

## Part I – Agency Overview

The Commission of Pardons and Parole became stand alone agency on July 1, 2010. We are a dedicated fund agency that operates in tandem with the Idaho Department of Corrections. The purpose of this agency is to conduct parole hearings; conduct and process clemency hearings (commutation, pardon, remission of fines); release designated offenders into the community on parole; grant or deny early discharges from parole; and process parole violations of offenders who are serving their sentences in the community.

The Commission's history shows that there have been many changes over the years. In 1969, the current structure of the Commission was established – five part time Commissioners, under the authority of the Board of Correction. It should be noted that originally, the Executive "Secretary"(Director) was a full time Commissioner. This title was later changed to the Executive "Director" and the organizational structure was modified by appointing a fifth part-time Commissioner, putting the Executive Director as the head of the agency. In 1998, the Commission was removed from the Board of Correction and placed directly under the Governor. It was not until 2010, that the Commission became its own agency.

The Commission is staffed by thirty-two full time employees. The Executive Director is the head of the agency and is appointed by and serves at the pleasure of the Governor; this position is the official spokesperson for the agency and responsible for managing all Commission business. Within the organization there are three supervisors that answer to the Executive Director and provide supervision in their assigned areas: Hearing Officer Supervisor, a Hearings Manager, and Administrative Assistant II. (See Attached Organizational Chart)

1. The Hearing Officer Supervisor is in charge of the hearing officers and two assistants, as well as managing the financials, as well as managing the office operations.
  - a. There are fourteen (14) institutional hearing officers. These officers conduct hearing/interviews for offenders that are scheduled to be considered for parole release.
  - b. Four (4) hearing officers are in the revocation division. These officers handle cases of offenders that have been released to parole and have allegedly violated their parole. The hearing officers in this section will conduct hearings to determine if they are guilty or innocent of the charged violations.
  - c. This position supervises the Financial Specialist and approves all financial transactions.
2. The Hearings Manager oversees four employees.
  - a. This division schedules all hearings to be heard by the Commission; posts decisions made by the Commission; sets the annual calendar for the

- Commission hearing schedule, to include due dates for staff to provide all reports and submitting information to the Commission.
- b. This position supervises the victim coordinator and is responsible that victims have notice of hearings and releases.
  - c. This position additionally supervises a Hearings Tech an OS II position.
3. The Administrative Assistant II is the support staff manager who oversees some support staff. This person is in charge of staff that deals with the public on a daily basis and in charge of processing and producing the parole contracts for inmates that are set to be released. This position provides administrative support for the Executive Director.

Although the Commission does not currently have a Management Assistant position, a decision unit requesting this position was submitted with our FY 2014 budget proposal. This agency previously had a Management Assistant position, but this position was eliminated in the first round of “holdbacks”, as it was vacant at the time.

The Commission has a Legal Assistant that deals with legal issues within the Commission. This person also performs functions as dictated by the Executive Director and is currently supervised by the Executive Director. Duties include writing the appeals from offenders (SIPR); providing legal issue support; and editing minutes of hearings and reviews.

The five Commissioners are appointed for three year terms of service. These individuals are appointed by the Governor, confirmed by the Senate, and can be re-appointed at the end of their term. These individuals hear cases every month and make the final decision regarding parole releases. The Commissioners are provided detailed standardized reports by hearing officers to assist in their decisions. The Commissioners usually meet in panels of three; every quarter the full Commission (five members) meets for one day to decide cases where unanimous decisions could not be reached by a panel of three, and to review, and possibly hear, pardon and commutation cases or remissions of fines. The Commissions’ decisions are final where parole is concerned, as well as for most clemency decisions. The Governor has final authority over pardons and commutations for the crimes of murder, voluntary manslaughter, rape, kidnapping, lewd and lascivious conduct with a minor child, and manufacture or delivery of controlled substances.

### **Idaho Code/Core Functions**

The current structure of the Idaho Commission of Pardons and Parole was established in 1969 and operates under Section 20-223 and Section 20-240, Idaho Code.

The Commission of Pardons and Parole conducts parole hearings for individuals who have served their initial fixed portion of a prison sentence. Under the Unified Sentencing Act of 1986 persons sentenced to prison receive a sentence, which consists of a fixed portion and an indeterminate sentence. Individuals have to serve the fixed portion of their sentence before they

are eligible for parole. The remainder of the sentence is indeterminate, and the offender can be paroled at any time during the indeterminate portion. The Commission has full authority for all parole decisions.

