 15 percent of these offenders entered prison already eligible for parole or within seven months of eligibility.

IDOC currently prioritizes movement to a prison based on the capacity and needs of the county jail, the type of sentence, and whether the offender has any medical conditions that require immediate attention.² Beyond that, movement is based on the route and availability of seats on the transport bus. To better prioritize this coordination, IDOC is developing a policy that outlines the offender placement process. Although the new policy more clearly outlines how movement decisions are made, it does not identify length of sentence or parole eligibility date as specific criteria to consider when making transport decisions. Some offenders, particularly those with short sentences, may remain in county jail for lengthy periods of time and arrive at prison already eligible for parole.

IDOC Is Improving the Quality of Assessments

Once transported from county jail, all offenders are admitted to the Reception and Diagnostic Unit (RDU) for evaluation and admission prior to joining the general prison population. Admission and evaluation at RDU includes:

- Orientation to rules and regulations
- Gathering of medical history and initial medical and dental examination
- Psychological, social, educational, and criminal history assessments
- Classification and determination of custody level

¹ Our analysis only applied to offenders who began incarceration and were released between January 2007 and September 2009.

² Because of the short sentence length, an offender who has been sentenced to retained jurisdiction (generally referred to as a rider) takes immediate priority for transport to prison.

To make facility placement and programming determinations for new offenders, IDOC uses three primary assessment tools and is currently revising its policies to incorporate additional assessments. Appendix A describes the primary intake assessments IDOC uses. Secondary assessments allow IDOC to further evaluate specific areas such as mental health, substance abuse, and sex offender characteristics.

According to Education and Treatment staff, IDOC created a computer-based protocol in 2007 to increase the internal consistency for one specific assessment, the Level of Service Inventory-Revised (LSI-R). Staff also stated the division is updating its current quality assurance policy to better ensure consistency among staff administration and interpretation of IDOC assessments. Despite these efforts, the commission's executive director expressed concerns about the quality control of assessments used by IDOC.

In addition, we received survey responses from four of Idaho's five parole commissioners about the parole process. Two commissioners expressed concerns about the consistency and reliability of assessments administered by IDOC staff. Because of their concerns, the executive director and the commissioners recommended the addition of a commission staff member at RDU to assist in the intake process. This person would work in collaboration with RDU staff to develop offender case plans with commission expectations in mind and reduce the need for commissioners to require additional programming at the parole hearing. However, to support the commissioners' focus on offender behavioral progress while incarcerated, we advocate the use of ongoing communication between IDOC staff and commission staff *throughout* the offender's incarceration rather than solely at intake.

IDOC Has Implemented a New Programming Initiative

In June 2009, Education and Treatment began implementation of Pathways for Success. This standardized approach to programming is intended to streamline the selection and delivery of education and treatment services, and to align with current correctional research that advocates the use of specific offender management strategies known to reduce recidivism and increase public safety. Education and Treatment is also revising its policies and manuals to reflect the use of evidence-based practices within IDOC.

Pathways for Success matches offenders with specific pathways developed to address risk and need as indicated by IDOC assessments. The model is made up of 16 primary pathways and five individual pathways (available to offenders with additional or specialized needs). Inclusion and exclusion criteria exist for each pathway. According to IDOC staff, all pathways were created using evidence-

IDOC has reorganized its approach to education and treatment in order to provide offenders with standardized assessment-driven and evidence-based programs.

based programs and intervention tools known to produce positive offender change. Pathways for Success was developed internally by Division of Education and Treatment staff with input from Prisons and Community Corrections staff.

IDOC Programming Is Timely

According to Education and Treatment staff, the implementation of Pathways for Success should positively impact the timeliness of program delivery. Using this new model, IDOC staff are scheduling offender enrollment and completion of programming prior to the offender reaching his or her parole eligibility date. Exhibit 3.1 provides an overview of the enrollment process. According to IDOC staff, scheduling program enrollment and completion prior to the parole hearing increases the likelihood that an offender will be granted a tentative parole date and released on or near his or her parole eligibility date.³

Our analysis supports IDOC's approach to programming, including the timing of program enrollment, as specified in the new model. We found that offenders who began programming prior to being granted parole were significantly more likely to be released on or near their tentative parole date.

Throughout our study, concerns were raised by both IDOC staff and commission staff about the availability and capacity of programming at each facility as a factor related to release delays. Education and Treatment has developed a process to internally track offenders by programming placement and facility. According to IDOC staff, the process allows them to monitor program capacity and availability by facility and provides a built-in quality assurance mechanism. Offender movement and enrollment date decisions are made using the internal tracking process. As shown in exhibit 3.2, IDOC prison facilities have started offering most programs.

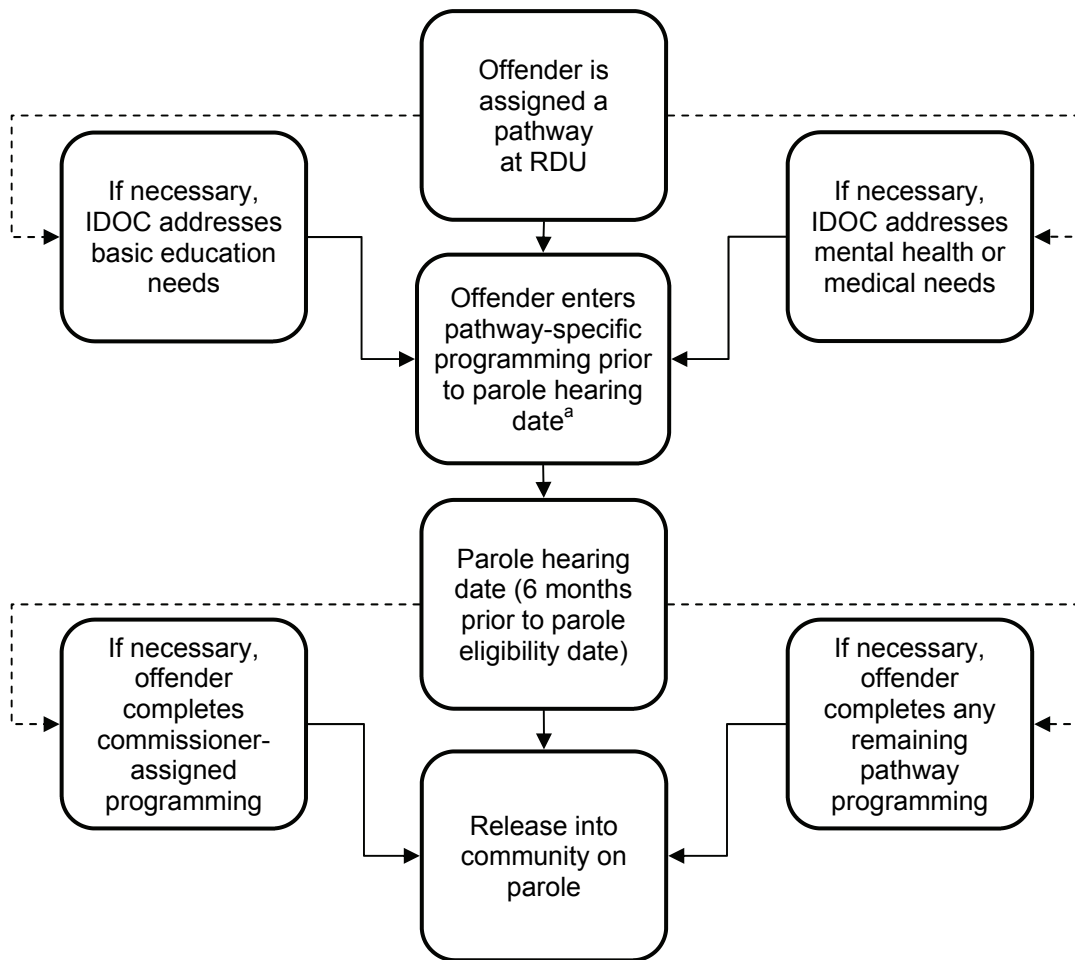
IDOC Does Not Formally Track Trends in Programming Exceptions

In the past, RDU staff used both IDOC assessments and professional discretion to assign programming when an offender first entered prison; the offender's case manager then had the ability to assign programming throughout an offender's incarceration. Pathways for Success now provides case managers with specific guidelines for program selection based on assessments, while still allowing for discretion through an exception request process.

Education and Treatment developed the exception request process to accommodate offenders who do not meet the exact criteria for program

³ Ideally, the tentative parole date should match the parole eligibility date.

EXHIBIT 3.1 GENERAL PATHWAYS FOR SUCCESS ENROLLMENT PROCESS



Source: Department of Correction, "Pathways for Success" (draft document, 2009).

^a Programming typically begins 2 to 12 months prior to the parole hearing, based on the length of the program.

enrollment and allow case managers to cater to individual offender needs. Education and Treatment staff track the exception process and enter immediate programming decisions into the offender's central file, stored in IDOC's computer system, for the case manager to review.

This current approach allows Education and Treatment staff to generate reports using offender central file information. However, Education and Treatment is not analyzing the frequency, reasons, or long-term programming trends associated with exception requests. It is also not tracking the point in the incarceration process at which the exception request was made. Education and Treatment staff recognize the importance of this information and plan to focus more on long-term information once Pathways for Success has been in place for one year.

EXHIBIT 3.2 CORE TREATMENT AND EDUCATION PROGRAMS OFFERED AT EACH PRISON FACILITY

	ICC	ICIO	IMSI	ISCI	NICI	PWCC	SBWCC	SICI	SAWC
Emotional and Personal Programs									
Anger Management	✓	✓	✓	✓	✓	✓	✓	✓	✓
CALM	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cognitive Programs									
Breaking Barriers	✓		✓			✓			
Cognitive Self Change Idaho Model Orientation	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cognitive Self Change Idaho Model	✓	✓	✓	✓	✓	✓	✓	✓	✓
Moral Reconciliation Therapy (MRT)	✓	✓	✓	✓		✓	✓	✓	✓
MRT Driving the Right Way	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sex Offender Treatment Program ^a	✓			✓	✓	✓			
Thinking for a Change	✓	✓	✓	✓	✓	✓	✓	✓	✓
Substance Abuse Programs									
Helping Women Recover						✓	✓		
Meth Matrix	✓	✓	✓	✓	✓	✓	✓	✓	
New Directions (full curriculum)				✓	✓				
Relapse Prevention	✓	✓	✓	✓	✓	✓	✓	✓	✓
Family Reunification Programs									
Brain Building Basics						✓	✓		
Brief Intervention for Relationships	✓	✓	✓	✓	✓	✓	✓	✓	✓
How to Be a Responsible Mother						✓	✓		
Inside Out Dads	✓	✓	✓	✓	✓			✓	✓
New Freedom						✓	✓		
Partners in Parenting	✓	✓	✓	✓	✓	✓	✓	✓	✓
Transition									
Pre-release Program	✓	✓	✓	✓	✓	✓	✓	✓	✓
Therapeutic Community Programs									
	✓	✓					✓	✓	
Education Programs									
Adult Basic Education	✓	✓	✓	✓	✓	✓	✓	✓	
High School Education	✓	✓	✓	✓	✓	✓	✓	✓	
Special Education				✓		✓		✓	

Source: Information from Department of Correction staff.

Note: This exhibit does not reflect program capacity (number of seats, enrollment, or waiting list).

^a The ICC and PWCC sex offender treatment programs are under development.

Role of the Commission of Pardons and Parole

The commission is responsible for scheduling hearings for offenders who are eligible for parole. To increase the number of offenders with a timely release, the commission generally schedules parole hearings six months prior to an offender's parole eligibility date. The commission employs hearing officers to conduct an investigation of each offender approximately three months before his or her parole hearing, which help better prepare the commissioners for parole hearings. Commission hearing officers have some autonomy in the process by which they investigate offenders and often work independently.

Hearing Officer Manual Provides Little Guidance for Conducting Investigations

As part of the investigation process, hearing officers interview *all* offenders, asking a series of questions about personal and criminal history, programming, and experiences while incarcerated. To assist hearing officers with this process, the commission provides them with a desk manual. The manual details specific steps to prepare for the interview, but provides no guidance on how to conduct the actual interview. National standards recommend the use of tools such as basic listening and questioning skills to engage the offender. Within the last two years new hearing officers have received training in interview skills. However, all hearing officers could benefit from similar training.

Overall, our review of the manual concluded that it is outdated and does little to address some of the most basic elements of hearing officer job duties. In addition to the omission of interviewing strategies, the manual does not provide detailed information about researching or collecting offender background data, interpreting IDOC assessments, or the specific criteria to use in formulating recommendations to commissioners, which are important elements of the investigation process. Given the autonomy officers are allowed in conducting their investigations, a comprehensive, accurate manual is critical to the successful completion of their duties.

Commissioners Find Hearing Officer Reports Useful

Following the interview, the hearing officer compiles information into a report for the commissioners. The report contains a written summary of the officer's findings and a recommendation from the officer to either grant or deny parole based on the investigation findings and the officer's overall opinion of the offender. We interviewed each hearing officer to gain their perspective of the parole process. The types of offender information officers considered varied; 71 percent of hearing officers interviewed reported they consider offender programming when making parole recommendations, and 64 percent reported they consider the offender's criminal history.

Because this report is the final product that commissioners read in preparation for the hearing, the criteria used to make recommendations should be standardized. Three commissioners indicated that the hearing officer report is very helpful. However, their responses also indicated that reports could be further streamlined and standardized. Appendix E provides more information about the hearing officer interviews.

Communication Between Commission Staff and IDOC Staff Is Inconsistent During Investigations

When conducting investigations, hearing officers compile information on the offender from several sources including the pre-sentence investigation, data from IDOC's computer system, and information reported in an offender questionnaire. This information provides commissioners with a complete description of the offender. For additional information about the offender's institutional behavior, the commission also requires hearing officers to communicate with IDOC personnel such as case managers, medical staff, and education personnel.

When questioned about communication, 58 percent of the hearing officers said they contacted case managers 76 to 100 percent of the time.⁴ However, 64 percent of officers also noted that communication between IDOC and the commission could be improved.

To gain a balanced perspective on perceived communication, we also surveyed IDOC case managers and asked about their perceptions of communication with hearing officers. Of the case managers that responded to our survey, 72 percent indicated that hearing officers initiate contact 25 percent of the time or less. Both groups said that when communication does occur, they frequently discuss an offender's behavior while incarcerated and his or her completion of programming. Detailed information about the case manager survey and results are in appendix B.

Our interviews indicated that hearing officers only discussed IDOC assessments 4 percent of the time when communicating with case managers. Although concerns were raised about the consistency and reliability of IDOC assessments, these assessments should still be considered and discussed with IDOC staff during the investigation process. By excluding communication specific to assessments, hearing officers may be limiting their ability to gauge whether updated assessments are necessary to further enhance the decision-making process of commissioners.

⁴ For both hearing officer interviews and the case manager survey, we defined communication as any dialogue between the case managers and hearing officers, either in-person, via telephone, via e-mail, or through the Correctional Integrated System (CIS).

Missing Offender Information Creates Challenges for Hearing Officers

Both IDOC and the commission rely on IDOC's computer system to access offender information. Because the system stores many types of information in a central location, data needed for the hearing officer investigation may not always be easy to locate or analyze. In addition, the current system relies on staff to look for updated offender information rather than automatically notifying staff that changes have been made to the offender's central file. Several hearing officers noted that missing information increases their workload and delays the investigation. Additionally, 14 percent of hearing officers stated that when they do contact case managers, it is to collect information not found in IDOC's computer system.

Through our data analysis, we observed several instances of offender information in IDOC's data files that were inaccurate, incorrectly entered, or incomplete. For example, the offender's central file contains many subcategories for specific criteria, but much of the offender's information is stored in the *other* category. Staff at IDOC are aware of the current challenges with data storage and stated that updates to the computer system will help streamline offender information. In addition, IDOC indicates it plans to train staff about updates to the system to ensure information is entered correctly and consistently.

Recommendations

Intent: A clear, comprehensive definition of rehabilitation will assist IDOC in meeting its goal of standardized programming through Pathways for Success.

Recommendation 3.1: *The Legislature should consider modifying Idaho Code § 20-101 and § 20-209 to include the definition of rehabilitation as currently provided in Idaho Code § 20-241A(1). This definition should be clarified to also apply to offenders in direct custody of the Department of Correction. The definition of rehabilitation could be expanded to include providing educational and therapeutic programs for substance abusers, mentally ill offenders, sex offenders, and those in need of basic and vocational education.*

Intent: Ensuring offender movement is facilitated in a timely manner and considers the length of an offender's sentence will reduce the number of new offenders who enter prison already eligible for parole.

Recommendation 3.2: *The Department of Correction should develop specific criteria for moving offenders from county jails into the prison system by formalizing its use of parole eligibility dates in determining how offenders are prioritized for movement.*

Intent: Tracking trends in offender programming exceptions will allow IDOC to make necessary changes to Pathways for Success to meet the rehabilitative needs of all offenders.

Recommendation 3.3: *The Department of Correction should monthly track the frequency, reasons, and long-term trends associated with exceptions made to offenders' assigned pathway. The Department of Correction should review these exceptions to identify potential areas that could enhance or modify Pathways for Success.*

Intent: An updated, comprehensive desk manual will provide hearing officers with the most current tools and resources available to effectively perform their job duties.

Recommendation 3.4: *The Commission of Pardons and Parole should update its hearing officer desk manual to include information about conducting hearing officer interviews, gathering inmate information using the Department of Correction's computer system, and using and interpreting assessment tools in making recommendations to commissioners.⁵*

⁵ In a memo dated February 8, 2010, the Commission of Pardons and Parole outlined some of the steps it plans to take to update the hearing officer manual. The commission plans to finalize the manual by spring 2010.

Intent: Standardized hearing officer reports will ensure that commissioners receive comprehensive and consistently formatted information on all offenders prior to the parole hearing.

Recommendation 3.5: *The Commission of Pardons and Parole should further streamline and standardize its hearing officer reports to provide commissioners with the most consistent information about each offender. The commission may wish to consider developing a template as part of their module within the Department of Correction's computer system.*

Intent: Updated, accurate offender information that is easy to access will provide both IDOC staff and commission staff with the most relevant and current information.

