Tab 5

Office of Performance Evaluations

Current Evaluation Projects

(Please double click to enlarge the document. You can then maneuver through the pages with the arrows located at the bottom of the document, click "open file" in the top right corner or download the file to your computer using the "extract file" icon located at the bottom of the document in the pdf tool bar.)

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House of Representatives
State of Idaho

March 10, 2018

Rakesh Mohan
Office of Performance Evaluation
Statehouse
Boise, ID 83820

Re: OPE Evaluation Request 2018

Dear Mr. Mohan:

There is a tension in investigations by H & W into child neglect / abuse between protecting children vs. overstepping parental rights. Complaints about abuse made to the Department can range from very serious to false and manipulative. There is concern about inconsistency from investigator to investigator and region to region, and also about transparency and standards for investigation. Negligence as used in child protective actions is a broad term, see section 16-1602(31), Idaho Code, as compared to "abused" or "abandoned". There is concern about to what extent H & W keeps an internal list of reports of neglect and how those reports are recorded and historically catalogued and for how long. I would be interested in an evaluation of DHW processes in regard to investigations of families regarding neglect and the standards used to initiate those investigations, pull children from homes, and transparency in how records are kept.

Some potential questions would be:

1. What DHW processes surround the handling of referrals for child neglect? Are they based upon statute, rules, policies or other standards?
2. What information is logged when a complaint for neglect is received and how is that information used in the determination of future decisions on investigations of families and parents of children and the removal of a child from the family?
3. What rights to parents have to know what history of reports or allegations of neglect are maintained in DHW files?
4. What variations if any exist across Idaho in the application or implementation of statute, rules, policies and procedures with regard to when to investigate a report of neglect? What factors contribute to any variability or consistency across Idaho?
5. What processes exist for parents / families to know about, challenge and expunge reports, investigations and history of neglect maintained by DHW that do not result in the removal of a child from their home?
6. Do policies on these issues in Idaho differ significantly from other states?

Yours truly,

Lynn M. Luker
Representative
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Idaho State Senate

SENATOR ABBY LEE

March 12, 2018

Joint Legislative Oversight Committee
Attn: Co-Chair Senator Cliff Bayer
Attn: Co-Chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

As the Idaho Legislature continues to look at the demands and costs regarding providing court services, there is increasing interest in changing criminal codes to reduce a variety of misdemeanors to infractions. These proposals offer the ability to reduce the demand and costs for courts, counties, the public defense system and the Department of Corrections by removing potential jail time as a sanction. While this effort offers promise, it also comes with challenges.

The current process for collecting fines, fees and costs is already stretched, inefficient and at times difficult to enforce in court and through the counties. Our counties and courts rely on these fines and fees to help fund court services. Failure to collect necessary fines and fees may also result in simply having no sanction, which is not consistent with Idaho statutes on crimes and penalties.

In addition, there is inconsistent collection of civil filing fees throughout Idaho since there is little direction as to when and how indigent determinations are made in civil cases. Broad discretion to waive filing fees may also result in a reduction of revenue currently required to fund the court system in Idaho.

As we look at these impacts, I would request a study to address the following questions as appropriate:

- Are fine-based sanctions, as currently envisioned, a deterrent that effectively replaces jail time, particularly for people who are limited in their ability to pay?
- How many and which type of civil filing fees were waived in the past three years? Is there any standard as to when these fees may be waived?
- What practices best ensure compliance with financial sanctions, and how well are these practices implemented across the state?
- Across the state, what percentage of dollars from financial sanctions are being collected? What percentage could be expected if collection processes were improved?
- What are the costs (financial or other costs) for counties or court systems to start and maintain collection system?

- What role does the Administrative Office of the Courts play in any of the rules or procedures of collection processes of the individual courts? What information is collected in the Odyssey system relating to the status of fines and fees for an offender?
- Would user fees be a more effective source of funding if collection practices were improved or standardized?
- What policies are in place for courts to develop process for insuring collection of fees?
- Is there an opportunity for counties to pool resources and create district or other joint efforts to collect fines and fees?

This is an especially critical and timely discussion to have when considering the Courts and the counties are currently transitioning Odyssey, the new Court Information System. Addressing these questions and providing the information for policy makers, the Court and the counties, would provide the ability to insure better coordination, collaboration, and effective collection of these much-needed resources.

Thank you in advance for your consideration.