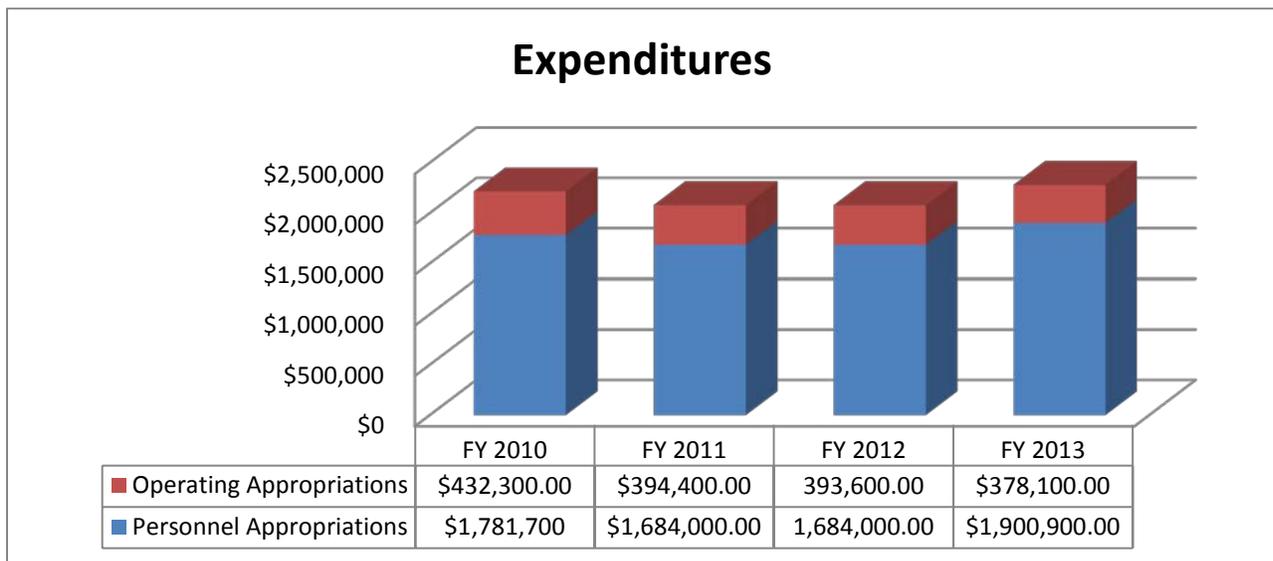
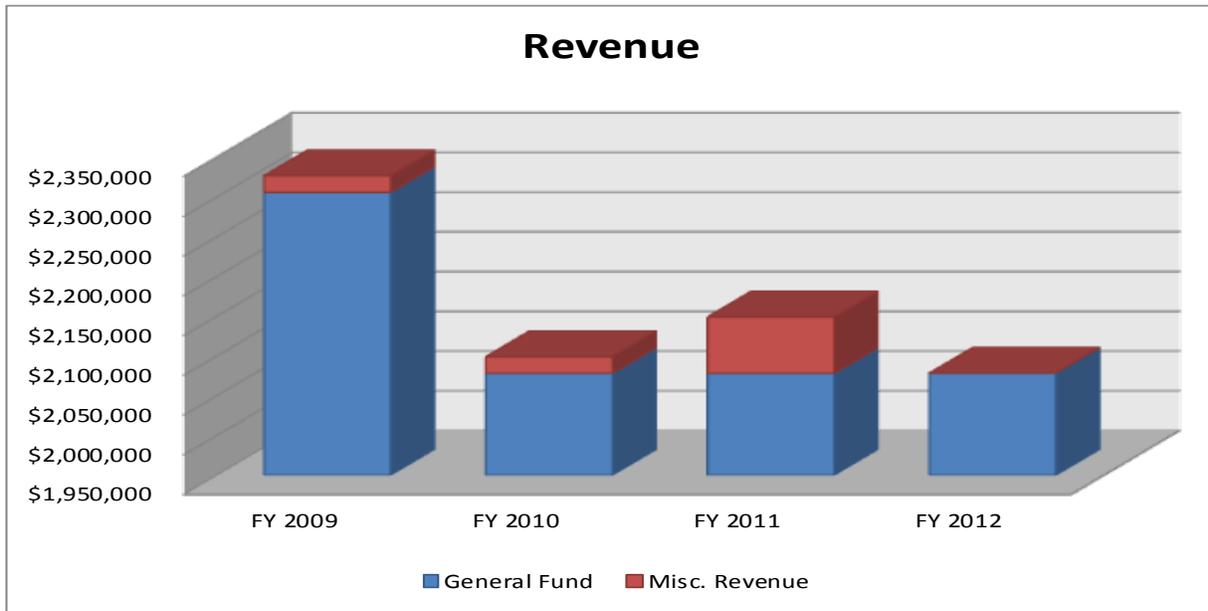
The Commission also makes decisions regarding parole violations. When an individual is released from prison he/she signs a contract agreeing to general rules of parole and special conditions specific to their individual case. Parolees are supervised by parole officers who are employees of the Idaho Department of Correction (IDOC). If an individual violates the conditions of parole, a parole officer may submit a report of violation. A hearing officer of the Commission will conduct a violation hearing to determine guilt or innocence. If the offender is found guilty, the Commission can revoke that individual's parole and send him/her back to prison for a set amount of time. However, at any time during this process, the Executive Director or the Commission can reinstate that offender back to parole. Just as with probation, the Commission has the authority to either grant credit for parole time or to order that the parole time will be forfeited, or added back onto the sentence. (When an offender has their probation revoked, all of the time they spend on probation is "forfeited", meaning the offender is essentially re-sentenced and the time on his/her sentence begins again. It is similar with parole time: the Commission has the authority to either grant credit for all or some of the time spent on parole, or to order that all or some of the parole time be forfeited. Until 1998, the Commission had no authority over this function: if parole was revoked, all of the parole time was "forfeited", or added back onto the sentence. The Commission submitted legislation to be allowed to consider crediting parole time, which was granted. Each year, the Commission has saved more than \$5 million in "days in custody" because they can credit parole time.)