Recommendation 3.6: *As part of the Department of Correction's strategic goal to update its computer system and provide easy access to offender data, it should standardize how staff enter information about each offender's pathway, goals, and any programming issues into its computer system.*

Recommendation 3.7: *As the Department of Correction updates its computer system, it should, at least semi-annually, review how offender information is being entered to determine whether some of this information could be categorized and stored using a more standardized approach.*

Chapter 4

Conducting Hearings and Preparing for Release

Role of the Commission of Pardons and Parole

Hearing officers at the commission write reports that make recommendations about each offender, and then provide those reports to commissioners. These reports highlight the facts of the crime, incarceration behavior, and programming information. Commissioners use the reports to gain an understanding of the offender and to guide their decisions on whether to grant parole.

Commissioners Have Discretion Throughout the Decision-Making Process

Parole hearings are generally conducted one to two weeks each month; attendance at parole hearings is rotated among commissioners—three of the five commissioners are present at each hearing.¹ The commission does not have a designated chairperson; instead, the executive director pre-assigns a chairperson for each hearing. Commissioners generally ask offenders about their proposed parole plans, what skills and abilities they have acquired through their programming, and why they should be released on parole. As shown in exhibit 4.1, the commission held 2,372 hearings in 2008, an increase of 25 percent over those in 2004. Parole was granted for 65 percent of offenders with parole hearings in 2008.

EXHIBIT 4.1 PAROLE HEARINGS AND DECISIONS, 2004–2008

	2004	2005	2006	2007	2008
Total number of hearings	1,904	2,175	2,372	2,408	2,372
Parole granted	1,096	1,318	1,520	1,585	1,509
Parole denied	728	787	746	758	822
Continued hearings	80	70	106	65	41
Parole grant rate (%) ^a	60	63	67	67	65

Source: Idaho Commission of Pardons and Parole, *End-of-Year Statistical Information, 2004–2008*, <http://www2.state.id.us/parole/statistics.htm>.

^a Parole grant rate does not include continued hearings.

¹ IDAHO CODE § 20-210.

Granting parole must be a unanimous decision.

Commissioners have two options for conducting parole hearings. They may decide to interview an offender in person during an actual hearing or they may decide to substitute the hearing for an executive session review.² Executive session reviews are designed to reduce the number of hearings commissioners conduct each month by eliminating the need to interview every eligible offender. Regardless of whether the offender was present, we found the commission was conducting parole hearings in a timely manner in nearly 100 percent of cases.

After reviewing the hearing officer report and testimony (if applicable), commissioners will privately deliberate on a parole release decision. If commissioners unanimously decide to grant a tentative parole date, they will discuss the need for any additional programming prior to release or while under community supervision. Commissioners also have the authority to impose general and specialized conditions of parole, such as abstaining from alcohol or not associating with other felons, which offenders must adhere to while under community supervision.

Offenders Who Begin Programming After Parole Hearings Are More Likely to Experience Release Delays

When looking at offenders who were granted parole in the timeframe we examined, our analysis found that the programming start date in relation to parole hearing date was one of the strongest predictors associated with being released after a tentative parole date. The average release delay was significantly longer (122 days) for offenders who started core programming after the hearing than those who started core programming before the hearing (22 days).³

Offender enrollment in programming after a hearing can be attributed to several factors:

- Programs through IDOC vary in length and some offenders may be enrolled in a program after a hearing in accordance with his or her pathway
- Offenders may voluntarily choose to enroll in programming after a hearing
- Commissioners have the discretion to assign additional programming at the time of the hearing

² Executive session reviews are not open to the public and are limited to nonviolent offenders charged with crimes such as possession, grand theft, and burglary. Executive session is never used in cases of DUIs, violent offenders, or sex offenders.

³ For the purposes of this analysis, core programming was limited to treatment and did not include education.

For the purposes of our study, we focused on the role of commissioners in assigning programming, factors associated with added programming, and how those programming decisions are made.

National Standards Recommend the Use of Specific Criteria in Making Parole Decisions

Providing commissioners with additional tools to help guide their decision making would align with national standards and may help reduce the number of offenders who begin programming after their parole hearing. As discussed in the next sections, we recommend providing commissioners with additional training and more information to better understand the role of assessments in placing offenders in appropriate programming as well as when making parole decisions.

Use of Evidence-Based Assessments

Commissioners are aware that IDOC makes programming decisions for offenders based on individual assessment scores and specific evidence-based criteria for each program. Commissioners agree with IDOC that programming is central to offender rehabilitation and expect offenders to successfully complete programming as a condition of release. However, commissioners are not bound by assessment scores or the criteria IDOC uses to determine offender programming, particularly when they have concerns about whether the assessments accurately reflect the needs of the offender. As such, commissioners may require that an offender complete a program that does not align with his or her existing case plan.

National standards recommend the use of standardized assessment tools when making parole release decisions. Because commissioners have the authority to modify or add programming requirements prior to an offender's release, the formal inclusion of standardized assessment tools may enhance their decision-making process. A better understanding and incorporation of IDOC assessments to determine programming needs would help ensure that commissioners recommend appropriate programming to offenders.

Some states have developed customized parole decision-making guidelines to fit their agency's needs and provide a common framework on which to base decisions. For example, each commissioner could use the same checklist that is based on the following criteria outlined in commission rules:⁴

- Seriousness and aggravation or mitigating circumstances of the crime
- Prior criminal history of the offender
- Failure or success of past community supervision

⁴ IDAHO ADMIN. CODE, IDAPA 50.01.01.250.01.c.i–vii.

- Overall institutional behavior, including involvement in programs
- Evidence of a willingness to change
- Physical or psychological condition
- Strength and stability of the proposed parole plan

Although commissioners are not bound by these criteria, they could serve as the basis for an internal checklist. Hearing officers could then use the checklist to guide their parole recommendations, further ensuring that all commission staff are using the same criteria when making decisions.

Standardized Training Process

To prepare for their role in making parole determinations, commissioners generally participate in an informal training—new commissioners spend time with existing commissioners and, whenever possible, attend hearings as an observer. According to the executive director, commissioners previously received training on an annual basis, including attendance at national conferences, but this training was eliminated several years ago due to a lack of funding. This elimination has resulted in inconsistencies in the amount and type of training each commissioner receives.

Several commissioners indicated that the formal training was helpful to understand their job and more training would be beneficial. One commissioner suggested the following additional training:

- Tour the prisons, including the Reception and Diagnostic Units
- Understand programming options by attending classes
- Visit the probation and parole offices to understand how offenders are supervised in the community

The National Institute of Corrections supports a formalized training process, including a training manual, to ensure commissioners make decisions consistently within a common framework and use a similar set of criteria. Without a formalized process for all commissioners, including future commissioners, commissioners may not be similarly trained in the parole process and may not be using the same prioritized criteria when making release decisions.

Role of the Department of Correction

Upon the conclusion of a parole hearing, IDOC continues to assist offenders with the reentry process in three major areas:

- Education and Treatment staff work with the commission to address programming requirements specified at the hearing

- Case managers ensure that offenders enroll in all remaining education and treatment programs and help each offender develop a parole plan
- Parole officers are responsible for investigating and approving each parole plan before an offender can be released into the community

IDOC and the Commission Do Not Formally Track Trends in Programming Added by Commissioners

If commissioners add programming that does not align with the offender's pathway, IDOC will generally add it to the offender's case plan. When significant discrepancies exist between commissioner and IDOC programming requirements, IDOC has developed a miscellaneous review process to reconcile those differences.⁵ As part of this process, Education and Treatment staff meet with the commission's executive director at least quarterly to discuss and resolve programming discrepancies. Individual outcomes are documented in the offender's central file, which is stored in IDOC's computer system.

According to Education and Treatment staff, the miscellaneous review process has been in place for about three years and will be formalized with the implementation of Education and Treatment's updated offender program management policy. However, this current approach does not allow IDOC to identify and monitor long-term trends that may impact the usefulness of Pathways for Success. Neither IDOC nor the commission currently tracks the frequency, circumstances, or outcomes associated with programming requirements added at the parole hearing. As a result, IDOC and the commission may be limiting their ability to expand Pathways for Success to meet both their programming expectations.

Current Policies Do Not Ensure Ongoing Dialogue Between IDOC Staff and Commission Staff

Once an offender has been granted a tentative parole date, case managers help the offender complete a comprehensive parole plan. Parole plans must provide accurate information about housing, employment, and continued community treatment. After an offender has finalized a proposed parole plan, the case manager notifies Community Corrections staff that the parole plan is ready for investigation through IDOC's computer system.

To help guide case managers in their work, Education and Treatment is currently updating its offender program management policy. The new policy instructs case managers on how and when to communicate with other IDOC staff and sets time constraints on required actions to assist the parole plan approval process. It also

⁵ This review process is separate from the exception process discussed in chapter 3.

instructs case managers on communication with IDOC parole officers and commission hearing officers. Until implemented, case managers are not currently obligated to reach out to other IDOC staff or commission staff to the same extent as the new policy will specify. Our case manager survey found that case managers do not consistently communicate with parole officers. When communication with parole officers did occur, parole plans were discussed only 34 percent of the time.

Both IDOC staff and commission staff rely heavily on offender central files to share information by entering notes for other staff to read. However, we found that the offender's central file contains a variety of information about the offender and does not always clearly identify issues that are relevant to parole preparation. In addition, updated information about an offender may not always be communicated in a timely manner. Although Education and Treatment's new policy will help to alleviate this problem, it will not ensure that other IDOC staff or commission staff are taking similar measures.

IDOC Does Not Have a Policy to Guide Parole Plan Investigations

In addition to supervising offenders in the community, parole officers are responsible for investigating and approving offender parole plans. Investigation requests are distributed based on the district the offender plans to live in while on parole.⁶ There is no department-wide policy to guide officers in conducting investigations; each district has the discretion to modify the investigation process based on its individual needs or preferences.

When conducting investigations, parole officers verify the proposed place of residence, employment, and the community treatment provider to confirm the accuracy of a parole plan. Parole officers must ensure that a parole plan complies with the conditions of parole as directed by the commission. If a plan is accepted, offenders move forward in the release process. If a plan is rejected, it is returned to the case manager who helps the offender develop a new parole plan or modify the existing plan.

Parole officers may contact the case manager directly to resolve any problems rather than reject the parole plan. This approach allows the case manager to take immediate steps with the offender to resolve the issue and reduces the likelihood that the officer will reject the plan. We asked parole officers specifically involved in the investigation process to complete a weekly survey over a four-week period in October and November 2009. Twenty-eight parole officers who participated in our survey reported that they contacted case managers 31 percent of the time. Of those contacts, parole plans were only modified in one-third of

⁶ Parole and probation districts align with Idaho's seven judicial districts. Please see exhibit 2.2 in chapter 2.

the cases. If parole officers and case managers are not communicating about parole plans on a consistent basis, issues may not be resolved in a timely manner.

Parole Plan Process Is Taking Longer to Complete

The parole plan process is comprised of several steps that involve offenders, case managers, and parole officers. As part of their role, officers are given two weeks to complete an investigation, but IDOC does not currently track how long it takes to complete an investigation or whether other workload issues may be affecting the investigation process. Parole officers who responded to our workload survey self-reported spending an average of one hour on fieldwork and about one hour on office work per investigation. However, of the officers who responded to our survey and were unable to complete an investigation in the week it was assigned, 35 percent said other assigned responsibilities were the reason for delayed completion. For more information on the parole plan workload study see appendix C. Chapter 5 provides more information about parole officer workload issues that could be affecting the timeframes for parole plan approval.

When looking at the overall parole plan process, which includes the initial parole plan development, our analysis found that the average time taken to complete the process has increased in the last three years from 26 days in 2007 to 42 days in 2009.

Year	Days to Complete
2007	26
2008	33
2009	42

Most Offenders Are Released After Their Tentative Parole Date

About one month prior to release, all relevant information about the offender is compiled into a release packet. This packet is the last major step of the parole process and includes information on the parole plan, completed programming, disciplinary offenses, and other conditions of parole required by the commission.

When the packet is complete, it is delivered to the commission for final review and signature by the executive director. Once finalized and signed by the offender, IDOC coordinates with the offender for his or her release. Commission staff noted that increased coordination between the two entities has helped to streamline the process of coordinating offender releases.

Despite these efforts, we found that 69 percent of offenders were released *after* their tentative parole date. In addition to programming, numerous factors affect when an offender is released into the community, including the behavior of the

offender while incarcerated and his or her willingness to change. As part of our analysis, we also examined the role of disciplinary offenses and offender reading level as a factor in release delays. With the exception of disciplinary offenses that occurred after a parole hearing, we found no statistically significant relationship between these two factors and release delays. Appendix D provides demographic information related to offender release delays.

As shown in exhibit 4.2, when calculating the cost-per-day differences between incarceration and community supervision, we estimate that if the offenders in our analysis had been released on their tentative parole date, the state would have saved approximately \$6.8 million.

EXHIBIT 4.2 ESTIMATED COST DIFFERENCES BETWEEN INCARCERATION AND COMMUNITY SUPERVISION BASED ON OFFENDERS WITH A RELEASE DELAY, JANUARY 2007–SEPTEMBER 2009

Year	Total Offenders with Delay	Total Days Delayed	Cost of Incarceration (\$)	Cost of Community Supervision (\$)	Difference (\$)
2007	585	62,622	3,444,210	313,110	3,131,100
2008	616	63,437	3,489,035	317,185	3,171,850
2009 ^a	197	9,714	534,270	48,570	485,700
Total	1,398	135,773	7,467,515	678,865	6,788,650 ^b

Source: Analysis of data from the Department of Correction and the Commission of Pardons and Parole.

Note: The number of offenders released includes those with a delay of three days or more and does not include those with open parole dates. The cost of incarceration is estimated at \$55 per day per inmate and the cost of supervision is estimated at \$5 per day per inmate.

^a Year 2009 is a partial data set and may not indicate improvement in reducing delays. The data set is only for offenders who have been granted parole and had been released as of September 14, 2009.

^b Of the \$7 million, approximately \$790,000 was due to delays in transferring offenders who were either paroling to another state or serving another sentence in an Idaho county, in another state, or for the federal government.

Recommendations

Intent: Providing hearing officers and commissioners with an Idaho-specific checklist to aid in the decision-making process will ensure that decisions are based on specific, standardized criteria but still allow for individual discretion.

***Recommendation 4.1:** The Commission of Pardons and Parole should formally incorporate the use of assessments in both its programming and parole release decisions through the use of an Idaho-specific checklist. In addition to assessments, this checklist could include the consideration of criteria currently listed in Administrative Rule.*

Intent: Providing current and future commissioners with additional training tools, including an Idaho-specific parole training manual, will enhance their ability to perform their job duties and ensure that all commissioners are operating within similar parameters when making decisions.

***Recommendation 4.2:** The Commission of Pardons and Parole should develop a formal training procedure, including a training manual, to assist commissioners. The manual could include language regarding the Commission of Pardons and Parole's commitment to public safety and offender management, the Department of Correction's approach to programming, the assessments used to help determine programming decisions, and the risk assessment tools commissioners could apply in making parole decisions.*

Intent: Tracking commissioner-required programming as Pathways for Success continues to evolve will allow IDOC and the commission to identify deficiencies in the new programming model that may have not otherwise been discovered until an offender's parole hearing.

***Recommendation 4.3:** The Department of Correction and the Commission of Pardons and Parole should collaborate to track the frequency, reasons, and outcome associated with the assignment of additional programming at parole hearings. The Department of Correction and the Commission of Pardons and Parole should review this information quarterly to ensure both parties have a clear understanding of the Department of Correction's objectives and the Commission of Pardons and Parole's pre-release requirements.*

Intent: A closer alignment of commission release requirements and IDOC programming requirements through joint training will help reduce the number of offenders who begin programming after their parole hearing.

***Recommendation 4.4:** The Department of Correction and the Commission of Pardons and Parole should formalize programming-related training between case managers and hearing officers. This training could include information about Pathways for Success, assessments used to determine programming, and the eligibility criteria for each program.⁷*

Intent: Reciprocal communication between IDOC and commission staff throughout an offender's incarceration will help prepare offenders for parole hearings and reentry into the community.

***Recommendation 4.5:** The Department of Correction and the Commission of Pardons and Parole should develop communication tools that outline the points throughout an offender's incarceration at which case managers, hearing officers, and parole officers should collaborate in determining an offender's readiness for his or her parole hearing and eventual release.*

Intent: Ensuring that all parole plan investigations are conducted in a similar manner will help streamline the investigation process throughout the state.

***Recommendation 4.6:** The Department of Correction should evaluate parole plan investigations by conducting a study over several months and evaluating the options for some standardization of the process. Once complete, the Department of Correction should then develop a policy to guide officers in conducting investigations.*

Intent: A better understanding of the factors related to the parole plan process taking longer will allow IDOC to review those factors and look for ways to increase efficiencies.

***Recommendation 4.7:** As the Department of Correction implements its new computer system, it should further evaluate the parole plan process by tracking the timeframes surrounding plan development and submissions.*

⁷ In a memo dated February 3, 2010, the Commission of Pardons and Parole outlined its proposed training schedule for 2010, which includes some training with IDOC.

Chapter 5

Community Supervision

Offender Release

Once released to parole, an offender remains under the supervision of IDOC and is allowed to complete the remainder of his or her sentence in the community. While in the community, the offender must abide by parole conditions determined by either the commission or the parole officer. These conditions may include housing restrictions, employment responsibilities, and community treatment requirements.

Offenders are required to report to their assigned parole officer within 24 hours of release from prison. At that time, the assigned parole officer thoroughly reviews with the offender conditions of parole and provides a general overview of community supervision expectations.

Parole Officer Workload Is Increasing Faster than Staffing Allocations in Some Districts

The Division of Community Corrections is divided into seven districts. Each district is staffed based on the needs of that district, including the number and type of offenders in each community. In addition to supervising parolees, officers must also supervise, manage, and monitor the activities of every probationer assigned to them. Although probationers were not a focus of this study, they account for over 80 percent of the total officer caseload.

