

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, January 31, 2018

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: Chelsea Newman, Bree C. Shoup, Jason Stone, Steven Jett, Karen Skow, IDJC; Christina Iverson, ICJC; Henry Atencio, IDOC/ICJC; Sharon Harrigfeld, IDJC/ICJC; Sandy Jones, Parole Commission/ICJC; Jesse Taylor, ABC; Dennis Stevenson, Rules Coordinator; Holly Koole, IPAA

Chairman Luker called the meeting to order at 1:31 p.m.

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the January 23, 2018, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the January 25, 2018, meeting. **Motion carried by voice vote.**

RS 25809: **Rep. Erpelding** presented **RS 25809**, which extends the period of time an unpaid wage claim can be made to twelve (12) months.

MOTION: **Rep. Malek** made a motion to introduce **RS 25809** with the following change: in paragraph five, line two of the Statement of Purpose, the November date should read "2017". **Motion carried by voice vote.**

**DOCKET NO.
11-1101-1701:** **Dennis Stevenson**, Administrative Rules Coordinator, Office of the Administrative Rules readdressed Section 064.05 by stating the Peace Officer Standards and Training Council (POST) intends to come back next year with language that includes the "before God" reference as well as the words, "with sincere and unfaltering commitment" to provide candidates a choice when attesting to the Code of Ethics/Standards of Conduct. He also explained there was an erroneous text change in Section 201.01(d). Therefore, the Committee was asked to approve the entire Docket, with the exception of Sections 064.05 and 201.01(d). By doing so, this will retain the language in both sections as currently written. In response to questions from the Committee, Mr. Stevenson said POST consulted with legal counsel about using both references in Section 064.05 and they are fine with this alternative.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 11-1101-1701**, with the exception of **Section 064.05** and **Section 201.01(d)**. **Motion carried by voice vote.** **Rep. Wintrow** requested she be recorded as voting **NAY**.

**DOCKET NO.
05-0102-1701:**

Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections (IDJC), with support from **Steven Jett**, Director of the Southwest Juvenile Facility, Idaho Department of Juvenile Corrections presented the Docket. Changes include clarifying definitions and Ms. Harrigfeld stated the Senate approved the Docket, with the exception of Section 010.37, which defines what constitutes a "Pat Search." It was explained that if this Section is rejected, the current definition will remain as is. Regardless, IDJC intends to come back next year to define this more clearly. The Docket also includes changes to update procedures; combine or reorganize sections; and rename section titles to clarify each section's content and remove some redundancies. The Docket also adds law enforcement officers to the list of individuals who may confidentially interview offenders. Following questions from the Committee, Ms. Harrigfeld stated private one-on-one interviews with certain individuals are still allowed, but recorded video/visual is available.

MOTION:

Rep. Kerby made a motion to approve **Docket No. 05-0102-1701**, with the exception of **Section 010.37. Motion carried by voice vote.**

Sharon Harrigfeld, Director and **Jason Stone**, Community, Operations and Program Services Administrator, Idaho Department of Juvenile Corrections (IDJC) provided an update for the agency. IDJC represents more than 400 employees, and the agency's results are dependent on successful relationships with judiciary, counties, education, families and private providers. Their goal is to keep youth in their communities and out of the IDJC system, which is being accomplished with a variety of programs. The Substance Use Disorder System is being used effectively to provide timely screening, professional level assessment, treatment and recovery support services for youth with substance use disorders. It is significantly less expensive to intervene and educate/treat for drug and alcohol issues within the community (\$2,998 per youth), before it reaches a critical point, requiring commitment to a facility (\$102,000 per youth). Last year, 791 youth were served through the Substance Use Disorder System. Young people are coming into the IDJC with more complex issues. Nearly 60% have complex mental health needs. IDJC is getting better at identifying trauma and is training direct care staff with "Think Trauma" curriculum to improve outcomes. Education and training are an important aspect of IDJC care. Most come into the system several years behind academically, but are much improved by the time they leave. Many leave with GEDs, or certifications and job training skills that help them become productive citizens. Family and environment are critical to supporting youth. IDJC works to provide families with support tools such as video conferencing to maintain ties and communication. Families are also involved in "family group decision making". This fosters collaboration and leadership from within the family. This all significantly improves a young person's ability to transition back into the community. Following questions from the Committee, Mr. Stone said their goal is to challenge youth enough to change their thinking, so they don't get hooked back into the behaviors that got them into custody in the first place. He explained the Counties will need to find funding for the 15 projects currently supported by the Millennium Fund, if the grant is not extended. The types of crimes most often committed are sex, battery and drug offenses. Ms. Harrigfeld clarified the staff uses many tools to evaluate youth to develop treatment plans, including a questionnaire to identify how much trauma youth have experienced prior to coming into custody.

Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections (IDJC) introduced the panel representing the Idaho Criminal Justice Commission (ICJC).

Sandy Jones, Executive Director, Idaho Pardons and Parole provided an overview of ICJC – a cross-functional group representing state, county and city government with the goal of creating constructive, meaningful outcomes within the criminal justice system. This is accomplished through relationship building, sharing of information, and talking about issues that foster better decision-making and recommendations for policy as a system.

Henry Atencio, Director, Idaho Department of Correction, provided an overview of the Commission's Strategic Plan and Goals. They include: combatting crime and protecting citizens through the establishment of subcommittees and creation of a dashboard that collects data on victims, offenders and community indicators. Other goals include: providing policy makers and criminal justice decision makers with accurate information; and promoting efficiency and effectiveness of the criminal justice system through presentations and training on trending topics.

Christina Iverson, Statewide Sentencing Alternative Manager, Idaho Supreme Court presented on the Pretrial Justice Program. This subcommittee is charged with examining current pretrial practices in Idaho by assessing the defendant and whether they are a danger to the community. The goal is to use a consistent tool for sharing information with judges prior to a defendant's first arraignment. There are 30 Idaho counties performing some level of pretrial functions and they vary, but they focus on standardizing the case management system and following the recommendations of the ICJC.

Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections (IDJC) provided an overview of the Mental Health and Substance Abuse subcommittee. This past year, the group looked at the ongoing statewide opioid epidemic. It also looked into mental health issues, which are complicated and reach across many agencies at the state, county and city level. A Mental Health Summit was held where a variety of topics were discussed including: more training via POST, transportation, phone applications, weighted blankets, Idaho Code changes and more. The report is available on the Idaho Association of Counties website. Ms. Harrigfeld also provided an update on the Research subcommittee. She noted the ICJC Dashboard was going live Feb. 1st. Data from all aspects of the criminal justice system will be available. Boise State University has also conducted a victim's survey and the Commission will consider the possibility of conducting it bi-annually.

Eric Fredericksen, State Appellate Public Defender, Appellate Public Defender's Office provided an update on the Human Trafficking subcommittee. He discussed a report card completed in 2016 by Sharing Hope International. The report card assessed various aspects of Idaho's criminal justice system as it relates to Human Trafficking. It is a national organization and has done this for many states across the country. While some of the scores were less favorable, a few of those scores are not accurate. In response to questions from the Committee, Mr. Fredericksen explained the report card is important because it provides a starting assessment tool with valuable information and shouldn't be overlooked, even though some of the data is not accurate. He said Idaho does not have a lot of specific statistics on human trafficking, but it is of growing importance. The Commission has made several recommendations on this matter, including instituting POST training so human trafficking can be better identified, as well as code changes so offenders can be more effectively prosecuted.

Eric Fredericksen, State Appellate Public Defender, Appellate Public Defender's Office closed out the session with an update on the Criminal Law Review subcommittee. Statutes have been reviewed, and proposed changes have been recommended to address: forcible penetration by use of foreign object, sexual battery and aggravated sexual battery.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:24 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary