

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, March 13, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, 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 Luker called the meeting to order at 1:31 P.M.

MOTION: **Rep. Gannon** made a motion to approve the minutes of February 9, 2017. **Motion carried by voice vote.**

MOTION: **Rep. Dayley** made a motion to approve the minutes of February 13, 2017. **Motion carried by voice vote.**

S 1113: **Sen. Lodge** presented **S 1113**, which is a clarification of the Justice Reinvestment Initiative (JRI). This legislation creates two more member positions for the Parole Commission; increases members' pay to \$300 a day when they are in hearings; requires decisions to be unanimous, otherwise the decision must go to the full board. The sanctions for violations shall include community service, increased reporting, curfew, and cognitive behavior treatment. The intent of this legislation is to focus on prison space for those who are most violent. The bill will create sufficient programs so that lack of programming is not the primary cause of lack of parole eligibility. As for fiscal impact, more offenders could be re-incarcerated, leading to more funds being needed.

Henry Atencio, Director, Idaho Department of Correction, was called on to answer questions on how often current risk assessments occur, and when. He said the Level of Service Inventory Revised assessment is used at the PSI level and then every 6 months while that person is on probation or parole. When the person is in the institution, the assessment is done prior to leaving. Director Atencio also spoke **in support** of **S 1113**, saying that it returns case-by-case discretion to parole commissioners, allowing them to look at each case individually.

Jan Bennetts, Ada County prosecuting attorney, testified **in support** of **S 1113**, saying this bill represents consensus legislation and places the safety of citizens and law enforcement as a top priority. The 2015 data on parole violations shows that 85% were for crimes putting public at risk. This bill puts discretion in the Parole Commission and parole/probation officers; the decision is not based only on the crime, but on the offender's entire background. The bill eliminates the 90/180-day sanction, which precluded the Parole Commission and officers from making some better decisions.

Chris Davis, Boise Police Department, Fraternal Order of Police. Last year he was involved in two different incidents where he was almost killed. These were committed by individuals who had gone through the JRI system and should have been in prison.

MOTION: **Rep. McDonald** made a motion to send **S 1113** to the floor with a **DO PASS** recommendation.

Those speaking **in support** were **John Evans**, Garden City, Association of Idaho Cities; **Scott Johnson**, Sheriffs Association; **Rick Allen**, Idaho Chiefs Association; and **Kevin Holtry**. They stated the bill helps citizens, makes the hearing process more efficient, allows for more individualized assessment, and, from an administrative and budget standpoint, would be advantageous.

In response to committee questions, **Sen. Lodge** stated the increase in board members to seven is so only two members are required to convene a meeting, thus decreasing the case loads of the members. Currently, members are hearing 25 hearings a day.

In response to questions, **Sandi Jones**, executive director of the Parole Commission, testified **in support of S 1113**. She said all are in agreement that the 90/180 sanctions are not working. By having a two-person committee more cases can be heard. In order to keep the board member positions part time the two-person meetings are necessary. They came to this conclusion by looking at other states and saw the two-panel option. In response to questions, Ms. Jones said the numerical makeup of the hearing panel was designed for expediency. The goal is to shorten hearing days, which will add days to the end of the calendar, but keep revocation days separate. The daily per diem raise is meant to offset the extra cost members absorb when preparing for hearings.

Ms. Bennett was called upon to answer questions from the committee about the financial cost. She responded by saying the dollar and human cost of current legislation is evident. There has been increased cost due to investigation, patrols, and prosecutions. It is hard to predict what the cost savings would be from the proposed legislation.

Director Atencio was called on to answer questions from the committee. He stated it is his responsibility to help the Parole Commission. This legislation gives members discretion on a case by case basis, thus allowing for more options. The Department of Correction is looking at possible options for the Commission such as community work centers or a parole violator tier; today the only option is to place a person back in prison.

In response to a question regarding the amount of access parolees have to mental health care and substance abuse monitoring, **Director Atencio** said the Joint Finance and Appropriations Committee did support Health and Welfare. \$5.7M will help parolees access critical mental health care, which will help the parolee population stabilize.

VOTE ON MOTION: **Chairman Luker** called for a vote on the motion to send **S 1113** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Luker** will sponsor the bill on the floor.

S 1083: **Michael Kane**, Sheriffs Association, presented **S 1083**, which puts emergency communications officer training requirements into place through the Peace Officer's Standards and Training Council (POST). This legislation allows for proper training to respond to emergencies.

In response to a question on training hours **Mr. Kane** said the legislation collapses the voluntary 80 training hours to a 40 hour training curriculum designed by the POST Council. Also, there will be a required continued training of 40 hours every two years.