According to Community Corrections staff, guidelines are in place for maximum caseload distribution.¹ The amount of overall workload is determined by the district supervisor and is assigned to each parole officer based on the total number of cases in that district, staff availability, and other required duties. However, IDOC has little control over the number or type of offenders who parole to each district. This unpredictability makes it difficult for IDOC to accurately project staffing needs.

¹ General cases should not exceed 80 per officer and specialized cases, such as sex offenders, should not exceed 55 per officer.

Based on the specific needs of each district, an individual parole officer’s workload could include many different facets:

- Determine parole violations and conduct preliminary hearings
- General supervision of probationers and parolees
- Investigate parole plans
- Other administrative responsibilities

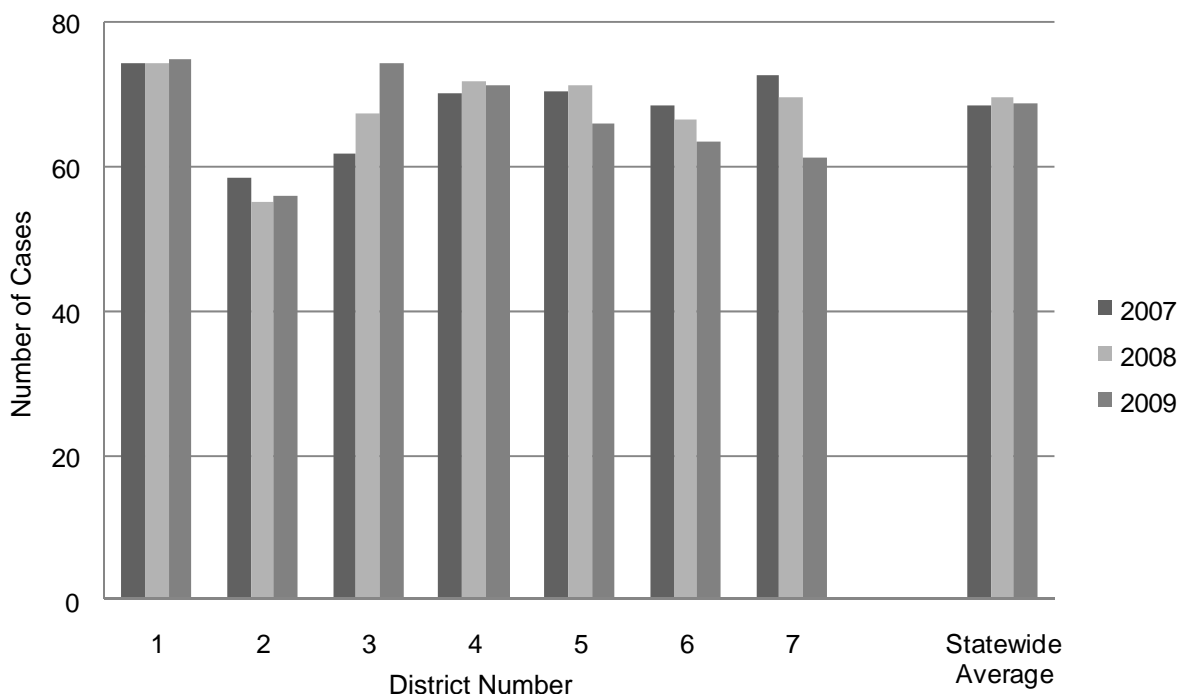
Caseload and staffing are not evenly distributed throughout the state.

When looking at elements of an officer’s workload that may be linked to the parole process, we found the parole plan process has become longer to complete over the last few years. Part of this time extension could be attributed to more offenders paroling and caseload counts increasing faster than staffing allocations.

To better understand the relationship between the process and caseload distribution, we analyzed the caseload distribution in each of the seven districts from January 2007 to September 2009.

As displayed in exhibit 5.1, the average caseload for each parole officer in district three has steadily increased while caseloads in districts six and seven have continued to decrease. As shown in exhibit 5.2, when we reviewed the first

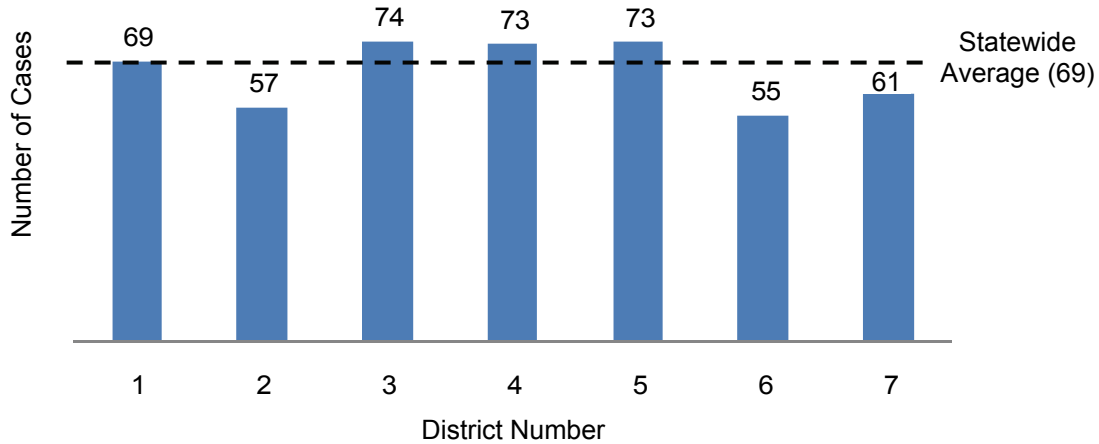
EXHIBIT 5.1 AVERAGE NUMBER OF PROBATION AND PAROLE CASES PER OFFICER BY DISTRICT, FISCAL YEARS 2007–2009



Source: Analysis of data from the Department of Correction.

Note: Data in 2007 is based on a partial year to align with the beginning timeframe of our primary data analysis.

EXHIBIT 5.2 AVERAGE NUMBER OF PROBATION AND PAROLE CASES PER OFFICER BY DISTRICT, FIRST QUARTER OF FISCAL YEAR 2010



Source: Analysis of data from the Department of Correction.

quarter of fiscal year 2010 we found that the average number of officer cases per district continues to be unequal. IDOC staff stated they have worked over the last several years to more appropriately allocate new staff in each district. However, the change in staff allocation for districts may not have resolved inequities that existed prior to current department staffing efforts.

Violation Process

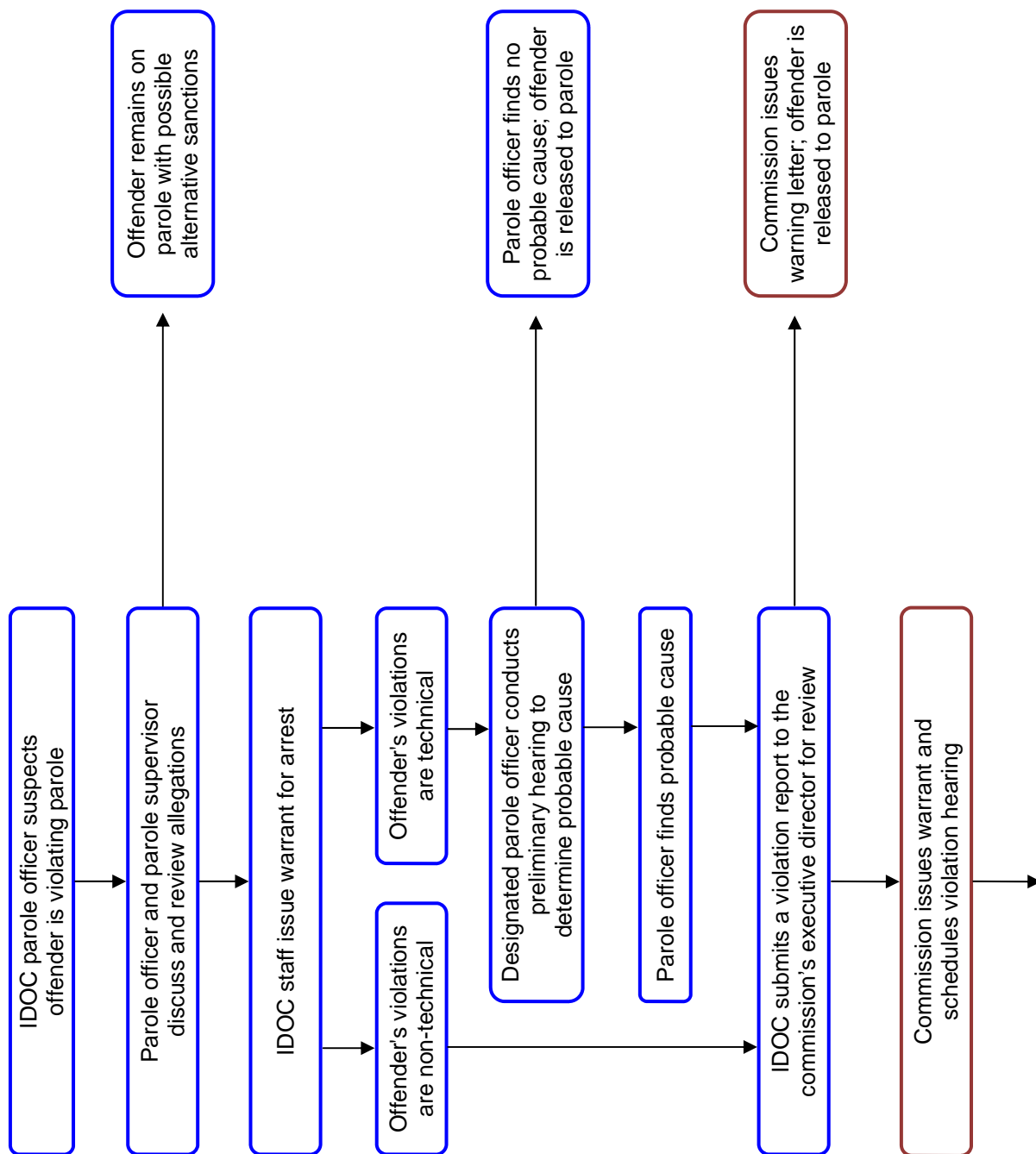
The parole violation process addresses offenders who have been accused of not following the conditions of their parole. The commission relies on parole officers to report parole violations and other parole-related issues. As shown in exhibit 5.3, the process is complex and affects the workload of both IDOC and commission staff. Commission rule allows commissioners to review or reconsider any previous decision for any reason and take whatever action they deem appropriate.²

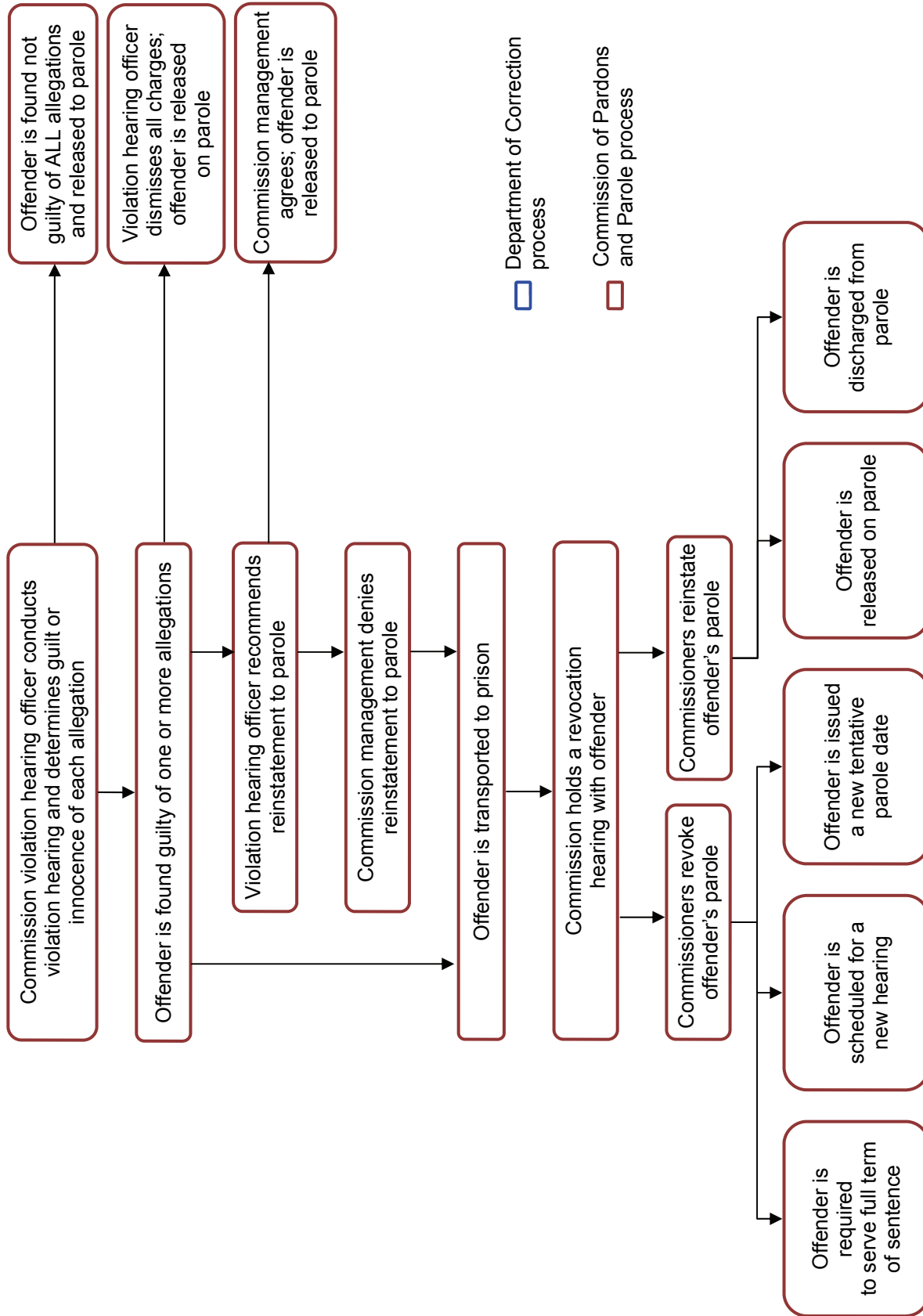
Federal case law requires due process be upheld during the parole violation process to protect offender rights in two specific steps.³ Idaho is unique in its

² IDAHO ADMIN. CODE, IDAPA 50.01.01.100.05.

³ The US Supreme Court, in *Morrissey v. Brewer*, 408 US 471 (1972), required two steps in the parole revocation process: an initial hearing to establish whether the offender is guilty of a parole violation, and if needed, a second hearing to determine whether his or her parole should be revoked. Due process of law is the administration of justice according to established rules and principles, based on the principle that a person cannot be deprived of life, liberty, or property without appropriate legal procedures and safeguards. In the parole revocation process, these safeguards include notice to the offender of the charges against him and an opportunity to respond to those charges.

EXHIBIT 5.3 GENERAL VIOLATION AND REVOCATION PROCESS





Source: IDAHO CODE §20-229; IDAHO ADMIN. CODE, 2003, IDAPA 50.01.01; Department of Correction's policy manual; and feedback provided by Department of Correction staff and Commission of Pardons and Parole staff.

approach to applying due process for offenders and has expanded the two-step process by adding a third step.⁴

IDOC Conducts Initial Investigation but Does Not Have Authority to Make Final Violation Decision

When an offender violates the technical conditions of parole, his or her parole officer follows certain protocols outlined in IDOC policy to address the allegations.⁵ In 2008, IDOC created a violation matrix for parole officers to uniformly respond to alleged parole violations using sanction guidelines. The matrix ensures that sanctions are based on the offender risk level and the severity of the current behavior.

After a parole officer determines that the violations merit an arrest, IDOC staff follow three major steps:

1. The officer will discuss the allegations with a supervisor, if a supervisor is available. As shown in step two of exhibit 5.3, the parole officer and supervisor will determine whether an arrest or an alternative sanction is best suited for the offender.
2. If they decide an arrest is necessary, the parole officer issues an agent's warrant for the offender's arrest. If a supervisor is unavailable, the district office may issue a warrant but must notify a supervisor and the commission within one business day.
3. Once an offender is arrested on an agent's warrant, a second parole officer conducts a preliminary hearing with the offender in attendance to determine whether probable cause exists to hold the offender pending a fact-finding hearing.⁶ If probable cause is found, a violation report is submitted to the commission for review and possible issuance of a commission warrant.

⁴ Idaho has separated out the required first fact-finding step into two steps: (1) a preliminary hearing to determine whether probable cause exists to believe the offender violated the terms of his or her parole and should remain in custody pending a hearing to determine whether a violation actually occurred, and (2) a fact-finding violation hearing to determine guilt. The third step in the violation process is the revocation hearing.

⁵ Technical violations include all violations except the conviction of a new crime, felony or misdemeanor, and absconding from parole. Some examples are failure to abide by curfew, failure to pay restitution, or missing an appointment with the parole officer.

⁶ According to the Idaho State Judiciary, "Probable cause is the amount of information needed to justify the issuance of an arrest warrant or search warrant, or to allow an officer to make an arrest without a warrant. . . . It is defined as facts and circumstances sufficient to allow a prudent person to believe that a person committed a crime, or that contraband or evidence of a crime is present at a particular location."

Final violation determinations are not a function of IDOC. Rather, IDOC relies on the commission, and ultimately the authority of the commissioners, to consider its findings and take the necessary steps toward a revocation hearing.

Violation Process Involves Multiple Reviews by Commission Staff

The commission's executive director, as shown in exhibit 5.3, has the responsibility to review parole violation allegations and either issue a commission warrant or release the offender back to parole.⁷ According to commission staff, the hearing officer supervisor reviews the violation reports submitted by IDOC and decides whether a commission warrant needs to be issued.

If a commission warrant is issued, the commission proceeds through the following process:

1. The executive director signs the commission warrant, the warrant is served to the offender at the county jail, and a violation hearing is scheduled. Upon the offender's receipt of the warrant, the commission's violation hearing officer has thirty days to conduct the hearing.⁸ Once the commission's warrant is issued, the offender's parole is suspended.
2. A violation hearing is conducted to determine the guilt or innocence of the offender as to each allegation brought forth by the parole officer. The violation hearing officer must provide the offender with his or her findings within twenty days of the hearing.
3. If the offender is found not guilty of the allegations, the offender is released back to parole.
4. If the violation hearing officer finds the offender guilty, the offender is transported to prison to await a revocation hearing before the commissioners.

