

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Monday, January 25, 2016

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

**PLACE:** Room EW42

**MEMBERS:** Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow

**ABSENT/  
EXCUSED:** None

**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 Library.

**Chairman Wills** called the meeting to order at 1:30 PM.

**Judge Barry Wood** provided an overview of the day's presentation. Idaho's judicial system contains the appellate and trial courts. The appellate courts are comprised of the supreme court justices and the court of appeals chief judges. The trial courts are comprised of the district courts comprised of 45 judges, many of whom attended this meeting, and 91 magistrate judges.

**Administrative District Judge Lansing Haynes** presented an update on the Justice Reinvestment Initiative (JRI) and the felony sentencing committee. JRI is in the implementation stage and has had the Matrix in place for 6 months, it is working well. The Matrix is responses for probation violations and governs both rewards and sanctions for those persons who are on probation. Matrix responses are set based on the severity of the sentence, the LSRI score, the level of services inventoried, the type of interventions needed, and the severity of the sanction. The Matrix is vital to a streamlined process of sentencing and sanctions across the state. A goal of JRI is to lower the case load of Idaho's probation officers because the fewer cases they have to supervise, the more intensive their supervision can be. Across the state, the case load for each officer is nearing 70 cases, which is the targeted case load. The Felony Sentencing Committee has been reworking the Retain Jurisdiction Program (RIDER). Department of Corrections (DOC) performed a self analysis of the RIDER program and has chosen to adopt new programing for substance abuse treatment, sex offender treatment, and anger management treatment. A second DOC undertaking is also providing the judicial branch with needed tools for offenders. The program, once completed, will establish residential treatment facilities in the local communities.

**Administrative District Judge Jeff Brudie** updated the committee on the judicial excellence and education program. New judges will go through a program including a multi day training program in state, a two week general jurisdiction training at the University of Nevada and mentor judge is made available who will mentor the new judge on an individual level. Once their training is complete, there is very little feedback provided to these judges. In 2000, the Idaho Judicial Council established a voluntary program to provide the needed feedback. However, due to lack of participation the Idaho Supreme Court established a committee in 2013 who reviewed the evaluation process. Their recommendation is to establish a mandatory program, requiring full participation, and operated by the Administrative Office of the Courts.

**Administrative District Judge Bradley Ford** updated the committee regarding Idaho's drug courts and mental health courts. In 2015, Idaho problem solving courts served 2,590 participants, which represents a 14% growth of participation in problem solving courts since 2012. Idaho adult felony court participants have a combined recidivism and program failure rate 12% lower than felony offenders who participated in the retained jurisdiction program, and 15% lower than participants who were on traditional probation. Addressing crime with problem solving courts saves tax payer money and provides an effective community based sentencing alternative. The program results in additional cost savings because graduates reintegrate into their communities, become responsible citizens, work and contribute to the tax base, and take care of their children and their families. Idaho's problem solving courts continue to evolve to better serve the needs of their participants. The statewide Drug Court Coordinating Committee established a peer review process of each court and provides feedback on compliance and what can be done to improve their provision of services. The problem solving courts are successful because they single out higher risk and higher need participants who need individualized treatment and intense supervision. The courts have improved their assessment and screening process to include participants affected by trauma, PTSD, and mental health.

In response to a question from the committee, **Judge Ford** explained magistrate judges are appointed pro tem to preside over felony and misdemeanor problem solving courts. A judge who works in a problem solving court is doing so on a volunteer basis and magistrate judges who do so, provide a brief reprieve for another judge. Rotating judges has been very effective.

