

May 30, 2008
Post Incarceration Supervision Task Force

Attendance:

David Kaplan
Christie Donner
Carl Blesch
Carolyn Turner
Greg Mauro
Jeannine Miller
Tim Hand
Doug Wilson
Pual Herman
Germaine Miera
Christine Adams
Kim English
Michael Biggio

Absent:

Pete Hautzinger

Discussion:

- Asked David Mischaud to join the TF since his world will be directly affected by our decisions. He could not attend today but he is willing to join us.
- Tim Hand (and *all* of his documents) → took the six issues and pulled the documents that he found that were most related to each.
 - Six topics with everything he could pull together administratively.
 - Including a board chart.
- Statutes that are relevant to this topic.
- Doug Wilson → summary of what he thought were the appropriate statutes surrounding escape, including case law used to interpret those statutes.
 - Not attempting to editorialize.
 - Trying to show the facts of what the case was about and what was decided.
- David → before we move on with the escape issue we will need to decide if this is something we want to pursue in the first place.
- Kim introduces Paul to the group.
 - Paul has been playing the role of executive director to the Commission since we don't have one otherwise.
 - He has experience in multiple states (45) with their reentry issues = walking encyclopedia.
- Discussion of the 6 areas of focus: Categorization of topics (down-sizing)
 - Grouped six areas into two groups.
 - Topic number 6 (gender and minority disparity) will be pulled out to be looked at individually by David
 - Asking ORS staff to pull some more data on these topics.
 - 1 & 5 = structural issues
 - Escape issue: should it just be an administrative violation or should it be its own crime? Mandatory consecutive?

- Should we take it on or is it a sentencing issue?
 - Doug → if we're going to discuss TVs then it should be addressed, but it's okay if it gets set aside for now.
 - Kim → report shows that 100s of people are going back because of escape. If you want to have some say it should be addressed, or it can be something addresses without commission input.
 - Jeannine → we have the opportunity now, and it is something that has been asked of us by representatives.
 - David → if this is something we're interested in we should keep it on the table. It's going to come up anyway so this way we can study it and make suggestions.
 - 2,3,&4 = case management issues
- Categorizing areas of focus (Paul):
 - #6 (gender disparity) is an issue for all TFs, there should be discussion at the oversight committee to make sure that it's addresses by all of the groups and not pursued from multiple directions.
 - 2, 3, & 4 are all a part of case management.
 - TVs and use of incentives are all apart of supervision.
 - TVs (#4) are a part of supervision
 - What drives public safety affects how TVs are approached.
 - Containment is different than being driven by success.
 - Conditions of supervision affect how people succeed.
 - We tend to punish for doing wrong, but we don't have incentives for positive behavior.
 - What are our goals and what is the process we want to follow to achieve those goals?
 - If people are successful you don't have to worry about new offenses.
 - #1 is a structural issue → release and releasing authority, what do we want them to accomplish?
 - #5 is likely its own issue as well.
 - Escape issue in other states → very rare that other states consider things escape like we do here.
 - Everyone has absconders, but to be able to be charged with escape is rare.
 - Jeannine → History of our law: regular parole pop. Was always an absconder and would not be charged with escape. But when ISP was created they were considered high risk. So they tried to encourage these people to not abscond.
 - Paul → nationally, if on inmate status the potential for escape charge is usually there. But not otherwise.
 - Here ISP people are on both inmate and parole status. Both can be charged with escape.
 - Carl → Diversion (direct sentence) and transition comm. corr. Can be charged with escape. Non-residential comm. Corr. (diversion and/or transition) can also be charged with escape.

