

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 18, 2017

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Davis, Hagedorn, Anthon, Agenbroad, Foreman, Burgoyne, and Nye

ABSENT/ EXCUSED: None

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 Senate Judiciary and Rules Committee (Committee) meeting to order at 1:32 p.m.

PRESENTATION: **Juvenile Justice in Idaho. Sharon Harrigfeld**, Director, Idaho Department of Juvenile Corrections (IDJC), expressed appreciation for Committee support over the years. **Director Harrigfeld** shared the mission of the IDJC: "Developing productive citizens in partnership with communities through juvenile crime prevention, education, rehabilitation and reintegration."

Director Harrigfeld noted that the IDJC operates with a bifurcated system requiring the state, counties, judiciary, and community stakeholders to cooperate. This system has been effective as shown by the decline in juvenile arrests, bookings, and commitments to state custody.

Director Harrigfeld explained that as juveniles move through the justice process there are a number of steps taking them from incorrigible or illegal behavior to incarceration or release. In addressing the issues of the juveniles, proven interventions are used. Each young person can be diverted from the system at any point.

Director Harrigfeld indicated that continual focus is placed on community incentive programs as most communities want to keep the juveniles local rather than having them committed to state facilities. Evidence-based programs they have used support this approach, producing a 93 percent successful completion rate for the 457 juveniles served. She reported that the cost of the community based program was \$655,000 or \$1,500 per youth (see attachment 1, page 2).

For those juveniles who are committed to a facility, efforts are made to ensure accountability from the juvenile and to reduce recidivism. **Director Harrigfeld** stated that evidence-based risk and needs assessments are used to ensure that the juveniles are put in the right placement for the right amount of time. Programs used include positive peer culture (St. Anthony program), dialectical behavioral therapy (Nampa facility), and social learning (Lewiston facility.) **Director Harrigfeld** advised that the residence of the juvenile is also considered in order to provide as much family engagement as possible, as research has shown that family engagement increases a young person's likelihood of success. To help provide this engagement, the IDJC is considering technology that will allow video conferencing between the juvenile and his/her family when a young person is placed in a facility distant from home.

Director Harrigfeld related that when young people are taken out of their home and put in placement, they lose some adolescent development. They may lose a sense of responsibility, temperance, the ability to look to the future, and to have hope. The IDJC provides the juveniles with skills through community service projects and through training to give them ways to give back to the community. In the past year, the young people in the three facilities performed 32,193 hours of community service by working at the food bank, building fences, and helping with the American Dog Derby.

Director Harrigfeld emphasized the need for an education program for the juveniles in placement facilities. She pointed out that 44 percent of the juveniles coming into the facilities are special education students. Of all juveniles in the facilities 42 percent earned a GED, 24 percent earned high school diplomas, 42 percent earned workforce certificates, and 17 percent earned college credits (see attachment 1, page 5). They also showed significant increases in academic scores. A major goal of the IDJC is to ensure that when young people leave the facility, they have enough skills to have a livable wage. Work certificates students can earn are OSHA, food handlers, first aid, CPR, salon prep, and flagger. The IDJC has its own school district and is a part of a consortium made up of 21 entities nationwide. Idaho consistently ranks 1st or 2nd in this consortium.

As **Director Harrigfeld** discussed the Substance Use Disorder System and thanked the legislators for the change in funding made previously which has provided treatment at the local level. She shared the fund usage for the Substance Use Disorder System (see attachment 1). At this time it costs around \$2,600 for a young person to get substance abuse treatment. If the young person is committed to IDJC, the cost is \$102,000.

Director Harrigfeld identified the staff as the most important resource of the IDJC. Work is ongoing to find ways to recruit and retain staff, and to meet the needs of the staff. She advised that one goal is to have the turnover rate of the IDJC lower than the State turnover rate. **Director Harrigford** announced that the IDJC accomplished that goal this quarter. An employment engagement survey showed that employees' understanding of the mission, morale, understanding of the values, and communication have improved over the past year. A "stay" survey was also instituted, providing information disclosing the positive and negative feelings of employees toward their jobs. Staff development opportunities have also been added. **Director Harrigfeld** reported that the IDJC invested salary savings for the safety and security officers and for the rehabilitation technicians, improving attraction to positions, and improving retention. She cited several other initiatives to support employees (see attachment 1, page 7). These efforts will help to have the right people to meet the challenge of working with adolescents who are in IDJC and their special needs..

