

Idaho Criminal Justice Commission
Regular Meeting
April 26th, 2019

Location: Local Government Center, 3100 S. Vista Ave., 2nd Floor, Boise, Idaho

Time: 8 a.m.–12 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD

Paul Wilde, Vice Chair, Idaho Sheriffs Association

Dan Hall, Chiefs of Police Association

Melissa Wintrow, House Jud, Rules & Admin

Grant Burgoyne, Senate Judiciary & Rules

Ashley Dowell, Comm of Pardons & Parole

Kedrick Wills, Idaho State Police

Lisa Bostaph, Public Member

Melissa Moody, Judge, District Court

Bart Davis, U.S. Attorney, District of Idaho

Darren Simpson, Judge, District Court

Jared Larsen, Office of the Governor

Denton Darrington, Public Member

Melinda Smyser, Office of Drug Policy

Monty Prow, IDJC

James Cawthon, Judge, Magistrate Court

Darrell Bolz, Public Defense Commission

Sara Thomas, Idaho Supreme Court

Grant Loeb, Prosecuting Attorneys Assoc.

Seth Grigg, Idaho Association of Counties

Matt McCarter, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Dave Jeppesen, Health & Welfare

Todd Lakey, Senate Judiciary & Rules

Paul Panther, Idaho Attorney General's Office

Thomas Dayley, House Jud, Rules & Admin

Josh Tewalt, Department of Correct

Others Present:

Tim Hibbard, ICJC/IAC

Ross Edmunds, Health & Welfare

Lymarís Ortiz Perez, Comm. on Hispanic Affairs

Jason Spillman, Idaho Supreme Court

Luke Kilcup, Lobby Idaho

Jarvis, Financial Management

Thomas Strauss, ISP

Erik Lehtinen, SAPD

Shannon Romero, SAPD

Kathleen Elliott, PDC

Holly Koole, IPA

Ruby Mendez-Mota, ACLU of Idaho

Danny Clark, Bonneville PA

Jan Bennetts, Ada County Prosecutor

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
8:00 am (-)	Call to Order— <i>Chair Eric Fredericksen</i>		
Commission Management			
-:-- (-)	(Deferred)		
Promote Well-Informed Policy Decisions			
8:00 am (30 min)	Governor Address to the Commission— <i>Brad Little, Governor of the State of Idaho</i>	<p>Governor Brad Little addressed the Commission:</p> <ul style="list-style-type: none"> • The ICJC is made up of all the right people to address the big issues in Idaho. • The lens at which the Governor’s office looks at problems is how do we create a great environment for us to thrive and our kids to stay here. The ICJC is a big part of that. • The people that members of the ICJC deal with (with the exception of educators) are a “drainers of the system.” • “Show me a child at one end of the map, and a person on death-row on the other end, and show me all of the onramps and off-ramps that lead to and off of that path.” Everyone, based on their own field of vision, will point to different parts. It’s not just the “next available dollar.” • The Governor wants the ICJC to have a say in the executive order. There will be more resources with Medicaid expansion in regards to mental health. • Things are going well, but there are always constant challenges. Opioids are a major problem. There are too few schools with counselors. Identifying issues in kids at an early age is a good deterrent from keeping them out of the system. • The budget process will go better next year. We need to see how Medicaid expansion fits in. <p>The Governor opened the floor up for questions.</p> <ul style="list-style-type: none"> • The Governor believes that if the State of Idaho would have put in its prescription management system 15 years ago, many of the people on ICJC would not have the workload it does now. • There needs to be more counselors in the larger schools because too many kids slip through the cracks. • In regards to marijuana legalization, the Governor of Colorado told Governor Little “If you don’t have to do it, don’t do it.” 	