**Administrative District Judge Timothy Hansen** presented an update on the Statewide Veterans Treatment Court. Veterans Treatment Court is not intended for offenders with low criminogenic risk of recidivism. Veterans Treatment Court is intended for offenders with a moderate-high to high risk of recidivism and high level of criminogenic needs. Offenders with a felony offense who are at risk of incarceration are given priority for admission. Treatment includes four progressive phases. Phase 1 focuses on orientation, stabilization and initial engagement. Phase 2 focuses on the provision of treatment. Phase three focuses on transition to engaging the community and phase four focuses on maintenance of recovery and coping skills. Phases one through three require a minimum of nine months and the minimum for phase four is three months. Participants in phases one and two must regularly appear before the judge in court at least twice a month or more frequently if the participant is not in compliance with the requirements. The Veterans Treatment Court team includes the participation of the judge, prosecutor, defense counsel, probation/community supervision officer, treatment provider, law enforcement representative, mentor coordinator, and Veteran Justice Outreach Specialist/Coordinator. Graduation criteria includes successful completion of all recommended treatment, completion of the chosen cognitive restructuring program, six months of continuous abstinence from alcohol or other drugs immediately preceding graduation, maintenance of responsible vocational, educational, housing and financial status for a reasonable period of time, demonstrated effective use of a community-based recovery support system and an acceptable long term recovery plan. The average years of alcohol or substance abuse before joining the program is 26.96 years. (see attachment 1 and 2).

**Administrative District Judge Richard Bevan** presented an update on the Twin Falls County Odyssey and E-filing pilot project. iCourt is a comprehensive, unified solution to case management, supervision, judicial workbench, financial management, public portal access, electronic payments, electronic filing and service, electronic document management and user-friendly reporting. The pilot project went live in Twin Falls County in June 2015. Twin Falls County was proud to have served as the pilot court for adoption of the Odyssey system, including the recent addition of e-filing. This project is a solution that provides the courts, attorneys, and the public with better access and a streamlined approach to the court system from virtually anywhere. Odyssey is an excellent program, designed with today's electronic world in mind. Within the first three days of Odyssey going live in January 2016 there were 2,560 filings submitted and 55 firms registered.

**Administrative District Judge Stephen Dunn** updated the committee regarding progress made on statewide and district case flow management plans. Idaho Judiciary has, since 2011, diligently implemented time standards, case flow management plans and rule changes which will secure the just, speedy and inexpensive determination of every action and proceeding. Substantial progress continues to be made in drafting and implementing case management plans which will bring more uniformity, consistency, and efficiency when processing cases in Idaho. Case flow management plans are a series of ideas and best practices that judges and attorneys can follow on a consistent basis to process the case. Felony case management plans in all districts have either been approved by the Idaho Supreme Court or are in the final stages of approval. Substantial work will be completed this year on case management plans in misdemeanor, family and child protection cases. The work on case management plans for civil cases will begin within the first part of this year and it is the intent to have them finished this year as well. Rule changes which enhance the process of effective case management have either been implemented, or are being considered for implementation. Efforts have included the input of all partners in the judicial system, including judges, attorneys, law enforcement, clerks and court administrators. Idaho has had requests from other states seeking to implement the same processes into their states.

**Administrative District Judge Darren Simpson** updated the committee on the Wood Court pilot projects and the North Idaho and East Idaho crisis centers. Wood Court is another type of phase based, problem solving court, named after former representative, **JoAn Wood**. Wood Court is unique because unlike other drug courts, Wood Court deals with dual diagnoses offenders who have been diagnosed with substance abuse and mental health issues. Wood Court treatment begins in custody and participants are gradually phased out and into the community. **Judge Dunn** presides over the newest Wood Court in Bannock County, which began in January of 2015 and has 42 participants. **Judge Watkins** presides over the second of the two Wood Courts in Bonneville County which has been in operation for eight years and has 62 participants. The Wood Court program is an eighteen month term and to-date the Wood Court has had 523 participants. There are two crisis centers operating in Idaho, the Northern Idaho Crisis Center in Kootenai County and the Eastern Idaho Crisis Center in Idaho Falls. The Northern Idaho Crisis Center opened in December 2015 and has 137 clients, 101 of whom are self referrals. The Eastern Idaho Crisis Center opened in December 2014 and approximately half of their clients are homeless. (See attachment 3).

In response to a question from the committee, **Judge Simpson** clarified the Crisis Center budget is \$1.5 million for each center for a two year period.

In response to a question from the committee, **Judge Bevan** explained pro se individuals may use kiosks or work with the clerks to file their papers. The clerks will assist them and scan the documents into the system for them.

In response to a question from the committee, **Judge Wood**, stated the concern from members of the bar regarding third party end user agreements when signing electronically in the e-filing process, are being resolved. The e-filing rule is being reviewed in response to handling damages and how any future glitches will be handled.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:48 PM.

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Representative Wills  
Chair

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Katie Butcher  
Secretary