

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

- DATE:** Monday, February 11, 2013
- TIME:** 1:30 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Vick, Senators Davis, Mortimer, Nuxoll, Hagedorn, Lakey, Bock and Werk
- ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Lodge** called the meeting to order at 2:03 p.m. and asked the secretary to call the roll.
- MINUTES:** **Senator Hagedorn** moved to approve the minutes of January 30, 2013 as written. **Senator Werk** seconded the motion. The motion carried by **voice vote**.
- MINTUES:** **Senator Bock** moved to approve the minutes of February 4, 2013 as written. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.
- CONFIRMATION:** **Chairman Lodge** stated the committee would vote on the recommendation to confirm the appointment of David A. McClusky, M.D., to the State Board of Correction to serve a term commencing January 2, 2013 and expiring January 1, 2019.
- MOTION:** **Vice Chairman Vick** moved to send the gubernatorial appointment of **David A. McClusky** to the State Board of Correction to the floor with recommendation that he be confirmed by the Senate. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.
- GUB APPT:** **Lisa Growette Bostaph** of Boise, Idaho was appointed to the Commission on Pardons and Parole (Commission) to serve a term commencing June 21, 2012 and expiring January 1, 2015. **Dr. Bostaph** explained she is the Associate Professor of Criminal Justice at Boise State University. She said she came to Idaho in 2003 from Cincinnati where she received her Ph.D. in Criminal Justice at the University of Cincinnati. She said she was born and raised in northern Minnesota and her family had all been in criminal justice. Prior to becoming an academic, she worked for regional corrections in Duluth, Minnesota. She also worked at the Duluth Domestic Abuse Intervention, on the battery treatment side and later was hired by police chiefs outside of Minneapolis, Minnesota to create a Crime Scene Crisis and Intervention Program.
- Senator Werk** commented on her valued experience and asked her if she had seen the performance evaluations on the Division of Pardons and Parole and the related issues. **Dr. Bostaph** replied that she had. **Senator Werk** said those reports for over a decade have detailed discrepancies and difficulties with record keeping and procedures that have an impact on the Commission. He asked what her role might be to move the agency forward. **Dr. Bostaph** said she was not concerned with how the office was run as that was the job of the Executive Director and in regard to the operative reports which she has reviewed, many agencies may be behind because of the advancement of technology. She didn't feel the ability of the office to access information was delaying anybody's ability to make parole.

**Senator Davis** asked if she was aware of colleagues in other states where a university professor had chosen to actively participate in a parole commission of their state or similar assignments. **Dr. Bostaph** did not know of any university faculty or professors who had been offered the opportunity to serve in that capacity; however she did know there were people in other states that hold Ph.D.'s who serve on parole boards. **Senator Davis** also asked Dr. Bostaph if she would be able to handle all the reading required and also handle her faculty work. **Dr. Bostaph** said it did involve a lot of work; an individual file can range anywhere from 20 pages up to 100 or more pages, but she could handle the assignments. **Senator Davis** questioned Dr. Bostaph on her philosophy on granting parole and what type of bias does she bring to this process. **Dr. Bostaph** said we must recognize that we all have biases and must be aware of them so they can be set aside. She said her philosophy was that parole is not a right, but a privilege, a privilege to be earned by someone inside the institution in order to demonstrate to the public at large, for whom the Commission represents, that they are ready and willing to return to society, to maintain public safety and to not hurt others or themselves.

**Vice Chairman Vick** asked her philosophy on the criminal understanding of how to deal with the victim and whether the criminal was eligible for parole. He also asked what was the role of restitution as part of the process. **Dr. Bostaph** said that for persons to stand before family, a board or other body and say that they truly understand that what they did was wrong and that they are truly willing to change, their behavior could then move beyond their offence. **Vice Chairman Vick** asked if that was part of the formal process that the Commission uses. **Dr. Bostaph** said that one person was assigned to be primary and lead the questioning, then others may ask questions. Victims are also allowed to come to hearings and make statements.

**GUB APPT:**

**Anna Jane "Janie" Dressen** of Coeur d'Alene, Idaho was appointed to the Commission on Pardons and Parole to serve a term commencing January 1, 2013 and expiring January 1, 2016. **Ms. Dressen** said she was an Idaho native from Moscow. She moved to Boise in 1988 and was hired into the Warden's office in the Idaho Department of Correction. She moved to North Idaho in 1992 and was appointed to the Commission in 1997. She enjoys the job although the work is hard and sometimes disturbing. She commended the Director, Olivia Craven and the good work she has done. **Senator Werk** asked about the Office of Performance Evaluations (OPE) and their reports that data was not provided in a timely manner. He asked if she had any experience in working through those issues in the agency. **Ms. Dressen** said they had excellent information furnished to the Commission. **Senator Werk** asked if during her time on the Commission she engaged with the Director and staff in trying to address concerns about operations in the office. **Ms. Dressen** said if there was any problem with information that is received, they speak to Ms. Craven about getting those issues fixed. As a result, the mental health evaluations were being redeveloped to be more concise and provide the information the Commission needs.

**GUB APPT:**

**Mike H. Matthews** of Declo, Idaho was appointed to the Commission of Pardons and Parole to serve a term commencing January 1, 2013 and expiring January 1, 2016. **Mr. Matthews** said this would be his fourth appointment and noted it had been a privilege to serve. He said there was never a dull moment and while it may be the same information, it was still different. He first thought all offenders could be fixed, but that was not always the case. **Senator Davis** asked if during his service time had he been shortchanged in information that was needed. **Mr. Matthews** replied no, and added that hearings had been stopped if necessary to get the information that was needed, but that did not happen often. **Senator Davis** asked what type of information was not available. **Mr. Matthews** said that mental health evaluations may not always be there, especially in the case of a sex offender who must have a sex offender risk assessment done before they can be considered for

parole and that information may not have gotten through the pipeline from the Department of Correction. **Senator Werk** asked if they worked with a check list to know that a packet is complete. **Mr. Matthews** said there was not a check list, but the hearing officers spend an immense amount of time organizing files with input from us on how the files are best read by us. There is a sequence of items including criminal history, synopsis of the crime, educational background, familial background, mental health background, and various professional assessments and any other relevant material for that particular inmate. He said they would also have information on behavior within the institution, the classes, the pathways the individual has taken, their parole plan and the interview summary with the hearing officer. **Senator Lakey** asked about the success he has seen over time. **Mr. Matthews** said they were dealing with human beings and human beings do not always make good choices, but he has seen some real changes in the process. He believed they have made progress because of the programs that have been added.

**Chairman Lodge** said the committee would be voting on these three appointments on Friday, February 15, 2013. She said that on Wednesday, the meeting would consist of a tour of the prison, run by Correction Corporation of America (CCA). She noted that vans would be in front of the Capitol at 12:00 p.m., and box lunches would be provided at the prison. She suggested that it would be an interesting tour and to let her know if they would be attending.

**ADJOURNED:** There being no further business, **Chairman Lodge** adjourned the meeting at 2:57 p.m.

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Senator Lodge  
Chairman

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Leigh Hinds  
Secretary