- Paul → it's the hybrid that drives everyone crazy. When developing statutes we need to keep things clean and simple.
 - What is the evidence related to the ISP sentence? Is it helping them or is it just resulting in an increase in returns? If they are mainly mandatory release people are they being put under the correct supervision?
 - Carl → most escapes are impulsive, therefore there needs to be a nexus to make them think and stop the action (he's referring mainly to comm. Corr. Individuals).
 - Paul → we know deterrence doesn't work. Are we trying to punish, then fine.
 - Carl → goes back to the question of what are we trying to do? What works? Feels that intermediate sanctions are the best.
 - Mike → sanctions vary by half-way-house.
 - Threatening someone with prison doesn't mean the same thing to people who have already been there.
 - David → do sanctions deter?
 - Kim → deterrence isn't a sanction.
- So what are our next steps?
 - Need to make a clear/simple statement of what we're talking about.
 - Does the data that we're already collecting correlate with the info discussed today? If not, can we get it from somewhere? What else needs to be collected?
 - Judicial has the location from where they escaped; this may help with determining status.
 - Need to write a White Paper on the data that exists relevant to the discussed issues.
 - Need to consider the difference by jurisdiction.
 - Sentencing data, plea differences by jurisdiction.
 - David → Once we have this data are we going to end up where we started with some jurisdictions wanting to do one thing while others want to do another?
 - Paul → need to go back to the goal. Need to consider the cost.
 - Jeannine → we need to be mindful of the opposition. Victims and parole board need to be here (Mischaud will be here).
 - Community Corrections board can approve or disapprove ISP programs and inmates in certain areas.
 - Paul → if we want to implement an EBP then we're not talking in partisan language.
 - David → any change will "piss some people off" but we need to decide if we're willing to still make those decisions.
- Christie → results of interviews and what people are interested in and what they see as problems. Has contacted people outside of the TF as well as within.
 - Goes back to the #1 objective → to revise the parole system.
 - Concern that the current system is confusing and conflicting sometimes.

- Can we develop a new parole system that is more transparent?
 - Has 38 people on the short list, has spoken to 13.
 - Values/Goals for system:
 - Certainty and predictability of system. Transparency.
 - Will help with planning.
 - Adequate supervision, increase in public interest and confidence.
 - Congruency between front and back end of the system. From Court to Parole.
 - Standardized a clear and consistent definition of recidivism. Inconsistency leads to mistrust in system.
 - Need to have hope in our system. Hope for the people in the system that they may actually be released.
 - Less than 1% are released at PED, most are released at MRD.
 - There are three models that are coming up consistently:
 - Truth in sentencing: 10 means 10, difference is in where parole lies.
 - Neither model has place for parole board
 - Question of effectiveness of parole board.
 - Federal model → specific sentence with required % (very high), finite period of parole
 - Feds say 85%
 - Includes good time
 - Truth in sentencing with parole within the sentence.
 - Could
 - Traditional discretionary model
 - Transition piece is separate issue → everyone will likely transition, but the how differs.
 - Need some set way of transition.
 - Obviously not everyone needs the same programs.
 - But a step down approach is consistent.
 - Counties need to get involved in community corrections instead of just private entities.
 - No one model will be perfect, but we can look at the strengths and weaknesses.
 - If we move to truth in sentencing impact statements will be needed.
 - What is the impact this kind of change will have on the prison population?
 - Also, it should be considered that TIS has led, in many states, to a spike in LOS.
- Jeannine → need to interview some facility people (Gary Golder, Lou Archuleta, Tony Carrochi) to discuss the impact these kinds of changes will have on them.
- Paul : what has happened in other places and the impact it has had
 - TIS with high% without looking at sentence lengths that they were giving out killed themselves.
 - But those that amended relevant statutes were able to minimize the effect.
 - For those that have abolished parole → this isn't what always happens, still coming out under some kind of supervision.
 - Still released under conditions, still at risk for returning to prison.