Sincerely,

Senator Abby Lee

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House of Representatives
State of Idaho

March 8, 2018

Joint Legislative Oversite Committee

Dear Committee Members,

Rural America has traded roles with inner-cities across the nation to become the leader in social and economic decay. Aging populations, the consolidation of farms and ranches into larger and larger operations, crumbling infrastructure, lack of economic opportunity and even internet connectivity, disparity between urban and rural school districts, loss of traditional jobs, untreated drug and alcohol addictions, and the migration of talent to higher paying jobs outside the community have contributed to the growing crisis.

Idaho fares no differently.

While ranked the "fastest growing state in the nation," Idaho's counties and communities are also experiencing a rapid and growing divide between the "have's" and the "have nots." These measurements include population growth, economic development and job growth, median income levels, and property values.

While these measurements of community vitality are wildly fluctuating across the state, one thing remains consistent: the cost of doing business is going up. Comprehensive services are required and provided by every local unit of government (counties, cities, schools and highway districts) across the state, regardless of the economic health of the region, the size of the taxing district, or the constraints imposed by the state on their ability to tax residents.

It is requested that the Office of Performance Evaluation determine the scope of legislative mandates levied against local units of government (specifically counties, cities, school and highway districts), then analyze what percentage of local units of government budgets are dedicated to meeting these mandates.

A follow up study may include a look at the impact of property tax exemptions, both real and personal, on the historical budgets of counties, cities, school and highway districts and a cost/benefit analysis of selected "mandates" to the counties, cities, schools and highway districts.

Thank you for your consideration,

Scott Bedke, Speaker of the House

Rep. Caroline Troy, District 5

Rep. Clark Kauffman, District 25

Rep. Steve Miller, District 26

Rep. Terry Gestrin, District 8

Rep. Tom Dayley, District 21

Sen. Jeff Agenbroad, District 13

Sen. Bert Brackett, District 23

Sen. Carl Crabtree, District 7

Sen. Mark Harris, District 32

Sen. Dan Johnson, District 6

Sen. Abby Lee, District 9

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Idaho State Senate

SENATOR CHERIE BUCKNER-WEBB

Assistant Minority Leader

March 12, 2018

Joint Legislative Oversight Committee
Attn: Co-chair Senator Cliff Bayer
Attn: Co-chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

The Southwest Idaho Treatment Center (SWITC) has been featured in a series of news media pieces featuring complaints of abuse and neglect of residents. In July 2017, SWITC's license was suspended for being out of compliance in the areas of governance and management, client protections, facility staffing, active treatment services, and client behavior-related facility practices. In September 2017, a subsequent review found SWITC out of compliance with minimum standards in all of these same areas. Although the license was restored in October 2017, complaints of serious problems in these areas persist.

During the period that verified client abuse was occurring, the Department of Health and Welfare sought and obtained statutory authority to create a new facility (the Developmental Disability Secure Facility), for some of the same residents, which would *not need* to meet the federal standards for client protection and active treatment. The new facility would be housed on SWITC grounds and administered and staffed by the same people. As Idaho starts this new facility, funded by state general fund dollars without the federal Medicaid match, we would be well served to have a complete understanding of the serious problems and compliance failures at SWITC as well as whether improved management, staffing, and training could resolve these issues.

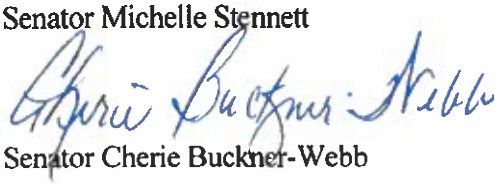
We request the following questions be specifically addressed by the Office of Performance Evaluations:

1. What roles do the Developmental Disability Council and Department of Health and Welfare have over SWITC?
2. What governance and accountability models are already in place?
3. Is there a conflict of interest presented by Licensing & Certification overseeing SWICT?
4. In addition to meeting minimum federal and state licensing standards, do SWITC practices align with best treatment standards? We're specifically interested in:
    a. Staffing ratios and qualifications being sufficient for the population
    b. Management practices for supervising and overseeing direct care staff
    c. Training to address medication management
    d. Training and oversight regarding individual treatment plans

e. The notice and inclusion of guardians in treatment planning following an incident
f. Collection of trauma history to implement trauma-informed treatment
g. Training and oversight of trauma-informed care

Sincerely,

Senator Michelle Stennett



Senator Cherie Buckner-Webb

Representative Caroline Nilsson Troy