Despite a guilty finding, a violation hearing officer may recommend that an offender be reinstated to parole. Commission management then has the discretion to agree with the officer and release the offender without a revocation hearing, or may deny the reinstatement and recommend the offender be heard in front of the commissioners.

⁷ IDAHO ADMIN. CODE, IDAPA 50.01.01.400.02.b.

⁸ IDAHO CODE § 20-229.

Not All Violations Result in Parole Revocation

During the revocation hearing, commissioners review and discuss the violations, and the offender is provided an opportunity to explain why he or she should be reinstated to parole.⁹ As shown in exhibit 5.3, commissioners can decide to reinstate or revoke an offender's parole. Commissioners also have full discretion to give the offender credit for none, some, or all of the time served while previously on parole.¹⁰

When considering recommendations from both IDOC and commission staff, commissioners must use their authority to make final revocation determinations. As a result of the revocation hearing, some offenders have their parole reinstated and are released back into the community. Of the 1,645 offenders that had a revocation hearing from January 2007 to September 2009:

- 67 percent had their parole revoked
- 28 percent had their parole revoked but were granted a new tentative parole date
- 5 percent were reinstated or discharged from parole

For the 5 percent of offenders who went through the multiple steps of the violation process and were found guilty of violating parole, but were ultimately reinstated to or discharged from parole, the state spent more than \$783,000 in continued offender management. If commissioners had the opportunity to make release decisions in a more timely manner, it would have reduced costs as well as saved the time and resources of IDOC and commission staff involved.

Recommendations

Intent: Regularly reviewing the location of offenders under community supervision throughout the state will allow IDOC to adjust staffing allocations and better manage caseloads.

Recommendation 5.1: *The Department of Correction should formalize its efforts to regularly review staffing allocations and trends in offender releases, including the districts that offenders parole to and the level of supervision these offenders require. At least annually, the Department of Correction should monitor staffing allocations to identify any trends and consider reallocating staff among its districts to better align with shifts in community supervision demands.*

⁹ According to commission data, revocation hearings represented approximately 25 percent of the commissioners' caseload in 2008.

¹⁰ IDAHO ADMIN. CODE, IDAPA 50.01.01.400.10.

Intent: An updated review of the violation process will preserve the authority of commissioners to make revocation determinations and may help to reduce the incarceration costs for those offenders whose parole is ultimately reinstated.

***Recommendation 5.2:** The Department of Correction and the Commission of Pardons and Parole should work with the Office of the Attorney General to review the violation process by evaluating each step of the process and to clarify the role of the Department of Correction staff and the Commission of Pardons and Parole staff in determining how violation decisions are made. If necessary, the Commission of Pardons and Parole should then amend its rules to more accurately reflect the process associated with violations and revocations.*

Chapter 6

Commission Operations

Organizational Structure

Although statutorily attached to the Department of Correction (IDOC), the Commission of Pardons and Parole functions as a separate, independent agency. The current configuration provides the commission autonomy in its daily operations similar to that of a state agency but does not require the commission to comply with the same annual reporting requirements of other agencies. In terms of its daily operations, the commission relies on IDOC for policies and procedures and does not have its own set of measurable goals and performance measures, an approach that contradicts its independent role.

Statutory Framework Does Not Provide Commission with Complete Independence

According to IDOC and commission management, the working relationship between the two entities has improved over the last several years, due in part to a more clear separation of duties. However, the two entities continue to be linked in statute. The commission operates independently of IDOC, but remains in the section of code related to the Board of Correction.¹

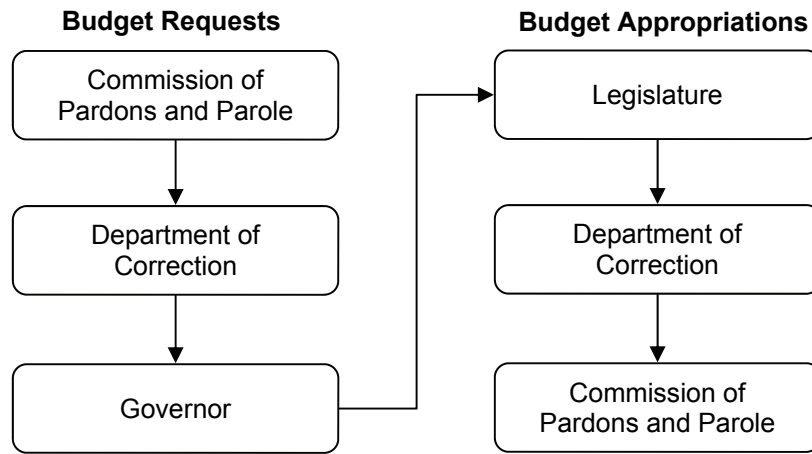
As shown in exhibit 6.1, state appropriated funds are distributed to the commission through IDOC's annual appropriations bill.² Operationally, as shown in exhibit 6.2, the commission functions separately from IDOC.³ The commissioners and the executive director are appointed by the Governor. The executive director is responsible for administering the daily business of the commission.

¹ IDAHO CODE § 20-201.

² To more closely align with the current operations, the Governor has recommended that the commission be given its own agency code and own appropriation bill in fiscal year 2011. This change, however, will not statutorily designate the commission as an independent agency.

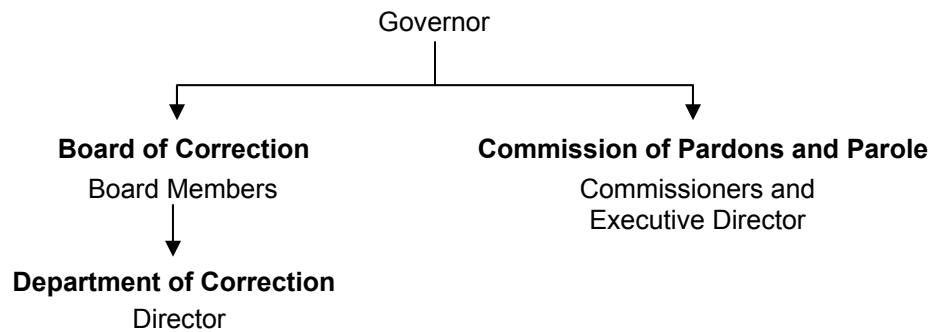
³ The commission relies on IDOC for some services: payroll processing, human resources, technology support, and other fiscal needs.

EXHIBIT 6.1 BUDGET PROCESS FOR THE DEPARTMENT OF CORRECTION AND THE COMMISSION OF PARDONS AND PAROLE



Sources: Legislative Services Office, Budget and Policy Analysis, *Legislative Budget Book* and *Legislative Fiscal Report*, 2009; interviews with Commission of Pardons and Parole staff.

EXHIBIT 6.2 APPOINTMENT PROCESS FOR THE DEPARTMENT OF CORRECTION AND THE COMMISSION OF PARDONS AND PAROLE



Source: Legislative Services Office, Budget and Policy Analysis, *Legislative Budget Book* and *Legislative Fiscal Report*, 2009; interviews with Commission of Pardons and Parole staff.

Given this lack of clarity, the commission cannot function as a fully independent state agency. Both IDOC and the commission agree that statute should be changed to reflect the current operating structure. Such a change will make the commission a fully independent agency and will provide more transparency of its operations.

Reliance on IDOC Policies Contradicts Commission's Independent Role

Although the commission operates as an independent entity, it relies on IDOC's business administration and human resource policies, which were not written to meet the specific needs of the commission. The commission operates without any formal procedures for interacting with offenders, evaluating employee performance, or making parole release recommendations, all of which are critical elements of the commission's work. As stated by the National Institute of Corrections, evidence-based practices specific to paroling authorities emphasize the importance of establishing a clear and comprehensive framework to guide the efforts of all staff as well as the work of commissioners.

The institute also suggests that paroling authorities develop measurable outcomes or goals that align with their mission statements. The commission has a broad mission statement, but lacks measurable goals and has not drafted or reported on specific performance measures for the past three years, a requirement of all state agencies. The use of performance measures can help guide agencies in the development of specific, measureable goals as well as provide an internal mechanism to gauge how well they are meeting those goals. IDOC has a strategic plan that reflects its mission and outlines key performance goals, but these goals are specific to IDOC and do not address the commission. By not developing a set of defined, measurable goals and accompanying policies and procedures, the commission cannot function completely independent of IDOC.

Hearing Officer Guidance

Although some officers received comprehensive training as new hires, officers in general receive little ongoing training to strengthen or expand their skills when completing assigned tasks. In addition to limited training, hearing officers reported receiving limited feedback from supervisors about the quality of their performance.

New Hearing Officers Are Pleased with Training, but More Training Is Needed

Within the past two years, the commission has developed an internal training procedure for new hearing officers. During our interviews with hearing officers, we specifically questioned them about training. Officers who completed the new

training procedure were pleased with the quality of the training and guidance provided by the training officer. Officers hired prior to the development of the new procedure reported going through a less extensive, informal shadowing process. To provide all staff with similar types of training, both new hires and existing staff should participate in the commission's updated training procedure.

Officers agreed that staff could benefit from additional ongoing training in interviewing and writing skills. A number of officers reported they had received minimal training since their initial new-hire training. The commission's goal is to provide 40 hours of training in a 12-month period. A review of all commission staff training hours from June 2007 to October 2009 showed that commission staff averaged 5.5 hours of training, which is only 14 percent of the commission's annual training goal.

The executive director stated that the commission would like to provide more training opportunities to hearing officers but has not been able to because of budget constraints. Although we recognize that training resources are currently limited, our results from hearing officer interviews and review of staff training hours indicate that hearing officers could benefit from additional ongoing training. If outside training is not an option, the commission should consider in-house training or training in conjunction with IDOC.

Hearing Officers Lack Ongoing Feedback and Performance Appraisals

During interviews we asked hearing officers about the feedback they receive from management. Of those asked, more than half stated they receive little or no feedback. In addition, some officers reported that commission management does not regularly provide staff with performance appraisals, which could be a valuable source of staff feedback.⁴

We asked the hearing officer supervisor about how and when officer performance is evaluated. The hearing officer supervisor stated that he generally tries to provide feedback informally, providing formal feedback only when issues arise. He also stated the performance appraisals are conducted annually, a response that did not align with the concerns expressed by several officers.

This disconnect suggests that the hearing officer supervisor's approach to providing feedback may not be the most effective way to communicate with staff. Without the use of formal policies and procedures to ensure the timely completion and distribution of performance appraisals, the commission is unable to provide officers with ongoing performance feedback or opportunities to improve deficiencies.

⁴ In a memo dated February 7, 2010, the Commission of Pardons and Parole indicated that most employee appraisals had been conducted as of January 27, 2010.

Staff Workload

In response to recent budget holdbacks, the commission's executive director has left several staff positions unfilled. As a result, some commission staff have been required to take on additional duties, increasing their workload. In the case of hearing officers, the commission is not adequately measuring workload and cannot accurately gauge the impact of additional duties on these staff.

Hearing Officer Workload Is Not Measured

In 2008, the commission contracted with an independent consultant to evaluate the time it took staff to complete their job duties. The study found that officers substantially over-reported the time it took to complete their monthly duties.⁵ As a result, one of the recommendations in the study encouraged the commission to further investigate the matter. However, the commission has not yet clarified the discrepancies, nor finalized the study draft.

We asked hearing officers to report how long it took to complete their job duties in a typical 40-hour work week. Most officers were unable to quantify how they spent their time; our analysis of those interviews found that 50 percent of officers thought report writing consumed most of their weekly workload.

The commission has been requiring hearing officers to submit individual monthly caseload reports detailing the dates of officer interviews, parole hearings, and report writing since 2007. However, the hearing officer supervisor confirmed that caseload reports are not being used and have never been analyzed or summarized to assess the workload for each hearing officer. During hearing officer interviews, some officers stated that workload is unevenly distributed and not all officers are held accountable for the completion of job duties. The commission currently has no formal mechanism in place to evaluate workload, the effect of additional duties on current workload, or a process to resolve officer concerns that workload is not distributed equitably.

Considering the 2008 study findings have not been addressed and the commission does not track hearing officer workload, we analyzed a sample of the caseload reports from 2009. We found that these reports lacked certain details that could be helpful in determining officer workload, such as time spent on certain elements of the investigation process. In their current format, preparing these reports may not be a good use of officer time.

⁵ The 2008 study showed that, on average, officers were reporting more than 400 hours per month (100 hours per week) working on hearing-related tasks.

Administrative Staff Report Workload Increases Due to Budget Constraints

The commission employs ten administrative staff to support its daily operations. These employees provide services such as tracking and filing inmate information, coordinating victim services, and processing legal appeals. With two unfilled positions, administrative staff have been given additional job duties, leaving them with less time to complete their original job duties. We interviewed nine administrative staff to better understand their role in the parole process. One-third of administrative staff said that efficiencies at the commission could be improved with the addition of more administrative staff or better delegation of tasks. A list of questions asked during the administrative staff interviews is provided in appendix E.

During hearing officer interviews, some officers noted that administrative staff are underappreciated and experience high turnover rates. Nearly half of the officers mentioned that the working environment for administrative staff needed improvement. These perceptions indicate the commission may need to further investigate administrative staff workload and the distribution of additional duties.

Staff Do Not Always Maximize Technology

Between 2001 and 2005, we released three reports on data management at the commission, noting instances in which the commission was not using current technology for its work and recommended the use of technology in the commission's daily operations. The commission has since started to incorporate additional technology to improve the efficiencies of its operations. The executive director has indicated that she would like to incorporate more technology in the daily operations, but would need guidance on how to accomplish that.

Large Scale Needs

IDOC is replacing its old offender management system with a new web-based computer system, called the Correctional Integrated System (CIS). IDOC and the commission have held several meetings and have developed a requirements document to help guide department technology staff in developing the commission's module.

Based on our observations of these meetings, as well as our interviews with hearing officers, we found that commission management may not have obtained sufficient input from staff for the development and the implementation of its module. As a result, commission staff remain unclear of their needs as end-users. Commission staff and IDOC staff continue to work to finalize the requirements document and implement the commission's module.

Daily Needs

IDOC voluntarily provides technology support for the commission's large-scale needs; the commission must provide its own support for daily technology needs. Currently, the commission uses both spreadsheets and text tables to track decisions for parole hearings, revocation hearings, medical paroles, and early discharges—a significant improvement over the approach the commission was using several years ago.⁶

Although text tables can be useful for report writing and other word processing needs, spreadsheet and database programs specifically designed for data management would more closely align with the commission's data needs. During our analysis, we observed several instances where data in the commission's text tables did not tally with its own annual statistics. Because the commission is not consistently using data-oriented software, commission staff, including the executive director, may be inefficiently using their time and resources to analyze parole-related data.

The commission lacks sufficient technology capacity to determine the most appropriate approaches for tracking and analyzing parole-related data.

Commission Management

Given the concerns raised about staff workload, we further examined the daily operations of the commission to identify areas for improvement or additional efficiencies. Personnel issues were initially outside our study objectives but were brought to us by staff who expressed serious concerns about how staff are treated. Therefore, as required by government auditing standards, it was our responsibility to report on personnel issues as they significantly affected our evaluation.

Attendance at Parole Hearings Requires the Executive Director to Be Out of the Office for Significant Periods of Time

The executive director has served in her role for 25 years and possesses a wealth of knowledge about the commission and Idaho's parole process. The executive director is responsible for the day-to-day management of the commission; commission rule gives the executive director the authority to approve conditions of parole, issue commission warrants, and issue parole release documents and all other official documents pertaining to the commission. Commission rule also gives both the Governor and commissioners the authority to delegate tasks to the executive director.⁷

⁶ The commission uses Microsoft Office, which includes Word and Excel.

⁷ IDAHO ADMIN. CODE, IDAPA 50.01.01.150.02.a.ii.

At the request of the commissioners, the executive director generally attends every parole hearing to read commissioner decisions to offenders and advise the commissioners on rules and laws. The commission has implemented the use of tele-video conferencing for some hearings to reduce travel time and costs, but attendance at parole hearings requires the executive director to be out of the office one to two weeks each month.

The executive director has delegated some of the commission's daily operations, including budget and human resource management responsibilities, to the hearing officer supervisor. Despite this delegation of duties, several commission staff commented that the executive director is sometimes too busy with other tasks when asked to provide staff with necessary feedback. Throughout our study, the executive director also noted that her workload was very demanding and often resulted in her working long hours.

Given the daily demands of the executive director, as well as the concerns expressed by staff, commissioners should consider exploring options to allow the executive director to spend more time managing the daily operations of the commission.

Commission Does Not Have an Effective Communication and Grievance Process to Ensure Staff Are Treated Fairly

As part of our interview process, we asked staff to identify areas for additional efficiencies. In response to that question, concerns were raised about the commission's working environment. Through subsequent interviews, commission staff revealed that commission management does not provide staff with a formal, confidential process to raise concerns, make complaints, or offer suggestions. Instead, staff have two informal options:

- They may approach their supervisor directly
- They may voice their opinions or raise concerns during staff meetings

Staff interviews provided varied responses about the commission's informal communication and grievance processes. Management stated that it is approachable and that staff are comfortable voicing opinions through the informal processes. Although some staff commented they feel comfortable discussing concerns with management, other staff reported that management is often unapproachable.

These contradictory responses indicate a discrepancy between management and staff perceptions about the commission's informal communication and grievance processes. Without a formal process for staff to raise issues, the commission may be limiting staff's ability to engage in effective problem solving or to contribute ideas that may enhance the overall success of the commission.

Through the course of our interviews, several staff were reluctant to participate, citing concerns about retaliation from their immediate supervisor or the executive director. Although some staff noted having positive experiences with their supervisor and the executive director, over 40 percent of staff expressed concerns ranging from frustration with management to being fearful of retaliation by the executive director.

The working environment of any agency has a significant impact on its overall efficiency and effectiveness. Because the commission does not have formal policies and procedures specific to the commission or an effective process to confidentially raise concerns or make suggestions, there is currently no mechanism to ensure staff are provided with a fair, internal process to resolve conflicts, raise complaints, and receive guidance on how to complete job duties.⁸

Recommendations

Intent: The creation of the commission as a state agency will help ensure accountability and transparency of operations.

***Recommendation 6.1:** The Legislature should review the current statutory framework of the commission and evaluate whether the commission should be designated as a fully independent state agency.*

Intent: A commission-specific policy and procedure manual will ensure all staff have a clear understanding of the commission's requirements and expectations.

***Recommendation 6.2:** The Commission of Pardons and Parole should develop its own policy and procedure manual. The commission should also ensure that all existing and future staff have a clear understanding of the office policies and procedures by providing an orientation of the new material.*

⁸ Commission staff can formally pursue grievances through external entities, such as IDOC Human Resources, the Division of Human Resources, and the Office of the Attorney General. However, these options may seem to be a last resort for staff and do not offer an ongoing mechanism for providing feedback and resolving conflicts.

Intent: Well-defined, measurable goals will allow both staff and the commissioners to work within a common framework and provide the commission with transparency and accountability in its operations.

Recommendation 6.3: *The Commission of Pardons and Parole should develop clearly defined goals. As part of this development process, the commission should review its mission statement and ensure its goals can provide measureable outcomes in a reasonable timeframe. The commission should review its goals annually to ensure they align with the commission's desired outcomes.*

Intent: Understanding the workload issues of staff will allow commission management to make adjustments as necessary and find specific opportunities to increase efficiencies.

Recommendation 6.4: *The Commission of Pardons and Parole should follow up on the findings of the 2008 consultant study to better understand the length of time associated with various components of the hearing officer investigation process.*

Recommendation 6.5: *The hearing officer supervisor should evaluate and expand the types of information officers are required to submit to more accurately reflect workload issues, to regularly review the monthly reports that officers submit, to summarize those findings, and to analyze the information to identify trends in caseload or time management.*

Recommendation 6.6: *In partnership with hearing officers, the hearing officer supervisor should identify ways to assist officers in streamlining the investigation process.*

Recommendation 6.7: *Given the increase of duties to existing staff, the executive director should review the distribution of new duties to minimize the impact on staff's ability to complete their previously assigned duties.*

Intent: Maximizing technology will allow the commission to improve processes and reduce staff workload.

Recommendation 6.8: *The Commission of Pardons and Parole should develop its internal technology capacity, providing staff a better understanding of how additional technology could streamline processes, reduce duplication of efforts, and increase efficiencies. This development may include basic training in word processing and data management for all staff and targeted training for those staff with additional technology-related duties. As part of this training, the commission should also consider whether more elements of its data should be maintained through its CIS module.*

Intent: Dedicating sufficient time to managing the daily operations of the commission will provide the executive director with opportunities to create policies and procedures, formalize training opportunities, and effectively lead commission staff.

Recommendation 6.9: *The commissioners should consider options to allow the executive director more time to manage the daily operations of the commission, including developing policies and procedures, creating training guidelines for commissioners, and building on the capacity of existing commission staff.*

Intent: Providing staff with a formal mechanism to raise concerns, make suggestions, and provide feedback will improve management practices and improve the working relationship between staff and management.

Recommendation 6.10: *As the appointing authority, the Office of the Governor should ensure that the executive director of the Commission of Pardons and Parole establish a formal, commission-specific communication and grievance process to improve the working relationship between management and staff and ensure all staff are treated fairly.*

Appendix A

IDOC Primary Intake Assessments

According to IDOC staff, evidence-based assessments are used to determine all offender pathways and custody levels. Assessments are typically administered at an offender's arrival at the Reception and Diagnostic Unit (RDU).

Level of Service Inventory-Revised (LSI-R) is primarily administered by Community Corrections staff as part of the pre-sentence investigation; the score is also reviewed by RDU staff during the intake process. The individualized domain score is used to determine treatment needs. The aggregate score is used to determine community supervision custody level.

Static 99 is a ten-item scale used to estimate the probability of sexual or violent recidivism in adult male offenders with at least one sexual offense against a child or non-consenting adult.¹

Test of Adult Basic Education (TABE) measures basic reading, math, and language skills.²

Texas Christian University Drug Screen II (TCU-DS II) is a self-reported questionnaire that must be verified by a trained employee to measure underlying substance abuse needs.

Some IDOC assessments complement one another and can be used in conjunction with other assessments to determine education and treatment programming needs.

¹ Static 99 is not applicable to females, minors, or some sexual offenses.

² Offenders must demonstrate a minimum 6th grade reading level to enroll in most programming. Exceptions may be made at the discretion of IDOC staff.

Appendix B

Case Manager Survey

We surveyed Idaho's institutional case managers about their perceived communication with hearing officers and parole officers. We received responses from 32 of the 49 case managers surveyed. The results of the survey are presented below.

Communication Between IDOC Case Managers and Commission Hearing Officers

1. Please estimate the percentage of cases where **hearing officers** initiate communication with you about offenders who are nearing their hearing officer interview. (Select one of the following.)

	N	Percent
0 percent of all cases	13	40.6
1–25 percent of all cases	10	31.3
26–50 percent of all cases	1	3.1
51–75 percent of all cases	3	9.4
76–100 percent of all cases	5	15.6
Total	32	100

2. Please estimate the percentage of cases where **you** initiate communication with hearing officers about offenders who are nearing their hearing officer interview. (Select one of the following.)

	N	Percent
0 percent of all cases	16	50.0
1–25 percent of all cases	10	31.3
26–50 percent of all cases	2	6.3
51–75 percent of all cases	2	6.3
76–100 percent of all cases	2	6.3
Total	32	100

3. When communicating with **hearing officers**, what types of information do you *primarily* discuss with each other? (Please select the top three.)

	Number of Times Selected	Percent
Offender's parole plan (housing, employment, aftercare)	17	23.9
Completion of Pathways for Success or other required programming as outlined in the case plan	13	18.3
Offender's behavior while incarcerated	13	18.3
Personal impression of offender	7	9.9
IDOC assessments	3	4.2
Other	6	8.5
Not applicable	12	16.9
Total	71	100

4. When communicating with **hearing officers**, how likely do you think they are to consider your input in their decision making? (Select one of the following.)

	N	Percent
Not at all likely	5	15.6
Somewhat likely	13	40.6
Very likely	5	15.6
Not applicable	9	28.1
Total	32	100

Communication Between IDOC Case Managers and IDOC Parole Officers

1. Please estimate the percentage of cases where **parole officers** initiate communication with you about offenders who have been granted a tentative parole date. (Select one of the following.)

	N	Percent
0 percent of all cases	14	43.8
1–25 percent of all cases	17	53.1
26–50 percent of all cases	1	3.1
51–75 percent of all cases	0	0.0
76–100 percent of all cases	0	0.0
Total	32	100

2. Please estimate the percentage of cases where **you** initiate communication with parole officers about offenders who have been granted a tentative parole date. (Select one of the following.)

	N	Percent
0 percent of all cases	11	34.4
1–25 percent of all cases	14	43.8
26–50 percent of all cases	1	3.1
51–75 percent of all cases	4	12.5
76–100 percent of all cases	2	6.3
Total	32	100

3. When communicating with **parole officers**, what types of information do you *primarily* discuss with each other? (Please select the top three.)

	Number of Times Selected	Percent
Offender's parole plan (housing, employment, aftercare)	21	28.4
Offender's behavior while incarcerated	14	18.9
Completion of Pathways for Success or other required programming as outlined in the case plan	12	16.2
Personal impression of offender	6	8.1
IDOC assessments	2	2.7
Other	7	9.5
Not applicable	12	16.2
Total	74	100

4. When communicating with **parole officers**, how likely do you think they are to consider your input in their decision making? (Select one of the following.)

	N	Percent
Not at all likely	3	9.4
Somewhat likely	15	46.9
Very likely	7	21.9
Not applicable	7	21.9
Total	32	100

Source: Survey of Department of Correction case managers, October 2009.

Note: For the purposes of this survey, we defined communication as any dialogue between the case managers and both hearing officers and parole officers, either in-person, via telephone, via e-mail, or through the Correctional Integrated System (CIS).

Appendix C

Parole Plan Investigation Workload Study

We surveyed Idaho's parole officers about the time they spend conducting parole plan investigations. Our one-month study asked officers about their time spent conducting field and office work, their time communicating with case managers, and the reasons parole plans were rejected. We received responses from 28 of 82 officers for 78 different parole plan submissions. The results of the study are presented below.

Responses by District (N=78)

	N	Percent
District 1	11	14.1
District 2	10	12.8
District 3	9	11.5
District 4	7	9.0
District 5	15	19.2
District 6	5	6.4
District 7	21	26.9
Total	78	100

IDOC refers to its parole plan investigation process as a request for investigation or RFI.

Reported Time Spent on an RFI (N=78)

	N	Percent	Average Hours	Minimum Hours	Maximum Hours
Time spent on fieldwork (e.g., drive time, home visits)	54	69.2	1.1	0.5	3
Time spent in the office (e.g., phone calls, data entry)	75	96.2	0.7	0.1	3

Case Manager Contact and Parole Plan Modification (N=78)

	Yes		No	
	N	Percent	N	Percent
Did you contact the case manager?	24	30.8	54	69.2
If yes, was the parole plan modified?	8	33.3	16	66.7

RFI Completion (N=78)

	Yes		No	
	N	Percent	N	Percent
Did you complete the RFI this week?	67	85.9	11	14.1

If no, please indicate a reason that the RFI was not completed. (Check all that apply.)
(N=11)

	Number of Times Selected	Percent
Had other offender supervision responsibilities	6	35.3
Was unable to contact the case manager	3	17.6
Housing	3	17.6
Aftercare	0	0.0
Employment	0	0.0
Had fewer than 10 days to investigate the RFI	0	0.0
Other	5	29.4
Total	17	100

(N=65)	Accepted		Rejected	
	N	Percent	N	Percent
If the RFI was completed this week, was it accepted or rejected?	51	78.5	14	21.5

If the RFI was rejected, select the reasons for its rejection. (Check all that apply.)
(N=14)

	Number of Times Selected	Percent
Housing	12	60.0
Employment	2	10.0
Aftercare	1	5.0
Had fewer than 10 days to investigate the RFI	0	0.0
Was unable to contact the case manager	0	0.0
Had other offender supervision responsibilities	0	0.0
Other	5	25.0
Total	20	100

Source: Survey of Department of Correction parole officers, fall 2009.

Appendix D

Demographic Data of Paroled Offenders

Of the 2,017 offenders granted a tentative parole date between January 2007 and September 2009, several demographic factors were analyzed and found to be statistically significant but individually were not strong predictors of parole release delays. Demographic factors analyzed were gender, associated crime group, age, and ethnic group.

We also analyzed the relationship between an offender's reading level and release as well as the relationship between disciplinary write up and release. Our analysis found that while these factors may affect some offenders, there were no statistically significant findings overall associated with these two factors.¹

Gender

On average, women spent 55 days in prison beyond their tentative parole date while male offenders spent an average of 21 days. When broken out by district, women had longer delays in four of the seven districts.

District	Male Offenders		Female Offenders	
	N	Average Delay (Days)	N	Average Delay (Days)
1	171	80	19	77
2	32	61	3	17
3	237	58	34	84
4	493	71	89	96
5	181	63	19	55
6	73	60	28	71
7	149	65	21	98

Note: Analysis was only for those offenders who paroled within Idaho.

¹ Offender reading levels were analyzed using the Test of Adult Basic Education (TABE) reading scores for both the first recorded score and highest recorded score while incarcerated.

Crime Group

Of the cases with a specified crime, release delays were longest for alcohol crimes and shortest for murder and manslaughter crimes.

Crime Group	Number of	Average Delay (Days)
Alcohol	134	50
Assault	437	24
Drug	741	18
Murder and Manslaughter	23	0
Property	521	48
Sex	161	27

Age

Overall we found that the youngest offenders had release delays more than twice as long as the oldest offenders.

Age Group	Number of Offenders	Average Delay (Days)
23 or younger	100	33
24–31	692	30
32–38	468	26
39–50	593	19
51 or older	164	14

Ethnic Group

Of the cases with identified ethnicities, delays were longest for American Indian offenders and shortest for Black offenders.

Ethnicity	Number of Offenders	Average Delay (Days)
Black	37	15
Hispanic	342	17
American Indian	63	39
White	1,538	27
Other	37	48

Appendix E

Interview Questions for Commission Staff

Background and Methodology

To gain an understanding of perceived communication between case managers and hearing officers, we drafted two comparable surveys. We provided these draft surveys to IDOC and commission management for their review and comment prior to distribution. Following feedback from IDOC management, we distributed the questions to IDOC staff using a web-based survey (See appendix B).

Rather than review the draft and provide us with comments or concerns, commission management directly distributed the *draft* survey to all hearing officers without instructions or a guarantee of confidentiality. Further, the commission management instructed hearing officers to submit their survey responses directly to commission management, who would then forward those responses to us.

The premature distribution of the draft survey compromised the integrity of the survey to the extent we could no longer use the survey approach to collect data from hearing officers. We notified the commission that a web-based survey was no longer feasible and that an alternative would be needed to gain meaningful feedback from hearing officers. We modified our methodology and arranged for individual interviews with each of the officers. We created new questions that were reviewed for tone and content by our independent consultant. This time we did not share the draft questions with commission management.

During the first round of interviews, the independent consultant interviewed officers while one of our evaluators took notes. While providing responses, officers identified *additional* issues such as training, workload, working environment, and the treatment of administrative staff to such an extent that we, in consultation with our consultant, determined additional follow-up was needed. We then conducted additional interviews with six hearing officers, all administrative staff, the hearing officer supervisor, and the hearings manager.

Interview questions, as well as the draft survey that was terminated, are presented on the following pages. Because the interviews were confidential and answers included indentifying information, we did not provide those responses.

Draft Parole Hearing Officer Survey Questions

Sent for review to the commission's executive director on October 21, 2009¹

1. For each case you handle, how many hours do you generally spend on each of the following tasks? (in increments of 0.5 or greater):
 - a. Investigation _____
 - b. Travel _____
 - c. Conducting interview _____
 - d. Writing report _____

2. In what percentage of cases do you contact case managers? (Please select one of the following.)
 - a. 0% of all cases
 - b. 1% to 25% of all cases
 - c. 26% to 50% of all cases
 - d. 51% to 75% of all cases
 - e. 76% to 100% of all cases

3. During your investigation, how far in advance of the hearing officer interview do you generally contact the case manager? (Please select one of the following.)
 - a. Less than 1 week
 - b. 1 week to 1 month
 - c. 1–3 months
 - d. 4–6 months
 - e. I generally do not contact case managers

4. When making recommendations to the commissioners, what criteria do you *primarily* rely on? (Please select the top three.)
 - a. Completion of Pathways or other required programming
 - b. Personal impression of offender (your gut feeling)
 - c. Offender's behavior while incarcerated
 - d. Education and treatment assessments
 - e. Case manager's suggestions or input
 - f. Additional criteria not listed above (please specify)

¹ As explained on the previous page, the survey was never conducted. Instead, individual interviews were conducted with each commission staff.

Parole Hearing Officer Interview Questions

Conducted November 13 and 19, 2009; number of individuals interviewed: 18

1. In what percentage of cases do *you* contact case managers as part of your investigation?
2. If yes, at what point in the investigation (before or after interview)?
3. In what percentage of cases do *case managers* contact you as part of your investigation?
4. When communicating with case managers, what types of information do you *primarily* discuss with each other?
5. Within a 40-hour work week, how many hours do you spend on each of the following tasks: investigation, travel, conducting interviews, and report writing?
6. In addition to the information you provide to your supervisor, do you track your workload, case completion, or the results of parole hearings?
7. Are there features you would like to see as part of the new CIS commission module that could make your investigations more efficient?
8. When making recommendations to the commissioners, what criteria do you *primarily* rely on?
9. In your opinion, what changes, either at the department or the commission, could make the parole process more efficient?

Parole Hearing Officer Follow-up Interview Questions

Conducted December 2 and 9, 2009; number of individuals interviewed: 6

1. Could you benefit from more assistance from the administrative staff? If yes, in what way?
2. What training did you receive as a new hearing officer? Could you benefit from additional training in interviewing skills, writing skills, or defense training?
3. Do you have a copy of the Hearing Officer's Desk Manual? If yes, is it useful to you?
4. Do you think the timeline for report completion versus parole hearing dates works well? If no, how could the current timeline be changed?

5. Please describe the support, guidance, or feedback you receive from your supervisor(s)? Is there a process in place for you to raise concerns, make complaints, or offer suggestions?
6. During our first round of interviews many people indicated that the investigation and report writing process were the most time consuming tasks. With that in mind, what suggestions do you have for increasing efficiencies in the investigation and report writing process?

Administrative Staff Interview Questions

Conducted December 4, 2009; number of individuals interviewed: 9

1. Please describe your daily duties.
2. In what capacity do you assist parole hearing and revocation officers?
3. Has your workload increased as a result of losing administrative staff? If so, how?
4. Do you have any suggestions for increasing efficiencies in the parole process?
5. Is there a process in place for you to raise concerns, make complaints, or offer suggestions?
6. How receptive do you feel management is to your concerns, complaints, or suggestions?

Hearing Officer Supervisor Interview Questions

Conducted December 15, 2009; number of individuals interviewed: 1

1. Please describe your duties as the hearing officer supervisor. Do you have a position description?
2. In a 40-hour work week, how do you generally divide your time (based on responses to question 1)?
3. How do you monitor hearing officer workload?
4. Do you evaluate the performance of your staff? If so, what performance measures do you use? How often are these evaluations conducted?

5. How do you summarize and report information about your staff to the executive director?
6. What are your perceptions about the level of communication that generally occurs between hearing officers and case managers?
7. How far in advance of parole hearings do you think officers should submit their reports (less than one week, exactly one week, more than one week, etc.)?
8. Do you, the executive director, or other commission staff review reports before they are sent to the commissioners? If yes, who?
9. In addition to the training Rickey Forbus organizes, is there other training that you or your staff could benefit from? If so, what?
10. Are there features you would like to see as part of the new CIS commission module that could make the hearing officers' investigations more efficient?
11. Is there a process in place for *staff* to raise concerns, make complaints, or offer suggestions?
12. Is there a process in place for *you* to raise concerns, make complaints, or offer suggestions?
13. In your opinion, what changes, either at the department or the commission, could make the parole process more efficient?