- People often talk about simplicity, clarity, transparency. Often need to talk about risk reduction. Therefore, need to look at parsimony.
- Regi → Is there any merit in having a conversation about more than just violent vs. non-violent, but look deeper to types of offenses / demographics that have higher risk of going back (depending on the jurisdiction)?
- Paul → severity of offense X sentence length
 - This is affected by societal values.
 - We've added a new factor: risk/need
 - This is evidence based.
 - Your score on the risk/need scale is going to put you in the correct matrix for the other two.
- Tim → We're talking about the consistency throughout the division (of parole) and applying the policy consistently.
 - We're (in the process of?) becoming ACA accredited.
- Jeannine → we can track what every parole officer is doing and whether or not they're doing it correctly.
 - Culturally changes do need to be made. Need to give incentives.
 - Need to think differently about what is the correct policy.
 - Need to services to identify the issues. We can educate and provide incentives, but without the resources it can't be done.
 - Risk/needs are so broad [it makes knowing what to do difficult]. Need to provide services to be responsible for whatever we decide.
- Tim → it's prudent to not acknowledge the good things (programs and systems) that are out there.
- David → seems that we have a system side and a services side, where is our focus? Where do we want to go with this?
- Kim asked Jeannine if any needs assessment has been done within the communities.
 - Parole officer and community assessment.
 - Maybe this is something that can be done as part of the TF process (not phase 1).
- Carolyn → asked if it's true that more beds exist in CC than are filled.
- Carl → physical beds being filled doesn't necessarily provide the services. Funds are not always there.
- Jeannine → at any given time there are 340 people on waitlists for CC
- Carl → similar number of diversion people sit in jail waiting CC placement.
- Christie → maybe we don't want to change anything because it seems fraudulent to do assessments and not provide the services.
 - How can we force the legislature to realize they need to fund treatment.
- Paul → there has been some state strategies. Goes back to the \$.
 - Looked at intervention techniques based on risk reduction.
 - KS chose to use CC – told if they reduced their recidivism by 40% they got X amount of dollars.
 - Justice reinvestment – money that was not spent on DOC (for instance) was able to be spent elsewhere.
 - What are the assets and liabilities of each of the options (that Christie discussed)?

- OR look at the current system and do an assets and liabilities assessment based on core values.
 - There may be things that can be done now, other things may be more long-term.
- Difference between policy and practice – assessment may be available but if a decision is made and it goes bad, the P.O. may be in trouble.
 - However, if an assessment is mandated
- Jeannine → maybe we don't want to take on all of the TIS idea, but date certainty may help with planning. We can move forward without changing all of it.
- Mike → always had an idea that if I knew my original release data and then move from there if I mess up.
- Paul → one person suggested that choices exist (like in college), if you do certain things your time can be cut. If you don't do certain things your time can be extended
- David → what is part of the structure, without changing the whole system, where reform could be suggested.
 - I.e., date certainty without true TIS
 - Regi → *** support the work that parole is currently doing*** (this is a recommendation)
- Jeannine → be mindful of what would be a new cost. Not everything would be a new cost.
- David → How can we identify what are things we can address?
- Christie → Can we access legislative counsel to look at the fiscal impact? This would be a huge piece of information.
- Jeannine → develop the consistency of certainty
 - Process or what parolees have to do – make things consistent and certain.
 - Consistency between parole members.
 - Kim → Statutory guidelines exist, but not being used.
- There are things we can do right now and there are things that we will have to do to account for administration changes.
 - What is going on in the current system and what is available to do without statutory change?
- There are action notes in parolee files that keep track of what previously happened.

Tim →

idea 1:

Idea 2: the law requires that a certain amount of parole time be served. But if the offender knows that if certain things are done they will automatically be reduced by half.

- Parole board needs to be involved in deciding what they criteria are. (Members are appointed by the governor. Including Mischaud is good, but they don't report directly to him).

Mike → really matters who your P.O. is. Roller coaster ride depending on who is in charge.

Tim → would be nice if the original P.O. officer followed a parolee throughout their sentence.

David → Added incentive to be successful. The P.O. is more invested in the person.

Jeannine → Exceptions would arise because of location (they couldn't move if the P.O. was going to be too far away).

Paul → have to be careful of the all or nothing review. The relationship between the P.O. and the parolee makes a difference. If that relationship can be maintained it will help, period.

Decisions:

Assess Current Release and Decision Process

Next three things:

Make the following things comply with Risk reduction

1. Certainty of date (with incentives)
 - a. Release date
 - b. Kill number date
2. Conditions of parole

Assignments:

Can 3-4 people sit down and assess how this can be accomplished? Bring this back to the group at the next meeting.

Come up with some strategies for addressing these issues:

Parole board member, Jeannine, Carl → we'll be there, as will Christie.

We'll organize it.

Need to talk to Mischaud first, so that it's not just sprung on him.

Tim → write up stated proposal (work with Germaine).

- Date certainty as well as criteria.

Next meeting:

Talk about what conditions matter.