		<ul style="list-style-type: none"> • “If people wanted recreational (or even broad medical) marijuana legalization, they elected the wrong guy.” • “Idaho has enough problems, we don’t need that one.” <p>The question was asked what the Governor wants the ICJC to focus on:</p> <ul style="list-style-type: none"> • From ICJC, the Governor wants to know: “Where do we have to put our money today to resolve the existing crisis, and where do we make long term investments that are really going to bend the curve down of population increases because of substance abuse and mental health? And what do we do on Medicaid? What are other states that have got ‘full-blown Medicaid’, how are the best using those dollars? Because it is important that we use those dollars correctly.” 	
<p>8:30 am (30 min)</p>	<ul style="list-style-type: none"> • Welcome and Roll Call— <i>Chair Eric Fredericksen</i> • Review Commission’s Vision and Mission Statement and Values— <i>Commission Members</i> <p>Action Item – Approve March 2019 Minutes</p> <p>Action Item – Approve Subcommittee on Rules Minutes</p> <p>Action Item – Approve Changes to Rules of Conduct</p>	<p>Introductions of members and guests.</p> <p>The Commission’s Vision and Mission Statement and Values were reviewed.</p> <p>There was a motion to approve the March 2019 minutes by Dan Hall and seconded by Lisa Bostaph. The motion carried.</p> <p>There was a motion to approve the Subcommittee on Rules minutes by Ashley Dowell and seconded by Seth Grigg. The motion carried.</p> <p>A discussion on the individual items of the rules of conduct was had:</p> <ul style="list-style-type: none"> • There was an objection to bullet point-3: the word “media” should be inserted after the word “for”. • There was an objection to bullet point-3: remove “and/or discussion”. • It was suggested that bullet point-3 be eliminated altogether, in favor that common sense amongst the members prevail. In the event of a mistake, those circumstances should be handled situationally. • <p>There was a motion that bullet point-3 be eliminated, and all other changes be approved by Grant Loeb and seconded by Grant Burgoyne. The motion carried.</p> <p>There was a motion to add a bullet with text: “No member of the Commission may speak on behalf of the Commission without approval from the</p>	

	<p style="text-align: center;"><u>Subcommittee Reports</u></p>	<p>Chairperson.” by Ross Edmunds and seconded by Grant Burgoyne. Discussion on the motion was had:</p> <ul style="list-style-type: none"> • “Commission” language should be replaced with “ICJC” <p>The motion was amended after discussion to add a bullet with text: “No member of ICJC may speak on behalf of the ICJC without approval from the Chairperson.” by Ross Edmunds and seconded by Grant Burgoyne. Discussion on the motion was had:</p> <ul style="list-style-type: none"> • There were concerns about the language. • It was proposed that drafting during the meeting is not advisable. That the Chair should reflect on the matter and bring a proposal before the Commission at a later time if the Chairperson felt so inclined. • It was suggested there need not be any rule on this topic, as it was, or as amended. <p>The motion was withdrawn by Ross Edmunds, with permission of the second.</p> <p>The Mental Health Subcommittee gave its report:</p> <ul style="list-style-type: none"> • 18-211s have tripled over the last several years. That code deals with mental health, and it has been a topic of discussion in the committee. The committee is working to improve that. • The committee is working on a draft of a letter that Justice Stegner drafted for the previous governor, and is being redrafted for Governor Little about the use naloxone hydrochloride throughout executive branch agencies in the State. That will be prepared for the ICJC for presentation to the Governor. • 66-326 is another topic of discussion. That section of code deals with an officers ability to take a person into protective custody. The statute needs to be cleared up so “officers who want to do the right thing aren’t afraid to do the right thing and stay away from the criminal side and realize that this is a mental health issue.” <p>The Criminal Justice Research Alliance gave its report:</p> <ul style="list-style-type: none"> • The Research Alliance met with Jared Larsen to draft a 1-3 page memo to the Governor on the Data Storeroom. The next meeting will be in 2 weeks to review the draft that will be sent to the Chair for review and approval before being sent to the Governor. 	
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<p>9:00 am (60 min)</p>	<p>Mental Health Crisis Centers Update— <i>Ross Edmunds, Division of Behavioral Health</i></p>	<p>Ross Edmunds gave an update on mental health crisis centers:</p> <ul style="list-style-type: none"> • There has been a 250% increase in 18-212's. It is uncertain the cause of this sharp increase, however, it is the belief the Mental Health subcommittee that at least part of the issue lies with the evaluators that make those determinations. • There is a predictable—and never ending—increase in mental holds in Idaho. • There are currently crisis centers in Idaho Falls, Coeur d'Alene, Twin Falls, Boise, and most recently, one just opened up in Caldwell. The next one to open up is in Pocatello on May 8th. • Region 2 is the only region without a crisis center. Due to their unique rural nature, they have against one large crisis center in favor of 4 mini crisis centers. This process was more difficult than anticipated. They abandoned that idea, and gone to working with their recovery centers and have decided to do 4 “on call” crisis centers. • There is a new psych hospital opening up called Cottonwood Creek that has 24 beds right now, on its way to a 72 bed capacity. That is a tremendous pressure relief. • The Federal Government has released a fair amount of funds related to opioid related care. Idaho has now received 3 grants to deal with the crisis. The most effected practice is combining medication assisted treatment with traditional substance abuse disorder treatment. The majority of those funds have been dedicated to medication assisted treatment. • Medicaid has a designation called an IMD (institutions for mental disease) and it is defined as over 16 beds in a freestanding psych hospital. Intermountain is an IMD. St. Al's psych unit is not because it is not freestanding. St. Al's can bill Medicaid but Intermountain cannot. The federal government is allowing for an IMD waiver to give states the ability to bill Medicaid for those services. • The Department of Health and Welfare is going to ask for and IMD waiver. 	
<p>10:00 am (15 min)</p>	<p>Break</p>		