The Commission also conducts many reviews (100 – 175) each month, to include reviews of disciplinary actions for offenders who were granted a parole release date; medical parole reports; miscellaneous reviews for various reasons; appeals of decisions; early parole discharge requests; and clemency requests for pardons or commutations. These reviews are prepared by staff and the Executive Director goes over each review with the Commission.

The Commission operates much like a manufacturing plant, in that all parts of the process have to work, and work within established time lines, or the end product of the hearings and decisions cannot meet commitments. Hearing officers have been critical to the Commission, as they provide all information in a standardized format, allowing for more efficient "study" time and use by the Commissioners. It is imperative that hearings be conducted as scheduled; we conduct from 200 – 350 hearings every month. The prisons rely on us keeping to our schedule, as well as families of offenders, victims, etc. However, we are subject to schedule changes due to moves of offenders made by IDOC. It is very difficult to be able to stick with a schedule of hearings, because offenders have to be moved for programming. This is just part of our continuing to modify our business. It can be frustrating to families and victims, but we simply have to work within the system. The Commission requires that offenders be involved in treatment that addresses the issues that brought them to prison, i.e., substance abuse, cognitive issues, etc.

**Revenue and Expenditures:**

Revenue	FY 2009	FY 2010	FY 2011	FY 2012
General Fund			<u>\$2,078,400.00</u>	<u>\$2,078,400.00</u>
<b>Total</b>			<b>\$2,078,400.00</b>	<b>\$2,078,400.00</b>
Expenditures	FY 2009	FY 2010	FY 2011	FY 2012
Personnel Costs			\$1,684,000.00	\$1,684,000.00
Operating Costs			<u>\$394,400.00</u>	<u>\$394,400.00</u>
<b>Total</b>			<b>\$2,078,400.00</b>	<b>\$2,078,400.00</b>



Cases Managed and/or Key Services Provided	2008	2009	2010	2011
Number of Hearings	2376	2155	2324	2252
Parole Releases	1509	1450	1530	1433
Warrants Issued	917	935	959	1033
Violation Hearings	738	866	804	845
Victim Contacts	1012	1037	986	1089

**Part II – Performance Measures**

Performance Measure	2008	2009	2010	2011	Benchmark
1. Process all regular parole hearings decisions by the end of the month	97%	98%	97%	97%	95 – 100%
2. Process 120 parole contracts a month	100%	100%	100%	99%	95 – 100%
3. Make initial contact with victims	N/A	N/A	93%	95%	85%
4. Keep the length of continuances at a minimum, 30 days, in order to complete hearings in a timely manner (violation hearings)	29%	18%	18%	19%	15 – 25%

**Conclusion**

The Commission is an agency which must make changes continually to adjust to the changing environment. We have no control over the number of offenders sent to prison, nor the number of parole violations that we receive. The Commissioners make decisions, and staff is there to make certain the Commissioners have the information they need to make those decisions and to carry out their decisions.