Senator Burgoyne asked for clarification regarding the difference in costs as related to substance abuse treatment, whether done at the community level or through one of the state level institutions. **Director Harrigfeld** replied that a young person committed to the state in substance abuse treatment is there for 15 to 19 months. In the community the treatment is out-patient treatment. If they are in residential treatment it is approximately three months. **Senator Burgoyne** inquired if the juveniles are "with the state", does that mean they have been sentenced or committed to the custody of the IDJC. **Director Harrigford** affirmed Senator Burgoyne's understanding. **Senator Burgoyne** asked if the difference in price was for the cost of the substance abuse treatment, or for the total cost of incarceration versus the cost of treatment in a stay-at-home situation. **Director Harrigfeld** affirmed that it was the total cost of commitment to the state.

Senator Hagedorn asked if the IDJC is tracking the rate of recidivism for residential treatment and for treatment within a facility. He stated that he understood the rate to be 30 percent for facility placement, but asked what the rate is for residential treatments. **Director Harrigfeld** explained that they did not have that information at this time, but they are in the process of collecting it and will provide the Committee with that information when it is available.

Senator Lee thanked Director Harrigfeld for her work. She requested information regarding the number of juveniles who come from foster care or leave the IDJC program moving into foster care. **Senator Lee** acknowledged that there are difficulties getting that information. She inquired if there is a possibility of asking additional questions on an in-take form regarding the connections existing between foster care issues and juvenile correction. **Director Harrigfeld** responded that the IDJC is part of a multi-systems interagency committee that is considering this concern. She indicated that examining six cases involving cross-over juveniles who were involved with mental health, child protection, and IDJC resulted in beginning the process of developing a method to share data.

Chairman Lodge requested information regarding the number of juveniles who leave the facility and go into college classes or directly into dorm life. **Director Harrigfeld** replied that she will submit that information to the Committee.

Chairman Lodge inquired if there are any statistics regarding juveniles who have been in the Idaho system and then enter the Idaho Department of Correction. **Harrigfeld** advised that those statistics have not been determined. She indicated that she would work with Director Henry Atencio to ascertain that information and submit it to the Committee.

Chairman Lodge emphasized that Director Harrigfeld's door is always open, and that she will provide answers to Committee members' questions. She encouraged the Committee members to become more familiar with IDJC and their efforts to end juveniles' involvement in crime so they can reach their full potential. She identified several positive changes Director Harrigfeld has implemented improving potential success for these young people. **Director Harrigfeld** reiterated that her door is always open, as well as the doors of all of the IDJC facilities.

PRESENTATION: Idaho Criminal Justice Commission. **Chairman Lodge** welcomed Sharon Harrigfeld, and thanked Sarah Thomas for helping Sharon to transition into the chairmanship of the Idaho Criminal Justice Commission (Commission). **Chairman Lodge** mentioned that she, along with Senator Burgoyne and two Representatives, serve on the Commission.

Sharon Harrigfeld, Chair of the Commission, expressed appreciation to former Chairman Sarah Thomas for her mentorship. **Ms. Harrigfeld** reported that the Commission was established in 2005. She introduced Sarah Thomas from the Idaho Courts; Eric Frederickson, State Appellate Public Defender; Director Henry Atencio, Department of Correction; and Director Sandy Jones, Pardons and Parole. She indicated that if there are any questions, these people will help answer them.

Ms. Harrigfeld explained that the Commission begins each meeting with discussing the vision, mission, and values of the Commission (see attachment 2). She quoted Judge Owen, "It's the commitment of the members to improve the system by sharing different perspectives." She assured the Committee that 23 people representing 3 branches of government will provide a number of different perspectives. **Ms. Harrigfeld** referenced Executive Order 2015-10 as it expresses the need to ensure the best interest of the citizens of the State by promoting efficiency and effectiveness of the criminal justice system, and to encourage dialogue among the branches of government. She recognized Senator Nye who was on the Commission at the time as discussing the value of the relationships among the members of the group, and pointed out that Director Richard Armstrong, Department of Health and Welfare, stressed the importance of sitting down and developing constructive and meaningful outcomes. She emphasized that the Commission promotes efficiency and effectiveness throughout the continuum of care in criminal justice.

Ms. Harrigfeld shared an outline of the representatives from each of the three branches of government as well as other stakeholders (see attachment 2). She remarked that the Commission has been informed regarding the progress of the Public Defense Commission, the settlement agreement with the Jeff D. lawsuit, and an update on the Sex Offender Management Board. The Commission also receives information concerning policies from other states. These resources assist the Commission in developing best-practice policies which include rigorous research.

