

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Thursday, January 23, 2014

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Malek, Packer, Trujillo, McDonald, Burgoyne, Meline, Ringo

**ABSENT/  
EXCUSED:** Representative Dayley

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Wills** called the meeting to order at 1:28 PM.

**Chairman Wills** and **Patti Tobias**, Administrative Director of the Courts, welcomed to the committee all the Idaho District Judges who are in town for their annual education conference. This is the first time the germane committee has been honored by the presence of all 45 Idaho District Judges.

**Hon. John Stegner**, Administrative District Judge of Idaho's Second Judicial District, served on the subcommittee for the Criminal Justice Commission which looked at public defense reform. Judge Stegner presented his observations from the committee and his home district. He reported on the lack of coordination of public defenders in the state. There is a disparity of power in how public defense is administered. The prosecutors have the Attorney General who is ready to assist in specialization when needed, whereas public defenders do not have similar coordination when the needs arise. Because the status quo allows for the lowest bidder for the job, the least expensive, not necessarily the most experienced individuals fill these posts.

**Hon. Stephen Dunn**, Administrative District Judge of Idaho's Sixth Judicial District, spoke on the Advancing Justice Initiative: how to resolve all cases in the Idaho Courts in a timely and efficient manner. He highlighted a question that is fairly and appropriately asked by many when it comes to litigation in civil or criminal areas. "Why does it take so long and cost so much?" In order to answer this question, the courts have undertaken a multi-year project called the Advancing Justice Initiative. While still protecting civil rights and procedural fairness, this initiative is determining where the problems lie and how to make the process more efficient, effective, and economical. This effort has a variety of components including case time standards and case management plans. Computer systems must also be in place so different occurring case events can be tracked, challenges can be identified, and the process can be more efficient and effective. Idaho is on the cusp of what is happening across the nation. People are looking to Idaho to see how we are approaching this and the support of the legislature is needed for this to move forward.

**Hon. Thomas Ryan**, Administrative District Judge of Idaho's Third Judicial District and a member of the Idaho Judicial Council, presented on District Judge recruitment. Judge Ryan explained the Idaho Judicial Council is responsible not only for the disciplining but also the recruitment of the judges. There is a problem recruiting enough candidates for each appointment and there needs to be an understanding of why this is happening. This problem is cause for concern, although, thus far the positions have been filled with qualified applicants. Judge Ryan stated there are a number of reasons for this shortage; it is agreed the number one deterrent for attracting applicants is the low rate of compensation. In addition, judges are required to live in the county in which they are retained, which makes the pool of candidates even smaller. In the next five years, more than half of judges will be up for retirement. He said, without changes, the number of qualified applicants for these positions may not be forthcoming. This is a grave concern for the future of our citizens.

**Hon. Timothy Hansen**, Administrative District Judge of Idaho's Fourth Judicial District and presiding judge for the Ada County Veterans Treatment Court, presented on Problem Solving Courts with an emphasis on Veterans Treatment Courts. Judge Hansen focused on several key points. Problem Solving Courts are based on a collaborative effort including judges, prosecutors, defense attorneys, staff, treatment providers, probation officers, and members of the county jail staff. Veteran courts also include the assistance of representatives from the Department of Veterans Affairs, Idaho Division of Veteran Services, and Vet Centers. He said the goal of Problem Solving Courts is to reduce recidivism specifically by helping defendants deal with issues such as substance use disorders or mental health issues. Participants need to work their way successfully through several phases, maintain their sobriety, obtain treatment, housing, and employment where appropriate, establish relationships with family and give back to their community. Judge Hansen stated, participants receive a reward or positive reinforcement for good behavior and negative reinforcement for bad. The work for the participants is hard but well worth the effort. Veteran Treatment Courts, available in Canyon, Ada, Bannock, and Nez Pierce Counties, were established when it was noted most veterans had no criminal history before serving in the military. It appeared their service either led to mental health issues or substance abuse issues. There are 67 Problem Solving Courts throughout Idaho.