- In 1989, the Commission and IDOC (Idaho Department of Correction) devised a program tracking system to place offenders on a track for programming to address the issues that brought them to prison. Although that was never implemented, IDOC has implemented the next generation of this idea, Pathways for Success.

- The Commission has been attempting to move in the direction to utilize the latest technology for conducting hearings via video, rather than having to travel to every institution to conduct hearings. We were able to save \$12,000 annually by eliminating a trip to Orofino to conduct hearings, utilizing video instead. Our hearing officers have been experimenting with desk-top video, which is where we can realize savings – not only saving money for mileage and per diem, but by being able to save actual travel time.
- The Executive Director previously submitted the idea of a Commission Review Board, which was targeted at trying to intervene with offenders on parole who were beginning to violate their parole. The premise was to make certain the parolee understood we did not want a return to prison, but that rules have to be followed. We have not fully implemented this program because we do not have the staff to support the Commission in doing so. This would require a Commissioner, hearing officer, and the parole officer or parole officer representative meeting with selected parolees to help the parolee get back on track. We believe we could have an impact to intervene at an earlier stage to help prevent new crimes.
- To truly provide for a systematic approach to the processing of offenders, it is imperative that planning for release begins when an offender is first committed to prison. We simply cannot wait until the first parole hearing to determine what an offender should do to attain parole, but the issues need to be addressed from the beginning. While Pathways for Success addresses some of this, the missing component is that the Commission is not represented. We need to have a Commission staff person at RDU where the assessments are completed and treatment assigned – a Commission representative would add the missing link to confirm what the offender needs to do while serving time. Even IDOC has expressed support for this need.
- To remain a part-time board and meet our commitments, we need to consider having adjunct Commissioners in case of emergencies. Much like Courts utilize retired Judges to serve in the absence of sitting Judges, having two alternate or adjunct Commissioners available to step in when an emergency situation arises, would provide security that a session would not have to be postponed and rescheduled. Retired Commissioners could be utilized.
- The agency has many strengths and weaknesses and this became very evident through this ZBB exercise.
  - a. The strengths of this agency:
    - i. The ability to turn over a vast amount of information and conduct a great many hearings efficiently, making certain the Commissioners have what they need to understand each case.
    - ii. The ability of the Commissioners to give their personal time to studying cases and being prepared to make decisions at the hearing session.

- iii. The ability to structure an annual calendar to provide due dates so staff and the Commission can plan for each session. Everyone knows when their work will be due.
  - iv. Keeping victims apprised of hearings and releases and taking the time to spend with them to help them through a very stressful process.
  - v. Staff knowing that families do not always understand the system and taking the time to explain the processes and answer questions.
  - vi. Institutional knowledge of staff so they can respond to questions of IDOC staff and any stakeholder, and/or assist people in getting information.
- b. The weaknesses of this agency:
- i. Due to increases in releases to parole, we experienced more violations. We had to modify the organizational structure to address this, but management may not have made those changes soon enough, which created a backlog of hearings. This impacted IDOC and added stress to the staff in the violations division. It is sometimes a shell game to determine when modifications need to be made. It is hard to predict whether or not violations, or any part of our business, will increase – if the trend does not continue, modifications may have affected other areas.
  - ii. We need to move forward with cross-training of employees, so we can move more quickly when problems arise, such as increases in violations.
  - iii. Management has not been able to get out to speak to groups or to hold “open houses” as we have in the past so that we can explain what we do and why we do it. Management has been involved in “work” and unable to do more interaction with other agencies and the general public. Putting a “face” to our business, helps others understand that we care about what we do. This also includes staff interacting through training with IDOC and others. Parole can be fragile as other states have done away with discretionary decision-making. It is important that we are able to show others why discretionary parole provides for public safety and offender change. Without an offender working to change, we are simply moving offenders through the system. Most of the public does not understand the criminal justice system unless they have been involved in the system.
  - iv. We try to involve staff more directly in the strategic direction of the Commission. This ZBB process was very positive for staff, as the exercise was all about the staff understanding each process and the duties and responsibility of everyone.

The Commission and staff remain committed to conducting business for the right reasons, efficiently, and taking public safety into account. This exercise was positive to look at everything we do and to make certain staff understands how important every task is. We do not believe this is simply something that has been completed, but that we will continue to examine everything we do.

**For More Information Contact**

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