

3-18-2019

From: Vaughn <vkilleen@idahosheriffs.org>
Sent: Monday, March 18, 2019 10:16 AM
To: Sharon Pennington; Senator Abby Lee; Senator Scott Grow; Senator Don Cheatham; Senator Grant Burgoyne; Senator Kelly Anthon; Senator Mark Nye; Senator Patti Anne Lodge; Senator Steven Thayn; Senator Todd Lakey
Subject: Idaho Sheriffs Association opposes House Bill 170

Honorable Senator Lakey and members of the Senate Judiciary and Rules Committee,

The Idaho Sheriffs Association sends this email in opposition to House Bill 170 for the following reasons.

- House Bill 170 will most likely promote a higher rate of child removals from homes to allow H&W to investigate allegations of abuse because this bill would act as an obstacle to reasonable inquiries on the part of H&W, hence forcing more intrusive action. Child abuse investigations would become more costly and difficult than they already are.
- Traditionally, criminal search and seizure doctrine and criminal admonishment doctrine is set by the courts after determining compliance with the Idaho and U.S. Constitutions. House Bill 170 refers to non-law enforcement persons investigating a process that is civil in nature, yet it mandates a notification of rights form used in criminal police work.
- Often, a social worker will contact the parents or guardian about a complaint not knowing the relationship between the abuse and parent or guardian. They don't know because the complaint hasn't been investigated. Yet, the notification of rights and waiver form that must be presented in writing to a parent or guardian before H&W can speak to them advises them that they are the subject of an investigation of potential child abuse, abandonment, or neglect. This could be erroneous and not factually correct and frighten a person to not cooperate.
- The Bill would require H&W workers to "Mirandize" people in writing even though they may not be a suspect in a criminal offense. This is a much higher standard that is required of a law enforcement officer when investigating a complaint. This begs the question, "Why do we want to make it more difficult to investigate the safety of a child than we do to investigate a murder?"

Thank you for your consideration to vote no on House Bill 170.

Vaughn Killeen
Executive Director
Idaho Sheriffs Association
3100 S. Vista Ave. Ste. 203
Boise, ID 83705
208-287-0001 (O)
208-859-9900 (M)