**Hon. Richard Bevan**, Administrative District Judge of Idaho's Fifth Judicial District, spoke on Problem Solving Courts with an emphasis on Mental Health Courts. He explained there are 11 Mental Health Courts across the state and one for juveniles. Idaho has become a national model for the development of Mental Health Courts, particularly for rural jurisdictions. These courts demonstrate the effectiveness of using an assertive community treatment team and evidence based treatment practices in probation supervision for those with mental illness, thereby reducing their potential for recidivism. He stated, the key to Mental Health Courts is not only helping those individuals with a significant background in criminal related problems and substance abuse disorders, but also primarily mental health conditions. He said trying to help those with co-occurring problems is challenging, but for those in the program, the money and effort spent has made amazing and significant strides.

**Hon. Lansing Haynes**, Administrative District Judge of Idaho's First Judicial District, spoke on the Justice Reinvestment Initiative. The Justice Reinvestment Initiative is the result of a collaboration of Idaho's three branches of government in conjunction with the Council of State Government's Justice Center. It is a data driven analysis of the Justice System to determine more efficient ways to utilize the public's money to better address the needs of public protection and rehabilitation. Because of a lack of resources for treatment programs, even though someone is a good candidate for probation, the sentencing court may place them in a penitentiary. The Justice Reinvestment Initiative data analysis seems to suggest that early initiative and treatment of an individual along with closely monitored supervision and a quick response to problems has the best chance of that person not becoming a recidivist.

**Hon. Jon Shindurling**, Administrative District Judge of Idaho's Seventh Judicial District, spoke on the Justice Reinvestment Initiative, including replication of the "Wood Court". He explained as a dual diagnosis court, the "Wood Court" was developed to assist the group of offenders that fell between what the justice system was doing in the drug courts and in the mental health courts. The "Wood Court" was a pilot project which explored different ways of addressing the issues and implemented new treatment modalities and innovative ways of working with offenders. An offender starts in an inpatient program through the work release center. The program stabilizes the offender medically, physically, and in terms of employment. This unique program is being looked at nationwide. Judge Shindurling thanked the committee for allowing this experiment to happen. Within the next year or two, there will be some interesting developments of this type in other parts of the state.

**Judge Shindurling** explained the felony sentencing committee has had many meetings with the Council of State Governments about the initiative. He said the plan addresses the development of probation by increasing training and resources. It works to regularize the treatment of probationers and parolees who are having difficulties. Judge Shindurling reported the rider program has been in place for several years. This valuable program is an intensive treatment modality best used to maximize the ability to keep people in the community and work with them to change behaviors without prison terms.

**Rep. Wills** congratulated **Rep. Wood (35)** who initiated the successful "Wood Court" solution in eastern Idaho. He encouraged the members of the committee to attend judicial proceedings in their areas.

In response to questions, the Administrative Judges reiterated that the Justice Reinvestment Initiative proposes a number of efforts to help reinvest dollars at the beginning of the offenders journey through the justice system. Each one of the options is determined by the individual needs of the offender. Discussion ensued on length of sentencing for prison terms and probation. Judges may sentence offenders to prison until their treatment program is completed. Because of the lack of resources, it sometimes takes longer than what was originally intended. The rider program is an alternative to prison, not to probation. It allows for further evaluation and treatment so when offenders come out of the program, the judge can review their case. The Administrative Judges concurred that society is, in effect, using the justice system to deal with the mentally ill. Crisis centers would be a benefit by giving the police a place to bring someone who is having a psychotic break. These individuals are not criminals; they are mentally ill. After two years of working on this, there is broad support for the centers which will be used for short stays to defuse crises. Currently the choice is either an emergency room or a jail.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the Dayley subcommittee meeting of January 13, 2014. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:46 PM.

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Representative Wills  
Chair

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Francoise Cleveland  
Secretary