



# BOARD OF CORRECTION

*To promote a safer Idaho by reducing recidivism*

Robin Sandy  
Chair

David McClusky  
Vice-Chair

J.R. Van Tassel  
Secretary

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C.L. "Butch" Otter  
Governor

## **Board of Correction Meeting Minutes**

February 20, 2014 – 1:00 p.m. – 1:30 p.m. MT  
Idaho Department of Correction – Board Room  
1299 N. Orchard, Boise, ID 83706

### **Members Present:**

Robin Sandy, Chair

### **Members Present by phone:**

J.R. Van Tassel, Secretary

David McClusky, Vice-Chair

Comprising a quorum of Board of Correction (Board)

### **Others Present:**

Brent Reinke, Director

Kathryn Dayley, Management Assistant

Mark Kubinski, Lead Deputy AG

Henry Atencio, Chief of Probation & Parole

1. Call to order
  - ❖ Chair Sandy called the meeting to order at 1:05 p.m.
  
2. Council of State Governments legislation
  - ❖ Senate Bill 1357 to the Idaho Criminal Justice System amending chapter 25, title 19, Idaho code, by the additional of a new section 19-2517, was introduced to the board.
  - ❖ Chief Atencio went through the statement of purpose as well as the fiscal note, highlighting the impact it would make on IDOC.
  - ❖ The Council of State Governments put emphasis on the limited supervision unit for low risk offenders and the bill provides \$299,000 for a web-based offender reporting system for these low risk offenders.
  - ❖ In FY2015, IDOC will appropriate \$500,000 from the parolee supervision fund to build upon the existing crime victim restitution collection system. This will be a one-time transfer.
  - ❖ The Governor's recommendation provides additional funding for community-based substance abuse treatment as well as funding for additional pre-sentence investigators.
  - ❖ I.C. 19-2517 Pre-Sentence requires offenders to be differentiated based on offender risk levels of low, moderate and high.
  - ❖ I.C. 19-2521 Speaks to the criteria for placing offenders on probation or imposing imprisonment.
  - ❖ I.C. 19-2524 Consideration of community-based Treatment to meet behavioral health needs in sentencing goes into effect July 1, 2014. This allows Judges to order mental health and drug & alcohol treatment at the expense of IDOC. The code is focused on moderate to high risk offenders and requires health & welfare provide examinations and provide access to health care benefits. The offender is obligated to pay the fee for the mental health examinations and treatments consistent with the rules of the department

of health and welfare. IDOC will work closely with health and welfare regarding these fees, as the financial issue may become a burden to offenders.

- ❖ I.C. 19-2601 Commutation, suspension, withholding of sentence also goes into effect on July 1, 2014. This code speaks to the violation matrix and potential rewards to be used with probationers.
- ❖ I.C. 19-2606 Suspended offender duty to report. This code speaks to the courts ability to call in a probationer at any time to prove compliance to probation. Atencio stated if a judge does call offenders in on a routine basis it could increase the workload for probation officers.
- ❖ Section 6 addresses a new section of Idaho Code, 20-209H. It requires IDOC to set up a inmate account for every offender. From that account, 20% of whatever is deposited will go to victim restitution. When restitution is satisfied, the 20% is no longer taken. This is retroactive to all 8000 people in prison. The implementation date of this new statute is March 2015.
- ❖ Section 7, I.C. 20-210A delineates the powers of the parole board.
- ❖ I.C. 20-216 Records, reports and statistics speaks to the legislature's directive that IDOC report annually on the outcomes of the programs. This is one area IDOC did not receive funding. This directive goes into effect March 1, 2015 with the first report due on November 15, 2015.
- ❖ I.C. 20-219 Probation & Parole supervision and training – limited supervision – rulemaking. This impacts Probation & Parole regarding reporting issues. This will be used in conjunction with the violation matrix. It gives IDOC discretion regarding the level of supervision of probationers and parolees under its jurisdiction. It also caps the case load for probation officers, assuming money is available to make this happen. Probation and Parole staff are identifying probationers who can be safely discharged back into the community. Evidence based supervision training requirements for current probation officers are required to be completed by July 16, 2014. After that date, new probation officers have two years to receive this training. Atencio believes this training can be incorporated into in-service training. This bill gives IDOC the funding to make sure the training happens. It also speaks to the web based reporting as well as swift and certain and graduated sanctions and rewards. IDOC will work with the courts to resolve the IDAPA issues. This code also allows a probation officer to jail a probationer for up to three days. Probation and Parole will work with the courts to allow jail for certain violations, as this provides to timely sanctions.
- ❖ I.C. 20-221 Modification of terms or conditions of probation or suspension of sentence – termination of probation. This statute recognizes the board of correction and the ability to modify probation as well as discharge probation as they see fit.
- ❖ I.C. 20-222 Fixed period of probation or suspension of sentence – re-arrest and revocation. The change in this code allows the judge to exhaust all remedies in the community before using a rider or term sentence.
- ❖ I.C. 20-223 Parole and rules governing – restrictions – psychiatric or psychological examination. The addition in this code requires the parole commission to use a risk assessment for each offender. It also speaks to paroling an offender at 150% of their time and puts pressure on the parole commission to parole offenders sooner than is being done now.
- ❖ I.C. 20-224 Information regarding prisoners to be secured. This code requires a risk assessment completed for every offender who is up for parole. Currently, Probation and Parole uses the LSIR as part of this process.
- ❖ I.C. 20-227 Arrest of parolee, probationer or person under drug court or mental health court supervision without warrant – agent's warrant – detention – report to commission or court. Probation and Parole reports activity to courts within 24 hours with a written report within 3 days. This code speaks to doing these reports in a timely manner. This mirrors today's practices.

- ❖ I.C. 20-228 Conditions of parole to be specified in writing – This requires every parolee sign an agreement of supervision. It gives IDOC authority to put a parolee in jail.
- ❖ I.C. 20-229A Notice – Service- Waiver. This code puts a cap on the amount of time a violator can be held in a prison or jail. It also allows for decreased time for good behavior.
- ❖ I.C. 20-229B Commission Rulings
- ❖ I.C. 20-233 Final discharge of parolee – minimum term
- ❖ I.C. 19-2513 Unified sentence
- ❖ I.C. 20-250 Requires IDOC report to the legislature by February 1 of each year the amount of savings realized based on this legislation.

3. **Secretary Van Tassel motioned to adjourn the meeting. Chair Sandy seconded the motion. Motion passed unanimously.** Meeting was adjourned at 2:24 p.m.

Submitted by:

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Kathryn Dayley, Management Assistant

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Date

Approved by:

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Robin Sandy, Chair

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Date