<p>10:15 am (60 min)</p>	<p>Mobile Crisis Unit— <i>Ellie Merrick, Fourth District Mobile Response</i></p>	<p>Ellie Merrick gave a presentation on the Mobile Crisis Unit in Region 4:</p> <ul style="list-style-type: none"> • The mobile crisis unit operates a 24/7 crisis line. They do 18-212 (competency) and 66-305 (dangerously mentally ill) assessments and placements. • Their cases range drastically from simple to extremely complex and complicated mental health and family dynamics and situations. • Diversion from hospitalization and jail is the top priority. The crisis center is one of the biggest diversion strategies they have. • The unit is out between 4 and 10 times per day responding to crisis’. • In 2006, there was an average of about 60-70 hold per month. In 2018 there were an average of about 195-205 per month. That is a significant increase. Commitment have stayed relatively flat. That is why diversion is such a priority. • Physicians are placing people on holds at much higher rates today, that law enforcement officers. • The psychiatric emergency treatment (PET) team is an amazing program in the region. While the mobile crisis unit can respond 8:00am to midnight every day of the week, the PET team can respond from 10:00am to 10:00pm on weekdays. • The ER can be a very traumatic experience for someone who is psychotic for a variety of reasons. The mobile crisis unit and PET teams help alleviate those issues by responding directly to someone having a crisis. • The accommodation registry is another diversion strategy that has made things much safer for law enforcement and individuals in crisis. This allows people who psychiatric issues to fill out a form that gives responders information that can help them understand the situation better in order to help deescalate the individual in crisis. 	
<p>11:15 am (15 min)</p>	<p>Mental Health in Jails and Prisons—<i>Paul Wilde, Idaho Sheriffs Association</i></p>	<p>Paul Wilde gave an update on mental health in jails and prisons:</p> <ul style="list-style-type: none"> • County Jails are not mental health facilities. Some mental health issues are criminal, but serious mental illness is not criminal. It’s an issue when what happens is an officer goes out, and it is actually a mental health crisis and it becomes criminal. • As an example. Sheriff Wilde actually enjoys coming to the Local Government Center for ICJC meetings. It’s a nice space that is 	

		<p>conducive to collaboration and is pleasant. Jails are concrete, small, and made to keep people not fully comfortable. That is not conducive to good mental health. And not all jails have what Ada and Bonneville counties have.</p> <ul style="list-style-type: none"> • What needs to be done in Idaho is figure out the front end. The issue is not mental health in the jail, it is mental health before they get to the jail. • The mobile crisis unit and the accommodation registry are great, but Idaho needs to look to see what needs to be done to correct some of these problems so that Health and Welfare have what they need to put mobile crisis units in every district working for the betterment of how the criminal justice system handles mental health in Idaho. • ICJC needs to figure out a way to address the mental health issues prior to them coming to the county jails. The ICJC needs to work towards not making mental health issues into criminal issues. Everyone needs to get together to figure out the problems. 	
11:30 am (15 min)	Other ICJC Business	<p>The question was raised if it would be beneficial for the ICJC to receive CIT training in lieu of the main meeting.</p> <ul style="list-style-type: none"> • It was discussed that the ICJC received a more narrowly focused version of the CIT training that is centered on content. • In lieu of the June meeting, the ICJC will receive that condensed training. <p>It was discussed that May ICJC meeting will be focused on Idaho’s opioid crisis.</p>	
11:45 am	Adjournment	The meeting was adjourned.	

Next regularly scheduled meeting to be held in Boise, Friday, May 17th, 2019

“Collaborating for a Safer Idaho”