Hearings Manager Interview Questions

Conducted December 15, 2009; number of individuals interviewed: 1

1. In a 40-hour work week, how do you generally divide your time?
2. Has your workload increased as a result of losing administrative staff positions? If so, how?
3. Do you supervise staff (if no, skip to question 7)?
4. How do you monitor their workload?
5. Do you evaluate the performance of your staff? If so, what performance measures do you use? How often are these evaluations conducted?
6. How do you summarize and report information about your staff to the executive director?

7. Are there features you would like to see as part of the new CIS commission module that could make the parole process more efficient?
8. How did the commission develop its requirements for CIS?
9. How involved were staff in the development of the commission's requirements?
10. What type of formalized training do you receive? What additional training could you or your staff benefit from?
11. Is there a process in place for *staff* to raise concerns, make complaints, or offer suggestions?
12. Is there a process in place for *you* to raise concerns, make complaints, or offer suggestions?
13. In your opinion, what changes, either at the department or the commission, could make the parole process more efficient?

Responses to the Evaluation



C. L. "BUTCH" OTTER
GOVERNOR

February 17, 2010

Mr. Rakesh Mohan, Director
Office of Performance Evaluations
P.O. Box 83720
Boise, ID 83720-0055

Dear Director Mohan,

Thank you for the opportunity to comment on the Office of Performance Evaluations report entitled **Increasing Efficiencies in Idaho's Parole Process**.

I appreciate acknowledgment of the hard-working staff at the Parole Commission and the Idaho Department of Correction. Their efforts to evaluate risk, prepare inmates for release, and supervise offenders in the community are essential to safeguarding the public against recidivist behavior.

It also is important to recognize that the parole commissioners spend countless hours reviewing and deliberating pardon, commutation, parole release and revocation decisions. Every parole release decision carries the potential for immediately impacting public safety. The gravity of their job is matched by the professional, thorough and judicious manner in which their decisions are made.

As gubernatorial appointees, the commissioners are entrusted with making wise and just decisions. I therefore reject the report's findings that seek to direct how information is presented to them or the role of the director in that process. They were not appointed because of a deficiency in decision-making ability, and they have my full confidence to decide the best and most appropriate format in which information is presented to guide their decisions.

Community Supervision represents the front lines of reintegrating offenders to the community. Idaho probation and parole officers find themselves supervising ever-growing caseloads, and are meeting the challenge with innovative leadership and management. The report's recommendations will be reviewed and considered while the Department undertakes Zero Base Budgeting in the coming year.

This report has many recommendations to expedite the release of inmates as close to their parole eligibility date as possible. While the timely release of inmates eligible for parole is important, using it as the only indicator of success of the parole process misrepresents the spirit and letter of the governing statutory directives.

Numerous factors contribute to inmates being incarcerated past their parole eligibility date. The amount of available programming beds and the number of inmates arriving in the Department's custody after their parole eligibility date are two of the many variables directly contributing to release delays. It also should be noted that some inmates refuse programming and others, quite frankly, pose too great a risk to release.

Mr. Rakesh Mohan, Director
February 18, 2010

While these factors seemingly were mentioned in passing, the 33-percent increase in parole releases over the past several years was largely overlooked. The significant increase in inmate releases is especially commendable since the Commission has received no significant increase in resources and has been subjected to holdbacks during that same period.

Increased communication between the Department and Commission is paying noticeable dividends in increased release rates. Director Reinke and Director Craven worked hard to foster a better environment for communication, and the product of that work can be seen in the success of Pathways and the Parole Violations Matrix. Both tools, while still in their infancy, have produced tangible benefits. Still, both the Department and Commission will work to continue improving communication and cooperation to further streamline the parole process.

The report also looks to management for improved efficiencies in the parole process. It should be noted that my budget recommendation breaks out the Commission's budget from the Department's to increase transparency. At the same time, the Parole Commission will participate in a review by the Division of Human Resources and undergo Zero Base Budgeting in the future. These exercises are designed to ensure limited staff resources are allocated to match the priorities of the Commission.

I believe the report makes an unprecedented and troubling departure from evaluating the parole process to passing judgment on management and staff personalities at the Commission. In my view, the unfortunate deviation from the process undermines the findings of a report otherwise conducted in an objective and professional manner.

Too often, we measure the successes or shortcomings of our parole process in dollars and cents. Parole in Idaho is not a right, and parole decisions made because of potential fiscal impacts ignore the very real costs to Idaho's communities from increased crime. In fact, the parole process utilized today was designed, in large measure, to ensure release decisions are made free of any undue pressure and to ensure public safety.

The success of the process is measured not by the dollars saved or spent, but by the safety of the communities in which we live. Staffs at the Department of Correction and Parole Commission dutifully perform their jobs with little thanks or recognition. With a parole release rate among the highest in the nation and a recidivism rate among the lowest, these dedicated professionals deserve our public praise now more than ever.

As Always – Idaho, "Esto Perpetua"



C.L. "Butch" Otter
Governor of Idaho

CLO/jt



IDAHO DEPARTMENT OF CORRECTION

*"Protecting Idaho through Safety, Accountability, Partnerships,
and Opportunities for Offender Change"*

C. L. "BUTCH" OTTER
Governor

BRENT D. REINKE
Director

February 17, 2010

Mr. Rakesh Mohan, Director
Office of Performance Evaluations
P.O. Box 83720
Boise, ID 83720-0055

Dear Director Mohan:

RE: Increasing Efficiencies in Idaho's Parole Process

Thank you for the opportunity to respond to the **Increasing Efficiencies in Idaho's Parole Process** evaluation. The Idaho Department of Correction (IDOC) Leadership Team has reviewed the evaluation and recommendations. The report provides a broad overview of the parole process in Idaho.

The IDOC response will focus on key areas where the combined efforts of IDOC and Commission of Pardons and Parole (Commission) have reduced Idaho's inmate population, created a better system, and key areas where OPE recommendations may assist in that next phase of ongoing efforts to improve the parole process. We are not done refining the system, but significant efforts have been made the past four years to improve the process and keep Idaho safe while at the same time increasing paroles significantly.

COMMUNICATION

The IDOC appreciates the acknowledgement that communication between IDOC and the Commission has improved significantly. The IDOC and the Commission have worked hard to improve communication and streamline processes involving parole releases.

Two major efforts should be noted in joint efforts to increase paroles and improve the system. The first is the Idaho Criminal Justice Commission (ICJC), established in 2005. The ICJC continues to focus on system issues and has been one realm in which the Commission and the IDOC have worked together to create a more developed systems approach through shared goals and monthly meetings focused on the broader criminal justice system.

The other effort of note is the convening of the Innovator Workgroup on Offender Management (IWOM) in August 2006. IWOM opened a healthy dialogue between the IDOC and the Commission and served as a problem-solving group to address lingering issues delaying and inhibiting parole. This group identified key process steps shared by the two agencies that could be improved, resulting in increased paroles.

Improvements established as a result of IWOM:

- Enhanced the release function, increasing parole releases from an average 93 per month in 2005 to the current average of 121 per month;
- Enhanced reentry services that are still in effect today;
 - In fact, as this letter is drafted, one of the partnerships with Easter Seals opens a new reentry center for co-occurring (mental health and substance abuse issues) offenders with federal grant dollars to continue assisting with inmate releases.
- Provided direct training on issues where the IDOC and the Commission identified gaps in knowledge; and,
- Prepared parole packets by the IDOC put all relevant information in one place to assist with safe and timely parole releases.

The bottom line is more communication, more paroles, and better safety for the community.

TRAINING

The IDOC routinely attends Commission meetings and shares training opportunities. Education and Treatment Chief Dr. Mary Perrien or Deputy Chief Shane Evans attends Commission business meetings quarterly. In addition to providing updates to the Commission, Education and Treatment leadership used this time to work with commissioners to develop and refine the new treatment pathways approach to managing offender's assessed needs in anticipation of a timely parole opportunity.

The agencies have shared joint trainings including the Education and Treatment Annual Conference (ETAC). This year's ETAC Training was cancelled because of budget constraints but will be reconvened as soon as funding is again available. Other recent trainings included sex offender and mental health issues training. If any concern is raised regarding ongoing issues in which an IDOC staff member has expertise, trainings are arranged at the Commission's convenience.

As with any relationship, constant communication and updating of skills and processes is required. The IDOC and Commission are planning a **joint spring strategic planning session** to review progress on pathways and identify areas where further efficiencies in the process can occur. The OPE evaluation recommendations will help guide some of the discussion areas.

DATA IMPROVEMENTS

The IDOC is currently in the process of implementing a new offender management system. The Correctional Integrated System (CIS) will provide more data tracking capabilities, assisting with recommendations in chapter three of the report.

Once Phase 1 of CIS is implemented later this year, the IDOC will return to a structure in which an end-user steering committee determines what further enhancements to the system are required. While some of the OPE recommendations (such as Recommendation 3.7) are sound, they would require extra personnel to review narratives and create a new tracking menu. Though a sound suggestion, added staffing for this function is not currently feasible.

Data provided for this report was prior to the implementation of Pathways for Success. This newly implemented offender treatment management structure provides the standardized entry information suggested and is very beneficial to the process. As part of the Pathways for Success implementation, IDOC will strive to enhance its' management analysis process to identify continued systemic improvements.

HEARINGS AND PREPARING FOR PAROLE

The report suggests a staffing analysis and reallocation in Community Corrections Division (CCD). Reallocation of resources is a routine business practice undertaken yearly in this division. The CCD is also currently engaged in the zero-based budgeting process required by the Division of Financial Management. We hope to coordinate, rather than duplicate the work of reviewing staffing needs based on statutory requirements.

The IDOC worked with the Commission and courts to identify a violation matrix. This matrix uses all resources available in the community to keep a probationer or parolee on track in the community. Through the end of FY09, 231 probationers had been diverted from prison, representing a cost avoidance of \$5 million annually over the previous process.

The violation matrix is the first in several steps in refining processes to improve parole and probation in Idaho. In partnership with the Commission, we are committed to a spring meeting to continue this ongoing systems development.

THE ROLE OF PAROLE

Idaho's sentencing structure doesn't provide for release at the end of a determinate (fixed) sentence; it provides for the possibility of parole for those deemed **ready for safe release** from prison. The parole eligibility date is a time to check if an inmate is ready for release. The inmate's actions help determine the results.

On its surface, sending inmates to parole on time seems easy, but when violators enter the system past their eligibility date this is very difficult. About 15% of offenders entering prison are already past their parole eligibility date.

The Correctional Alternative Placement Program is designed to catch these parole violators, provide 90 days of treatment and put them back in the community after a treatment tune-up. Short-cutting their prison stay will save money, and focused treatment will enhance community safety.

The many recommendations in the OPE report are about continuing to improve a system that has been evolving for years to higher efficiencies. The system isn't standing still, we are committed to continued improvements into the future.

CLOSING

In closing, I must again thank you and the entire staff in the Office of Performance Evaluations for your professionalism throughout this process.

Mr. Rakesh Mohan

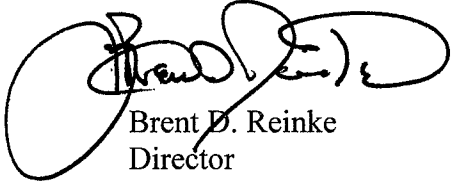
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Parole is in many ways a very complex process, but in simplest terms, we rely on the Commission to make the right and safe decision for Idaho, and for the IDOC parole officers in communities to support parolees in adjusting to life in communities, and to send them back to prison if they, in any way, endanger community safety.

Idaho's recidivism numbers are among the lowest in the nation. Idaho's continued parole success indicates that the IDOC and the Commission are making safe and sound choices.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent D. Reinke", with a large, sweeping flourish that loops back under the name.

Brent D. Reinke
Director

BDR:tj



STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

C.L. "BUTCH" OTTER
Governor

Olivia Craven
Executive Director

February 18, 2010

Rakesh Mohan, Director
Office of Performance Evaluations
954 W. Jefferson Street
Boise, Idaho 83720-0055

RE: Commission Response to Draft Report: *Increasing Efficiencies in Idaho's Parole Process*

Dear Director Mohan:

Attached is the Commission's response to the Report: *Increasing Efficiencies in Idaho's Parole Process*.

The Commissioners and management appreciate the time that your staff spent with our agency. We are hopeful that our comments will assist in a good understanding to continue this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Olivia Craven".

Olivia Craven
Executive Director

Commission of Pardons and Parole

Response to Office of Performance Evaluations: **Increasing Efficiencies in Idaho's Parole Process**

Prepared: **February 17, 2010**

Prepared by: **Executive Director and the Commissioners**

1. Executive Summary:

The Unified Sentencing Act truly brought order to a sentencing system that few people understood. The statute definitely allowed the offender who is sentenced, supporters of the offender, and victims a better understanding of the time frame to be prepared for the initial parole hearing. This Act also made it possible for the Commission to schedule the initial parole hearing to allow for preparation.

As noted in the report, the Commission attempts to schedule newly committed offenders for a parole hearing six (6) months prior to their eligibility date. This was determined to be an appropriate time frame so the offender could get into programming to address the issues that brought him to prison.

Of concern, is the dollar figure presented by OPE that indicates that “...*nearly \$7 million in continued offender management...*” has been spent by offenders being incarcerated beyond the tentative parole date. That is a very difficult number to quantify without explanation and understanding. The Commission follows the research-based “What Works” process. Research shows us that if an offender has no programming to gain tools to change during the incarceration period, there will be no change in the offender – or the offender may learn even more criminality. Research shows us that evidence-based assessments must be utilized to determine the risk factors. As noted in the report, assessments must be quality-controlled and audited to make certain the assessment includes holistic factors regarding the offender. Assessments are “tools” and do not provide the complete story about any offender. The assessments must include the evaluation by persons who understand the assessments and look at the entire case.

- If an offender is assigned to programming that is appropriate to his case, research tells us that the offender must complete that program in its entirety. By the time the offender gets into the programming, his program completion date could go beyond the tentative parole date or parole eligibility date. The offender should not be taken out of his programming prior to completion, merely to meet a “date”. The Commission cannot control when an offender is able to begin appropriate programming.
- Information regarding “delays” in the offender being released will be listed later in this response.
- As OPE points out, it is critical that the Department of Correction and the Commission of Pardons and Parole communicate and work together. The Commission meets quarterly (or more often as needed) with IDOC's director and division chiefs, particularly the chief of programs and community corrections. Commission management meets regularly with these same administrators, including wardens and district managers. Staff meets with IDOC as needed and will continue to do so. Both the staff of IDOC and the Commission communicate continually as they are all dealing with the same population.
- The Commission has long advocated that a staff member representing the Commission should be at the Reception Diagnostic process and be part of the RDU/Pathways to Success team in setting appropriate programming. This link is currently missing. However, this will be a very critical component to the Pathway treatment matrix process and success. The assessments would be reviewed by IDOC and Commission staff; if there are any problems with the

assessments, decisions can be dealt with at the initial process – not later when the offender is already on a program path.

- It is dangerous to put a dollar value to public safety. The Commission meets annually with District Judges. The Judges always inquire if they are giving a sufficient fixed portion of the sentence to allow for programming. The Commission has always assured the Judiciary that offenders will not be released until their programming has been completed. The Commission always looks at the commitment orders; the Judge's recommendations are made a part of the hearing officer report.
 - ◆ Measuring the number of days an offender spends in prison past their tentative parole date is a noteworthy measurement for financial purposes, and to constantly seek improving organizational efficiency. It should never be a measurement of success in a parole process. Other more appropriate measurements for parole success should be considered, including, most importantly, public safety. Programming does not eliminate the risk of re-offending – it will only REDUCE the risk. The Commission deals with the lives of people living in our own communities, including the offender, victims, and even potential future victims.
 - ◆ Both IDOC and the Commission are constantly seeking the greatest level of efficiency attainable within the human and fiscal resources provided.
- The Commission grants parole to 65% of the offenders they hear, and are only bringing back 40% of the parolees on violations. They reinstate offenders and re-parole many others. There is great savings in all of this and that was over-looked in this report.

The “outcomes” of our system were not significantly addressed: the Commission has a high parole grant rate and a low return rate of parole violators. This cannot be ignored. Additionally, the report makes note that hearings are conducted in a timely manner, and has not shown that releases to parole have been held up due to any inefficiency in carrying out those tasks at the Commission.

The report describes IDOC as maximizing efficiencies and providing staff with tools to perform their duties successfully, while stating that the Commission “...is lacking policies and procedures, sufficient guidance for hearing officers and commissioners, and does not have an effective process in place to ensure commission staff are treated fairly.” The Commission makes note that, while it is true the Commission does not currently have its own personnel policies, the staff have been “in” IDOC's department and have always utilized the personnel policies and grievance procedure outlined in those policies. The Commission administration has made it clear that if problems cannot be resolved at the supervisor's level, the executive director is available to review the issue. Staff has always known the Human Resource division of IDOC is our Human Resource division. Could there be improvements by having Commission specific policies and procedures: ABSOLUTELY! However, staffing needs must be addressed to accomplish this.

➤ Communication between IDOC and Commission:

- ◆ Pathways to Success Program: As the report explains, this is a process designed to provide a guide for offender programming. This Commission supports this concept; as also noted in the report, this requires that assessments are quality-controlled and audited, along with the person conducting the assessment being trained. Over twenty (20) years ago, the Commission and IDOC created a “program track process”, which was the same type of process as Pathways, only truly simple in nature as we did not have good risk assessments. This is mentioned here so the reader understands that the Commission has always been a proponent of appropriate programming being provided to the offender. However, until the current IDOC leadership, the “program tracking system” was not implemented. The one component missing in the current Pathways to Success is the lack of Commission involvement at the development phase in setting the programs for each offender.
 - The Pathways to Success treatment matrix will be reviewed in 7/2010 – the Commission, staff, and IDOC management and staff will be involved.