Sarah Thomas, Administrative Director of the Idaho Courts, gave an overview of the three-year strategic plan of the Commission. She explained that the plan recognizes that combating crime and protecting citizens from criminal acts are of vital concern to the government. **Ms. Thomas** related that for every issue there is a goal. She identified three issues: 1) combating crime and protecting citizens; 2) providing policy makers and criminal justice decision makers with accurate information; and 3) promoting efficiency and effectiveness of the criminal justice system. She also identified the goals and objectives for each issue (see attachment 2). **Ms. Thomas** discussed information available on the Commission's website and recommended that those interested visit that site. **Ms. Thomas** identified the subcommittees associated with the Commission (see attachment 2).

Eric Fredericksen, State Appellate Public Defender, discussed the work of the subcommittees. He explained that the members of the subcommittees are selected by the Chair of the Commission. Membership is made up of practitioners who have the background and knowledge to address the issues of their respective committees. **Mr. Fredericksen** described the work of the Criminal Law Review Subcommittee as being a review of the sex offenses throughout the State of Idaho. This committee identifies what needs to be changed or added to those offenses. He referred to the Mental Health Subcommittee stating that it addresses issues related to mental health and their connections with the criminal justice system. **Mr. Fredericksen** asserted that the value of the Commission is evident, encompassing the legislative recommendations and the commitment of those who participate. Those who serve on the Commission, while focusing on their own entities, work with their colleagues for the ultimate goal of a safer Idaho.

Senator Lodge related that Mr. Fredericksen has also worked on other committees regarding the children of incarcerated parents and gang strategies.

Senator Burgoyne commented that serving on the Commission has been an eye-opening experience. He stated that the Commission is made up of very busy people who are comfortable with making decisions on the basis of evidence and facts. He extended his appreciation for this approach. **Senator Burgoyne** also expressed appreciation for the procedure of opening each meeting with a statement of vision and mission, establishing these as the focus of the work of the Commission. He observed that there is a uniformity about methodology—how to approach, analyze, deal with, and work on problems. Procedural things do not get in the way. **Senator Burgoyne** indicated that there is a lot to learn from the Commission for use in other areas of government.

Senator Nye asserted that the Commission is an exceptional committee. He pointed out that there are decision leaders from Health and Welfare, Public Defense, the Prosecutors Association, and Judicial Association. There are great speakers, eg. presenters from the Federal Bureau of Investigation. He stated that serving on this Commission has been a pleasure.

Chairman Lodge affirmed that presentations brought to the Commission are some of the best and most informative that she has ever listened to. She thanked the presenters for their work.

RS 24818 **Regarding Open Meeting Law. Sharon Harrigfeld**, Director, Department of Juvenile Corrections (Department), stated that this amendment will provide for correct citation of the Idaho Code for open meetings law and will change the "open meeting law" from singular to plural.

MOTION: **Senator Davis** moved to send **RS 24818** to print. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

RS 24819 **Regarding notification of the release of a juvenile. Sharon Harrigfeld**, Director, Department of Juvenile Corrections (Department), advised that this amendment is necessary to ensure listed parties are notified when the Department is considering the release of a juvenile, and again on the day of the juvenile's actual release. She added that this change in language will reflect a common practice that is already in place. She noted that notification given when the Department is considering the release, while helpful, is not as informative as notification at the actual time of release.

MOTION: **Senator Burgoyne** moved to send **RS 24819** to print. **Senator Lee** seconded the motion.

Senator Davis explained concern with the language of the change. A discussion ensued with **Senator Lee** suggesting including "and also at the time" of the juvenile's actual release. **Director Harrigfeld** agreed with that suggestion. **Senator Burgoyne** inquired if Director Harrigfeld would prefer the Committee vote on the legislation as is, or if she would like to have it back to change the wording. **Director Harrigfeld** replied that the Department's intent is to have the legislation match the practice. **Senator Nye** called for the question.

The Motion passed by **voice vote**.

RS 24860 **Regarding uniformity when charging juveniles for possession of marijuana. Sharon Harrigfeld**, Director, Department of Juvenile Corrections, explained that this amendment is necessary to allow uniformity when charging juveniles for possession of marijuana, and will remove any confusion about what court has jurisdiction over juvenile possessors of marijuana. Two statutes, Idaho Code §§ 20-505 and 18-1502C conflict. This legislation eliminates unnecessary court appearances and transfers of cases, and is in keeping with the legislative intent of the Juvenile Corrections Act.

MOTION: **Senator Davis** moved to send **RS 24860** to print. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

Senator Hagedorn requested that research in code be done to assure there is no conflict.

Chairman Lodge thanked the presenters. She reminded the Committee that the Idaho Criminal Justice Commission meets the last Friday of the month in the ICRIMP building at the top of VISTA. Everyone is invited to attend the meeting.

Chairman Lodge pointed out that a silent roll call was taken.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:29 p.m.

Senator Lodge
Chair

Carol Cornwall
Secretary