Kevin Haight, ISP and PSAP, was called on to answer questions regarding the certification hours and levels. Currently POST does have voluntary standards and certification levels (1, 2, and 3); under this proposal, those levels would change to basic, intermediate, and advanced; dispatchers could attain these after accruing certain education hours.

In response to questions, **Mr. Kane** stated that after being hired, employees would have 18 months to become certified and properly trained. Dispatchers would have a field training officer overseeing them to assess their capability. Afterward, they would still answer to supervisors.

MOTION: **Rep. Wintrow** made a motion to send **S 1083** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Mr. Kane** said the bill is brought from the ground up. Training is not done at the city level because many do not have the capabilities; by collapsing training, it is cutting down on costs and increasing accessibility. Also, training can be done online. This bill sets up statewide standards, based on national levels; therefore, employees are able to move from one entity to another, as they move up in their career.

VOTE ON MOTION: **Chairman Luker** called for a vote on the motion to send **S 1083** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

S 1089: **Louis Marshall**, Bonner County prosecuting attorney, presented **S 1089**, which would make it easier for facility dogs to be used with child witnesses.

MOTION: **Rep. Gannon** made a motion to send **S 1089** to the floor with a **DO PASS** recommendation.

In response to a question regarding how the dogs are introduced to the children, **Mr. Marshall** said the victim witness coordinator asks if the child would like to see the dog. If the child says no, then the dog is not introduced or utilized. Mr. Marshall also clarified that the facility dogs can be used for both criminal and civil cases, though civil cases are limited. The statute is procedural and the judge will still have discretion over his or her courtroom.

VOTE ON MOTION: **Chairman Luker** called for a vote on the motion to send **S 1089** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

S 1092: **Sen. Davis** was unable to attend the meeting to present **S 1092**. In lieu of Sen. Davis's presentation of **S 1092**, **Rep. Zollinger** said he would speak to the bill.

MOTION: **Rep. Zollinger** made a motion to send **S 1092** to the floor with a **DO PASS** recommendation. He spoke to the bill as something that judges have supported to correct a problem. This legislation clarifies judgment renewal in regard to the recently changed loss of judgments time period of 10 years, which used to be five years. It is a proactive bill. **Motion carried by voice vote.** **Rep. Zollinger** will sponsor the bill on the floor.

Sara Thomas, Administrative Director of the Courts, was called on to clarify earlier statements on **S 1108**, which is a Judicial CEC bill. She stated judicial salaries are set in statutes. The only CEC judges would get is the one stated in **S 1108**.

Rakesh Moran, Director, Office of Performance Evaluation (OPE), presented a summary on OPE's Child Welfare System report. The report addresses the importance and need to build a bridge between the foster parents and social workers. This report is rich in context, as many were consulted. The report's result showed that a whole systems approach is needed. This can be accomplished through an oversight entity that allows for accountability and visibility, while giving a forum for stake holders to voice their comments.

Lance McCleve, Principal Evaluator, OPE, summarized the Child Welfare System report. The findings were inconsistent results and diminishing accountability in the system. It is not at a crisis level, but it is serious. The foster parent supply is approximately level with the need and there is not much surplus. Therefore, children are not placed in optimal situations. For social workers, an excessive workload has led to a lot of inconsistent behavior. The workload has also contributed to a culture where work is repeatedly pushed aside because of more demanding problems. A systems approach to child welfare is necessary; in any single child welfare case, there are multiple individuals and organizations involved. As a result, outcome accountability and collaboration are crucial, as is the need for a formal way of ensuring a visible hearing. Other states are experiencing similar issues. They have addressed accountability and child welfare as a system through developing oversight, particularly through establishing ongoing legislative committees. The OPE recommends in the report a standing entity to be an ongoing center for legislative intention.

In response to questions from the committee, **Mr. McCleve** stated that approximately 21 other states had legislative solutions in place for the child welfare system; other options were multi-disciplinary task forces, though the OPE saw very diverse options across the state. The reduction in foster parents is partly due to foster parents' experience with children and difficult situations or behavioral issues, as is the misplacement of children with the optimum family. There is also a societal, national shift of fewer foster parents. The models most considerate of having the authority to accomplish goals were the legislative models. Mr. McCleve said other agencies were active in making improvements and were cooperative. Changes were being made with recognition of other parts.

Mr. McCleve added that preventative measures in the report that might be worth looking into are the cost of the program, the local services provided to families, and the best interest of the child.

In response to questions on the inflow of the system, **Mr. McCleve** said the OPE did not look at the inflow rate in an evaluative manner, though the inflow rates have decreased some.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:31 P.M.

Representative Luker
Chair

Shelby Winkel
Secretary