- The Commission believes that over time, studying this program and the criteria for each matrix, will validate the matrix or show that modifications are necessary. With any new process, all criteria to qualify for treatment and the treatment to be delivered needs to be validated.
 - The Commissioners note they are pleased to follow the Pathways to Success treatment matrix when they are convinced that each offender has a timely and accurate assessment. There needs to be clear evidence that the offender's complete history has been studied before assigning a Pathway treatment plan.
 - The Commission notes that they have wanted this type of process for a long time. It is a new policy. It is not the end – it is a good means to an end point that is not stationary. The right assessment, delivered and reviewed by a trained professional, at the right time, is the key to making the treatment and parole preparation process successful.
 - ◆ The Commission does not add “additional programming” that is not appropriate to the individual case. The report indicates the Commission adds programming that is outside of the programming ordered by IDOC. This certainly needs explanation.
 - A Commission staff person at RDU when the initial program pathway is assigned, would certainly add the current missing component. This is the point where exceptions need to be made if the appropriate staff agree. Without the Commission's perspective, which is based upon the offender's complete history, critical programming needs may be missed. The Commissioners make release decisions that no one else has to make. They take the responsibility of releasing an offender back into the community and want to make certain the offender has all of the tools available to address the problems that brought the offender to prison. No other entity can give this perspective. As noted in the report, the Commission is committed to public safety as their number one duty. Research shows that appropriate programming reduces the risk of re-offending.
 - During the follow-up process of this OPE evaluation, the purported additional programming should be studied. Without good documentation at this point, there is no information to show how much “additional” programming is ordered by the Commission at a parole hearing, nor are the reasons noted for this. The Commission will begin this study so that good statistical information will be available for the next Pathway's review.
 - The Commissioners noted that if they have ordered “additional” programming, their decision has been based on information IDOC staff may not have had, such as criminal history, mental health needs, etc. Other reasons include out-dated assessments. The Commission is merely asking for the appropriate pathway treatment program.
 - ◆ As previously noted, communication between IDOC and the Commission has improved immensely. The Commission believes that a Commission staff member at the RDU/Pathways process will help in the communication equation.
 - ◆ At almost every hearing, the Commission discusses programming: past, completed, current, and proposed. Most of this comes from the hearing officer report. The hearing officer report has a lot of detailed information about the offender and the history, including current information. The report was created with the Commissioners and hearing officers. This is the Commission's “checklist” and part of the decision-making process.
- Commission Provide More Tools to Guide Parole Decisions
- ◆ The Commission hearing officers do have a training manual, and it is currently being updated. It should be noted that all positions within the Commission have a desk manual assigned to the particular job title. Updating the manuals is a constant process.

Commission of Pardons and Parole

Response: Increasing Efficiencies in Idaho's Parole Process

Prepared: February 17, 2010

- ◆ Hearing officers are provided training and the 2010 training module has been completed, to include interviewing techniques.
- ◆ Hearing officers have been provided training in the main assessments utilized by IDOC: LSI, TCU, Stat 99, etc. However, it appears from the report that staff have indicated they have not been adequately trained. This will be added to the training process for CY 2010. Additionally, Commission staff has been provided training about programs within the prison system; however, the report indicates Commission staff believe this has not been adequate and will be addressed this calendar year.
- ◆ The Commission does not disagree that staff needs to have “comprehensive, ongoing guidance in completing their work”.
- ◆ Historically there has been annual training with case managers, hearing officers, and parole officers. This training was not conducted last year, and the Commission administration will work with IDOC to re-evaluate this type of process. There is no doubt that case managers and parole officers need to understand what the hearing officers do, and vice versa.
- ◆ While it would be beneficial to have a training manual for the Commissioners, this has not been done, due solely to staffing issues. When a Commissioner is appointed, he/she is provided a packet of statutes that address the Commission's responsibilities. They are also provided the Rules of the Commission; along with programming information provided by IDOC, and copies of reports by the hearing officer so they will know what they will be getting. The executive director spends time with a new Commissioner to explain the history and processes. A new Commissioner is assigned to a Commissioner with experience, and, if time allows, sits in as many hearings as possible before having to give votes on cases. Could this be improved: absolutely! However, staffing is an issue at the Commission. The Commissioners do not believe they are lacking in being provided information and that the Commission has a high parole grant rate and a low return rate of parole violators. The Commissioners work closely with the IDOC Programs Chief and are provided training on all assessments and programs. Quarterly meetings are usually conducted between these two entities.
 - The Commissioners take their charge as the releasing agent very seriously. They spend numerous hours reading and studying the cases, so that they can make the most informed decision possible. The Commissioners and executive director have been involved with the Association of Paroling Authorities, International (APAI) since 1985. There is no method to guarantee that offenders will be successful. The Commission utilizes all available resources and have created the hearing officer report to include the information they need to make decisions.
 - Commissioner Janie Dressen served on the Board of APAI for many years. The executive director served on the Board in many positions, including as President. This is noted solely for the reader to understand that the Idaho Commission of Pardons and Parole has been involved with the best minds regarding national standards on decision-making.

➤ Technology:

- ◆ The Commission has long been involved in working with IDOC regarding the CIS, offender management system. In October, 2004, the Commission staff began working on the Commission's module. Initially, nine (9) staff representing each area were involved. Staff put in many hours, days, and weeks into this work – the Commission's module was one of the first completed. However, when the Project Manager left IDOC, all of the work was lost. A one-day meeting on 5/29/09 was conducted with IT and Commission staff: seven (7) key staff of the Commission were involved; the “key staff” were individuals who must enter information, as they are the system users knowledgeable about what information is captured and how it is processed. Other staff were not involved at this stage, as they do not have the expertise that was needed at that meeting.

Pertinent Commission staff and managers continue to work with IT regarding the Commission module. It is unfortunate that the initial information was lost and had to be re-created. However, staff has done this, with the most time being spent by the hearings manager, as she is the person most involved with entering data. Other staff will be provided training once it is available. Management has to utilize available resources without waste.

- ◆ It is noted in the report that Commission staff need additional training in basic work processing and data management. Since the draft report, Commission management has discussed these issues with individual staff. No one has indicated they need additional training, but this will be made mandatory to make certain staff maximize the use of the data that is available. Commission maintains some important spreadsheets that will be converted to allow reports to be produced.
- ◆ It must not be excluded from the discussion that to incorporate more technology into the Commission's work may include additional hardware, software, maintenance, and coordination with IDOC and the Department of Administration. Most likely, the Commission needs an IT person to enhance the use of technology and to improve the integration of IDOC's CIS module. Management must be mindful of current duties of the staff and if additional duties can be assigned and still maintain a working level of efficiency.

➤ Working Environment

- ◆ The report recommends that the Commission not require the executive director to attend parole hearings, as is the current practice. The Commissioners feel very strongly that this report does not accurately represent the executive director's involvement with the Commission and what she provides during the hearing process. The Commissioners note that the only reason the executive director gives the decisions to the offender is to provide consistency in the delivery, and that it is a very minor aspect of what she does at hearings. Commissioners note that she is there to deal with questions that arise regarding due process, special conditions of parole, administrative issues, and as a resource. The Commissioners need to be spending their time on the parole hearings and decisions – not dealing with administrative and legal issues. It should be noted that the Commission of Pardons and Parole is no different than any board or commission who need their director present at their meetings – the big difference is that parole hearings take up a lot of time. The Commission needs administrative staff at the office to take care of issues in the director's absence.
- ◆ As previously explained, the Commission staff do have a formal grievance procedure and are to follow IDOC personnel policies. However, management is working to bring the additional informal process as a policy.
 - The Commission will be working with the Department of Human Resources to conduct a full study of the Commission management and staff. It should also be noted that the Commission has brought in Respectful Workforce training and has set up quarterly training with Human Resources along this line.
- ◆ OPE makes recommendations that the Commission develop its own policies and procedures, but makes no recommendation as to providing staff to accomplish this. In most organizations, there are specific staff assigned to oversee all rules and policies and procedures, including the production of training manuals for staff and the Commission. An additional staff member could be in charge of all staff training.
- ◆ There are limits on what a small staff can accomplish. It is easy to make recommendations if the individuals making those recommendations do not have to provide the resources to accomplish them. The Commissioners believe strongly that they can identify four (4) additional staff members to accomplish all of the recommendations made in this report. It is frustrating to note that there were no recommendations for additional staffing – only that the executive director should not attend hearings.

- Rehabilitation Definition: The Commission wants to recommend caution regarding defining rehabilitation in statute. The Attorney General should certainly review any recommendations in this area to avoid legal issues.

In reference to **Exhibit E**, the Commission did not understand why the years 2005 and 2007 were not utilized. Additionally, while release issues should be studied, and are looked at by the Commission, the reasons for delays were not included in this report – the reasons are many, and include:

- Offenders refusing to program; they may refuse for a time and then decide to program later.
- Offenders refusing to parole; they may refuse for a time and then decide to petition the Commission to consider parole in their case.
- Parole plan issues.
- Parole violators who have had numerous hearings. They may return to prison with new felony convictions.
- Detainers filed by other jurisdictions; transportation issues with the detaining jurisdiction.
- Program completion. Some offenders fail a program and have to wait a certain period of time to start the program again.
- Offender may have the program extended to completion date for various reasons.
- Behavior issues after a parole grant.
- Transportation issues.
- Coming into the prison system eligible for parole.
- Changes to the sentence calculation – being granted additional jail credits or a sentence being modified, by the Courts.
- Delays in receiving release information.
- Waiting on additional information.
- ICE deportation problems.
- Delays due to problems with offender and funding for housing.
- Some offenders have fixed sentences to complete aside from the commitment that parole can be considered on. The computer will reflect that the release is “past” the PED, but the offender could not be paroled before that time.
- Delays in receiving requested mental health evaluations.
- Parole plans change due to various reasons – home offer is pulled.
- Not receiving Interstate bond timely.
- New charges filed which impact the release.
- Delay in receiving sex offender risk assessments or mental health evaluations that were ordered by the Commission but not received for the hearing.

2. Chapter 1 – Introduction

The OPE staff observed hearings with the Commission at the minimum custody facility (SICI) for about four (4) to six (6) hours; and observed hearings at the maximum security facility (IMSI) for a couple of hours. The OPE staff did have lunch with the Commissioners at SICI. They also observed about seven (7) hearings conducted by two (2) different hearing officers. The OPE Director and some staff attended the Commission Business meeting in July 2009. No violation or revocation hearings were observed. OPE staff could not be present during the deliberation process on each case, so it is understandable that they may not have seen the vital discussions that are held by the Commissioners.

3. Chapter 2 – Understanding the Parole Process

- Presentence Investigations for the Courts: The Presentence Investigation report is a report completed for District Judges once an offender has been convicted of a felony. The OPE

report outlines what a Presentence Investigator (PSI) does, but did not give specifics about caseloads, etc. In Ada County, each PSI does an average of 11.3 reports per month. There is no manual for PSI's. The training is usually on-the-job training, supplemented by the new hires attending 32 hours of the parole officer academy. If available, the new PSI's attend motivational interviewing and verbal judo. OPE explains that the report is being revised. All standardized reports, such as hearing officer reports, need to be looked at on a continuing basis and modified as determined by the authority utilizing the report. Commission staff, with guidance from the Commissioners, have been working on revisions to the manual.

- Reception Diagnostic Unit (RDU): OPE advises that IDOC's goal is to have all offenders complete or at least have started 50% of assigned programming prior to a scheduled parole hearing - this is a good goal to have, but one that is not always feasible. There are many things that may have an influence on this not being done: behavior, not enough room in the program, moves, medical or mental health concerns. The Commission does hear that offenders are often told they should wait for the parole hearing and determine what programs the Commission orders. The Commission is hopeful that the Pathways to Success will help resolve this issue. AND, if a Commission staff member were at the RDU process, doubt would be removed regarding what programs are appropriate for the offender. The team approach certainly would enhance the Pathways process.
- Parole Plan Issues: The parole plan is a very important process and one that should be initiated – or at least discussed – at the RDU process. Offenders should be planning for their release upon commitment. Some offenders have very long sentences to serve, but planning for a positive re-entry remains a key element to success. Currently, offenders may advise their case manager of a parole plan; that parole plan changes when they meet with the hearing officer; that plan changes at the Commission hearing stage; and there may be an entirely different parole plan that is investigated before their release. There are offenders who do not have families or friends to help them – transitional housing plays a very key role in these cases.
- Staffing of the Commission: Due to economic restraints and the holdbacks, the Commission has left three (3) staff positions vacant; current staff is 28 with one (1) part-time position.
 - ◆ In FY 2009, the Commission did not fill the management assistant position.
 - ◆ In FY 2010, a hearings tech and office specialist staff left the Commission; the positions were not filled initially. The hearings tech position was filled in 1/2010, but the office specialist position remains vacant. (Both staff left the Commission for jobs with IDOC for increased salary.)
 - ◆ A hearing officer retired 12/31/09, and that position will remain vacant for the time being.
- Commission Decision-Making: Decisions are made on the individual merits of each case. The Commission has established criteria for parole consideration, as the OPE report points out, and such criteria is included in the hearing officer report template. The Commissioners utilize all assessments used by IDOC, and supports research-based programming as providing tools for change. Checklists and a cookie-cutter approach to public safety is not a good option – one size does not fit all. The Commissioners spend a tremendous amount of preparation time before a hearing session, so they have a good understanding of each case.

4. Chapter 3 – Preparing for the Parole Hearing

As noted in OPE's report, programming is key to getting offenders out who have parole release dates. The Pathways to Success process, along with the Commission as part of the "team approach", will be a key element for the future.

The Commission suggests absolute caution to adding a definition for rehabilitation. Our Deputy Attorney General supports this caution. There is no current need to make modifications to a statute that has been working well. The state needs to be careful in creating a right. While other states may have adopted such definition, Idaho should proceed with due caution. The Attorney General may want to look at those other state definitions.

The Commission maintains a different statistic than OPE used regarding offenders who enter the prison system eligible for parole. By Commission hearing data, 21 – 25% of all new commitments are eligible for parole at the time they reach RDU or within six (6) months of reaching RDU. The Commission's statistical data includes offenders who were heard by the Commission and were either granted parole or were denied parole. It is noted that OPE did not consider the offenders who were denied parole. However, those have to be part of the equation. The parole denial might be based, in part, on not having been involved in programming due to the time the offender actually reached RDU. At one point in the report, it is noted that OPE staff used seven (7) months, rather than the six (6) months utilized by the Commission. The Commission uses the six (6) month time frame, as offenders who enter the prison system eligible for parole, will be heard by the Commission six (6) months from the date of their commitment, which maintains consistency.

Regarding assessments utilized by IDOC, specifically the TCU (substance abuse assessment) and the LSI (Level of Service Inventory), the executive director and Commissioners have noted inconsistency and reliability problems with these assessments. The executive director reports this information monthly to the IDOC staff person assigned to coordinate with the Commission, along with an explanation as to why the assessment is in question. (These documents can be made available at any time.) The Commission does believe having a representative at the RDU process would be cost effective as the assessments could be adjusted if necessary and the team approach to setting the program plan would bring long-term benefits. This person could also collaborate to develop offender plans with Commission expectations in mind. As noted previously, Commission staff and IDOC staff do communicate while performing their duties.

The Commission supports the Pathways for Success process – acknowledging that the Commission and IDOC need to continually evaluate the process. It is hoped that offenders can complete their assigned programming prior to the parole eligibility date if they are granted parole, which has always been a goal of the Commission. The Commission has long supported programming efforts of IDOC. The Commission has increased their parole grant rate, due, in large part, to the common efforts to place cognitive and substance abuse programming in the prison system.

As previously noted, the hearing officer manual is being worked on. The closest comparison to a hearing officer's job is a Presentence Investigator. There is no manual for PSI's, but hearing officers do have a manual, as does every staff position at the Commission. These desk manuals are constantly being revised. Due to staffing issues, updates have to be done by the staff utilizing the manuals. Commission management will continue working with staff to update the manuals so that they are user-friendly and provide the support staff needs. Commission management researched the training records to determine needs as noted in OPE's report: most hearing officers have received good training in interview techniques; however, management has set a goal to have all hearing officers go through current interview techniques training, verbal judo, etc. over the next year.

The hearing officers have a template which they should be using for their reports. According to the OPE report, the interviews with hearing officers indicated that different hearing officers looked at different items when making a recommendation to the Commission. Based upon information from OPE, Commission management will be conducting training and going over the report and all of its various categories to make certain hearing officers are addressing important issues for each case. It should be noted that the Commission is very aware that no two offenders are the same – even if they are convicted of the same crime. Therefore, management wants to make certain that hearing officers understand the importance of all of the categories included in the report.

IDOC case managers and Commission hearing officers do need to communicate. Historically, the Commission requested case managers to provide a summary of the offender's conduct while incarcerated. With the computer system, the case managers receive notice of the offender's hearing with the hearing officer; this is usually sent out approximately three (3) weeks before the scheduled hearing. At that time, the case manager is to complete an entry into CIS about the offender. Case managers can attend any hearing with the hearing officer or with the Commission. However, the Commission and staff are conducting hearings almost daily, and the Commission has tried not to impose on the case manager's time.

As a result, the computer entry was agreed upon by the Commission and IDOC. The Commission staff has not been given the green light to ask IDOC case managers to change assessments.

The prisons' chief recently attended a training meeting with hearing officers to address problems. Specific goals were set by both entities to make the process as smooth as possible for all concerned.

Recommendation 3.1: This recommendation was to include a definition for rehabilitation in statute. As previously noted, caution should be the key to this consideration, with the Attorney General reviewing this to consider if it creates a right.

Recommendation 3.2: This recommendation would require IDOC to amend their criteria to move inmates from county jails, utilizing the parole eligibility date.

Recommendation 3.3: This recommendation would direct IDOC to track exceptions to Pathways. The Commission agrees that this should be done and be a joint effort with both entities.

Recommendation 3.4: This recommendation is for the Commission to update hearing officer manuals and use assessments in making their recommendations to the Commissioners. Commission management is working on the updates to the manuals, will be updating training, and do already utilize the assessments in the recommendation process. However, management will be evaluating the entire hearing process.

Recommendation 3.5: This recommendation is for the Commission to standardize the hearing officer reports to provide the Commissioners with the most consistent information about each offender. There is a template that should be utilized by hearing officers. It appears this may relate to some training issues. The Commissioners have been involved in the past in creating the report template and management will continue to work on this process.

Recommendation 3.6: No Comment.

Recommendation 3.7: No Comment.

5. Chapter 4 – Conducting Hearings and Preparing for Release

The Commissioners order programming that is appropriate for the individual case. The Commissioners do understand the assessments and are supportive of the Pathways to Success treatment matrix. It is key to place a Commission staff at RDU so IDOC and the Commission agree on the appropriate program track. The Commissioners look at all history of the offender, the institutional history, and the information from victims. The Commission's perspective will be different from simply placing an offender into programming. There has been a collaborative effort over the years with IDOC and the Commission to bring evidence-based programming into the prison system.

The Commission is aware of guidelines utilized by other states, and has reviewed some of these instruments. As noted, the hearing officer report encompasses the important categories research has shown should be a part of the decision-making process. There are no risk assessments that are specific to parole decision making.

The Commissioners are very aware that they can tour prisons, the RDU process, visit probation and parole offices, ride with parole officers, etc. The Commissioners merely need to advise the executive director or IDOC what they would like and they will be accommodated. However, due to the current fiscal crisis, there are no resources to pay expenses for the Commissioners outside of the hearing process. Individual Commissioners have visited programming and parole offices without compensation.

The National Institute of Corrections has provided New Parole Board training. Some of the Commissioners have attended this. Some Commissioners have attended the APAI conferences. Again, resources have not been available for two (2) years, and the Commission must perform the functions required by law. The Commission has a high parole grant rate and a low return rate for violators. It seems apparent that the Commission processes have not inhibited this trend.

IDOC and the Commission did create a Miscellaneous File Review process to reconcile program discrepancies. The IDOC contact meets with the Commission annually and is scheduled to meet with Commission management monthly. Issues can usually be resolved quickly and do not always require the three (3) month review time indicated in the report.

Most offenders are Released After Their Tentative Parole Date

As noted in the Executive Summary, there are many reasons for an offender being released after the tentative parole date. Once the parole plan has been accepted, the process is a bit more complicated than shown in the report:

- The Commission maintains a tentative parole date log, which assists Commission staff in monitoring offenders with parole release dates.
- IDOC staff submits a packet of material required for parole release. Commission staff reviews this packet of material:
 - ◆ Court commitment orders for the crimes the offender is to be paroled on are key documents. The commitment orders are reviewed as a check to confirm that the sentence calculation is consistent with the order. *It would eliminate a lot of copying if the commitment orders could be scanned into the computer system.*
 - ◆ Commission staff checks for any DOR's the offender might have received. This is not submitted by IDOC staff with the packet.
 - ◆ Commission staff verifies that the computer system has been updated to reflect program completion. This is truly a joint effort between the Commission staff and IDOC staff: there has been a great increase in cooperation, which has made for fewer delays in releases.
 - ◆ Commission staff checks for any detainers by other jurisdictions that might have been filed since the parole decision was made. If there are additional detainers filed that the Commission was not aware of at the time of the parole grant, the executive director will review. If the detainer is for a felony, the information will be referred to the Commission for review. If the detainer is for a misdemeanor crime, the executive director will determine if it needs to be reviewed by the Commission.
 - ◆ Commission staff must check that victims have been notified of a release in a timely manner.
 - ◆ Commission staff reviews the parole plan acceptance report to determine if the parole officer made any directives that must be addressed before the release.
 - ◆ Commission staff has to check that funding is available for transitional housing.
- Once all of the above is done, the Commission staff sets a release date within two (2) weeks. (The above checks are completed upon receipt of the packet with no delays.)
- The parole contract is prepared by Commission staff to include special conditions of parole ordered by the Commission.
- The parole contract is reviewed and signed by executive director.
- Commission staff prepares the contracts for distribution.

As previously noted in the Executive Summary, it is very difficult to short-circuit practices that have been established to prevent mistakes. IDOC staff and the Commission staff work together to address issues that can cause delays in processing the offender back into the community. At least one-quarter of the offenders are eligible for parole within six (6) months of their commitment. The Commission is very aware of the costs of incarceration, and the two entities work toward meeting targeted release date. Many variables are involved, including program space. Should "days beyond a tentative parole date" be a measurement of success? Or should the low return rate due to good planning and programming be the measurement? The Commission does seek the greatest level of efficiency attainable within the human and fiscal resources provided.

Recommendation 4.1: This recommendation is for a checklist to ensure that decisions are based on specific, standardized criteria. With all due respect, the Commission has formally incorporated the use of assessments into every hearing report. One of the problem areas is the sex offender risk

assessments. Due to IDOC staffing issues, the sex offender risk assessments are not usually available to the hearing officer to incorporate into the hearing report. However, the Commission receives the assessments and reports and utilizes those reports at the hearing. The Commissioners utilize established criteria which is incorporated into the hearing officer reports.

Recommendation 4.2: This recommendation is to provide a training manual and formal training procedure for the Commissioners. While the Commission may not have a good manual to utilize, much of the information that would be incorporated into such a manual is made available to the Commissioners. The Commission management agrees that a manual would be beneficial. The lack of a specific manual and training for the Commissioners is completely related to staff resources.

Recommendation 4.3: This recommendation is for collaboration between the Commission and IDOC to track the Pathways programming and any other programming ordered by the Commission. This is a good recommendation and will be done. The Pathways for Success treatment matrix is new and will be jointly reviewed.

Recommendation 4.4: This recommendation is for program-related training between case managers and hearing officers. As previously noted, there was annual training with case managers, hearing officers, and parole officers. As resources are available, including training dollars, this will be resumed.

Recommendation 4.5: This recommendation can be combined with **Recommendation 4.4.**

Recommendation 4.6: No comment is made other than parole planning should start at the beginning while the offender is in RDU. While the parole plan may change, the concept that the offender should be planning for a stable release should be the goal.

Recommendation 4.7: No comment.

6. Chapter 5 – Community Supervision

Offenders may not always be able to meet with the assigned parole officer within 24 hours of their release. The offender is directed to check in with the office, but the assigned parole officer may not be available due to their workloads. The offenders are given contact information at the time of the release and they are aware of conditions of parole.

Case managers, hearing officers, and parole officers have no control over their assigned caseloads. The system has to accept offenders that are in the system – this unpredictability makes it difficult to accurately project staffing needs for everyone.

- Parole officers conduct preliminary hearings only when the alleged parole violator is charged with a technical violation. Alleged parole violators can waive their preliminary hearing and most do. (In December 2009, 114 revocation hearings were scheduled; of those hearings, only four (4) had Preliminary Hearings, or .04%) The Commission has added preliminary hearing information to the monthly statistical information to be maintained.
- The Commission's parole grant rate is 65%. Placing offenders on parole in the community costs tax payers fewer dollars that would otherwise go to costs of incarceration. As a result of more releases to parole, there has been an increase in violation hearings. It is difficult to predict violation hearing caseloads. The Commission hearing officers must deal with the reports of violation filed by parole officers.

The Violation Process

Idaho has established a violation process that has served the State well. To make certain that due process is followed, the Commission, with advise from the Attorney General's office, created the current process. While it might appear that Idaho has added additional steps, it does not mean that it costs more money to maintain – in fact, it most likely saves tax-payer money by making certain the offender has his/her rights protected. The following supplements the OPE report:

- A report of violation is submitted by the parole officer.

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- If the violation is technical with no new felony or misdemeanor convictions, nor an accusation that the alleged parole violator absconded supervision, a preliminary hearing must be conducted within 48 hours, unless the hearing is waived. The alleged parole violator may waive his/her right to such hearing and elect to proceed on with a violation hearing. The preliminary hearing is conducted by a parole officer not involved with supervising the case, and these hearings determine if there is probable cause to establish if the violations could have occurred.
- If a Commission Warrant is issued, a Commission hearing officer schedules a violation hearing. The hearing officer travels to the area where the alleged parole violator is in custody to allow the offender to have his/her witnesses or attorney present; it also allows for the parole officer to be present. The hearing officer sits as an administrative judge and makes a finding of guilt or innocence on each charged violation. This is an open hearing and witnesses and victims may appear and testify.
- The hearing officer prepares a report of findings, which describes the violations charged and the findings on each violation. The hearing officer usually gives the decision at the end of the hearing. However, statute allows for a decision to be given within twenty (20) days of the hearing.
- At any point in this process, the alleged parole violator may be considered for reinstatement – placed back on parole.
- Simply because an offender is arrested, does not mean that offender will go back to prison for a long period of time.
- If the offender is referred to the Commission for a revocation hearing, the Commission's decision is to determine if parole will be revoked, and if another parole will be granted. The Commission simply could not conduct fact-finding hearings required by due process in the time they have available.

The Deputy Attorney General assigned to the Commission and IDOC has explained that this process is consistent with existing federal and Idaho case law and statutes. It is not recommended that this process be changed. To change the process could mean the alleged parole violator and parole officer may not have time to prepare for the hearing.

IDOC created a violation matrix for probation violators, and the Commission requested that IDOC community corrections create a matrix for parole violations. Both entities reviewed and agreed upon the process. This matrix allows the parole officer to utilize sanctions before a final report of violation, and has most likely saved additional parolees from going into custody.

Final revocation determination should not be a function of IDOC. Determinations to revoke probation or parole have to be determined by the releasing authority. The executive director does not issue every warrant. By rule, this function can be delegated to her designee. However, the executive director does review the reports of violations that are submitted.

Credit for Parole Time: Prior to 1998, if the Commission revoked the parole of an offender, all of the parole time had to be added back onto the sentence. This is similar to probation revocations – if probation is revoked, the offender is re-sentenced, in essence, “losing” the time on probation. The Commission requested a change to this law, which was granted. The statute states: *“Such person so recommitted must serve out the sentence, and the time during which such prisoner was out on parole shall not be deemed a part thereof; unless the commission, in its discretion, shall determine otherwise....”* In 2009, at a conservative rate of \$35/day for incarceration costs, the Commission saved IDOC \$5 million by granting credit for those days on parole.

OPE reports that if reinstatement decisions had been made earlier in the violation process, this would have saved \$783,00 in continued offender management. This is a very dangerous statement to make. These decisions are made appropriate to each case and the time frames involved. Making the decision to reinstate a parolee is not merely a quick decision. Once violations have occurred, the Commission and staff have an obligation to carefully review each case rather than simply making a quick decision. Often times, the

Commission decides to reinstate an offender as they have had time off drugs and alcohol that are usually part of a violation. Reinstatement decisions and early discharges require the decision-makers to study each case. The evaluators could have decided to study the costs saved by such a decision that did not involve additional incarceration time, rather than the criticism that it should have been made earlier. What were the dollars saved by no longer having to supervise the offender or by releasing the offender back to parole?

Recommendation 5.1: No comment.

Recommendation 5.2: This is a recommendation for the Attorney General to evaluate the violation process. The Commission welcomes a review of these processes.

7. Chapter 6 – Commission Operations

OPE staff point out that the Commission:

- May be acting as an independent agency but is not “required” to comply with the same annual reporting requirements of other agencies;
- Relies on IDOC for policies and procedures; and
- Does not have its own measurable goals – an approach that contradicts its independent role.

As the executive director pointed out to the Joint Finance Appropriations Committee (JFAC) during the Commission budget hearing, there are things that have been left undone - strategic planning and measurable goals are just two (2) of these tasks. During the first hold-back, the management assistant position had to be left vacant – this position was the position responsible for strategic planning, submitting measurable goals, working on rules and policies. While it would be beneficial to have specific personnel policies relating to the Commission, these truly have not inhibited the business of the Commission from being conducted. Commission staff follows IDOC human resource policies and procedures; the Commission has not been brought into the process of adopting policies with IDOC. This Committee needs to be aware of the number of staff IDOC has and the number of staff the Commission has. With appropriate staffing, the Commission would be able to address each of the problem areas outlined in the report.

As noted previously in this response, hearing officers and all staff will be directed to specific training that addresses their needs for their specific job. Truly, there is no argument that all staff needs to be trained appropriately. It has been determined that most training this year can be provided by IDOC. The training plan for 2010 has been submitted to OPE, and there has been additional training added. Management has submitted the dates of evaluations that have been conducted on each employee. Over the next year, the critique as outlined in OPE's report will be addressed.

While it is correct that some staff positions have been left vacant due to the economy, this was done to support staff, not hurt them. Commission management did everything possible to avoid furloughs for staff – until now, Commission staff did not have to take days off without pay. Management decisions will always be criticized, but not one decision was made without a lot of deliberation of the affects on staff and the Commissioners. Management has compiled a list of each “additional tasks” assigned to staff, and will continue to review these tasks and staff's ability to perform them. As the economy has not shown a recovery, management will continue to review tasks that might be eliminated or changed to reduce the effect on staff. Every director has had to deal with how to maintain services while supporting employees.

Caseload Study The Commission commissioned a caseload study for hearing officers. The Voorhis Report did not complete this process, and the evaluator wanted to conduct additional studies. The Commission does not have the money for additional evaluation and will most likely ask one of our universities to conduct this study, hopefully at no cost! The reason the study was commissioned was to determine what a caseload for a hearing officer should be, taking into account vacation and sick leave; violation cases vs. regular parole hearings; different types of crimes; etc. The report did not give the

information that the Commission required – the report indicates that some time frames reported were somewhat inflated. There are current processes in place to distribute the caseloads:

- Hearing officers are assigned to a particular institution and work centers, and this is looked at annually to make changes as needed;
- Hearing officers conduct hearings on all types of crimes; this evens itself out over time, as all hearing officers do hearings and reports on all crimes.

Hearing officers maintain statistics on their workloads which management utilizes to review the distribution. OPE recommended a desk audit be completed, which the Commission was hopeful they would get in the above noted study. It is important to management that hearing officers' caseloads are distributed evenly and fairly. Management does not disagree that it is important to study hearing officer caseloads – the study was requested for this very purpose.

Staff Workloads: The Commission cannot cancel or postpone hearings or releases – management had to make decisions that may not be popular ones. Management is conducting meetings with all staff in order to manage the workloads with vacant positions that may not be filled for some time. Additionally, staff will be taking furlough days. It has been a “shell game” to maintain services. If staff is out on furloughs, the work cannot be done. However, management will be reviewing each task with the employees.

Staff Concerns: The Commission will be working with the Department of Human Resources to conduct a full study of the Commission management and staff.

Technology: As explained in the Executive Summary, pertinent Commission staff has been involved with IDOC's IT division regarding the CIS system. Staff does have access to all current modules in the offender and CIS system. As previously noted, there is no data in the Commission module to be able to show staff nor to train them. Staff has been notified of this information. A statement in this report “*During our analysis, we observed several instances where data in the commission's text tables did not tally with its own annual statistics.*” As there is nothing specific noted, it is unknown what this refers to. It would be helpful to receive the specifics so that this could be addressed. Management asked for specifics regarding the technological shortcomings OPE brought forth in November, but the information was never provided.

Recommendation 6.1: This recommendation is to study making the Commission a state agency to ensure its independence in making parole decisions. The Commission does not disagree with the recommendation.

Recommendation 6.2: This recommendation is to adopt Commission specific policies and procedures. The Commission does not disagree with the recommendation. However, current staffing does not support this.

Recommendation 6.3 This recommendation is for the Commission to provide measurable goals. The Commission does not disagree with the recommendation. However, current staffing does not support this.

Recommendation 6.4: This recommendation is to follow up on the 2008 consultant study to review workload issues. The hearing officer supervisor has been working on this information.

Recommendation 6.5: This recommendation is for the hearing officer supervisor to review workloads of hearing officers and to analyze the information maintained by hearing officers. The Commission currently maintains the information it has determined is important. However, there can always be improvements and the Commission management will be reviewing the information currently maintained and determine any additional critiques.

Recommendation 6.6: This recommendation is for the hearing officer supervisor to identify ways to assist the hearing officers. The hearing supervisor will be able to spend additional time with the hearing officer process once the budget duties have been re-assigned.

Recommendation 6.7: This recommendation is to review distribution of new duties. This has been an on-going process through the hold-backs. As the economy is not rebounding, management is evaluating every task.

Recommendation 6.8: This recommendation is for the Commission to maximize technology. The Commission management will continue to work with IDOC's IT division to provide the most up-to-date training regarding the computer system and use of data management.

Recommendation 6.9 This recommendation is for the Commissioners to not require the executive director to spend so much time at parole hearings. The Commissioners disagree with this recommendation. Boards and Commissions must be able to make decisions of the duties of their director, as well as the Governor.

Recommendation 6.10: This recommendation is to provide staff with a formal mechanism to raise concerns, improving the working relationship between staff and management. While Commission staff does have the formal policies and procedures of IDOC, the Commission has always had an informal process in addition to the problem-solving and grievance process through Human Resources. A new policy has been drafted to specifically address the additional informal process. The new policy will be given to staff and training provided once it has been approved by Human Resources.

The Commission and management appreciate the time that the Office of Performance Evaluations spent with the agency. All information in this report will be utilized and studied. It is not easy for an outside agency to quickly study another agency. We are hopeful that our comments will assist in a good understanding to continue this process.

Office of Performance Evaluations Reports, 2008–Present

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<u>Pub. #</u>	<u>Report Title</u>	<u>Date Released</u>
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08-03F	Virtual School Operations	March 2008
09-01	Public Education Funding in Idaho	January 2009
09-02F	Higher Education Residency Requirements	January 2009
09-03	Idaho Transportation Department Performance Audit	January 2009
09-04	Feasibility of School District Services Consolidation	February 2009
09-05F	School District Administration and Oversight	February 2009
09-06F	Use of Average Daily Attendance in Public Education Funding	February 2009
09-07F	Child Welfare Caseload Management	February 2009
09-08F	Public Education Technology Initiatives	February 2009
09-09F	Management in the Department of Health and Welfare	March 2009
09-10F	Governance of Information Technology and Public Safety Communications	April 2009
10-01	Operational Efficiencies in Idaho's Prison System	January 2010
10-02	Increasing Efficiencies in Idaho's Parole Process	February 2010

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