

**Idaho Criminal Justice Commission**  
**Regular Meeting**  
June 28th, 2019

**Location:** Local Government Center, 3100 S. Vista Ave., 2<sup>nd</sup> Floor, Boise, Idaho

**Time:** 8 a.m.–12 p.m.

**Idaho Criminal Justice Commission Members Present:**

Eric Fredericksen, Chair, SAPD	Lisa Bostaph, Public Member
Paul Wilde, Vice Chair, Idaho Sheriffs Association	Melissa Moody, Judge, District Court
Dan Hall, Chiefs of Police Association	Paul Panther, Idaho Attorney General’s Office
Melissa Wintrow, House Jud, Rules & Admin	Jared Larsen, Office of the Governor
Dave Jeppesen, Health & Welfare	Denton Darrington, Public Member
Grant Burgoyne, Senate Judiciary & Rules	Melinda Smyser, Office of Drug Policy
Ashley Dowell, Comm of Pardons & Parole	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:**

Kedrick Wills, Idaho State Police	Bart Davis, U.S. Attorney, District of Idaho
Todd Lakey, Senate Judiciary & Rules	Melinda Smyser, Office of Drug Policy
Greg Chaney, House Jud, Rules & Admin	Darren Simpson, Judge, District Court

Monty Prow, IDJC  
Josh Tewalt, Department of Correction  
Margie Gonzalez, Comm. on Hispanic Affairs

**Others Present:**

Timothy Hibbard, ICJC/IAC	Ruby Mendez, ACLU-ID
Ross Edmunds, Health & Welfare	Rachelle Cahoon, Member of Public
Kate Horowitz, U.S. Attorney’s Office	Janae Migoboney, Member of Public
Marianne King, Office of Drug Policy	Jordan Migoboney, Member of Public
Jason Stone, IDJC	

Nicole Fitzgerald, Council on DV & Victim Assistance  
Jeffery Ray, IDOC  
Gene Petty, Judge, Third Judicial District

Ross Edmunds, Health & Welfare		Agenda	Meeting Outcomes/Decisions Reached	Due Date
		<i>Who's Responsible</i>		
8:00 am (10 min)	Call to Order— <i>Chair Eric Fredericksen</i> <ul style="list-style-type: none"> <li>Welcome and Roll Call—<i>Chair Eric Fredericksen</i></li> <li>Review Commission's Vision and Mission Statement and Values—<i>Commission Members</i></li> </ul>		Chair Fredericksen issues a welcome to new member, Representative Chaney.  The Commission's Vision and Mission Statement and Values were read by the Commission members.	
<b>Commission Management</b>				
8:10 am (10 min)	<b>Action Item</b> – Approve May 2019 Minutes  <u>Subcommittee Reports</u>		There was a motion to approve the May 2019 minutes by Darrell Bolz and seconded by Melissa Wintrow. <b>The motion carried.</b>  Paul Wilde gave a report on the Mental Health subcommittee: <ul style="list-style-type: none"> <li>The focus right now is 18-211 and 18-212s. The idea is to work with the Idaho Psychologists Association to ensure there is more consistency in the way the evaluations are done.</li> </ul> Sara Thomas gave an update on the Community College subcommittee: <ul style="list-style-type: none"> <li>They are currently working on a program that resembles a problem solving court that focuses on younger individuals who need either a technical degree or an associate's degree.</li> </ul>	
<b>Promote Well-Informed Policy Decisions</b>				
8:20 am (40 min)	Criminal Justice News Update for the West— <i>Jeffery Ray, Idaho Department of Correction</i>		Jeffery Ray gave an update on what's going on in Idaho's neighboring states: <ul style="list-style-type: none"> <li>In Montana, the big campaign issue is meth. Violent crime is also up sharply. The VP was campaigning in Montana.</li> <li>In Wyoming they are dealing with prison population issues. Jails need to get PRIA complaint so that inmates from the prisons can get outpatient treatment in the jails.</li> <li>Utah's prison population is also increasing rapidly. Increased parole violations are a major contributor. \$800 million spent on a new prison, but it is already full.</li> <li>In Nevada the Majority Leader was forced to resign and was replaced by a prosecutor, the Speaker of the House is also a prosecutor, so many are complaining that all of the criminal justice reform that was worked on previously is being "hijacked" by prosecutors.</li> <li>In Oregon, voters really wanted to get tough on crime and in 2008 voters approve tough crime laws. In 2017, lawmakers wanted to do away with some of the 2008 voter approved laws. Prosecutors said that what the</li> </ul>	

		<p>lawmakers did was unconstitutional. There was a major lawsuit. The Supreme Court ruled what the lawmakers did was legal.</p> <ul style="list-style-type: none"> <li>• In Washington there is a large issue regarding homelessness, and mental health, and with the way the documentary “Seattle is Dying” portrayed the homelessness and mental health crisis in the city of Seattle. The police Seattle feel like their hands are tied.</li> </ul>	
9:00 am (60 min)	Mental Health Courts— <i>Judge Gene Petty, Third Judicial District</i>	<p>Judge Gene Petty gave a presentation on Mental Health Courts:</p> <ul style="list-style-type: none"> <li>• He commends ICJC for taking on mental health issues in Idaho.</li> <li>• He shared a success story.</li> <li>• When someone graduates from the program they receive a plaque and are required to give a speech.</li> <li>• There are 11 mental health courts. 1 in each of the 7 judicial districts. There are 2 juvenile mental health courts, and 1 misdemeanor mental health court.</li> <li>• mental health courts are part of a larger group of problem solving court.</li> <li>• Individuals are selected based on certain criteria. High risk or recidivism is one of those. The program doesn’t work well for people who are low risk, in fact it makes things worse for them. You also need to be high need, which means you need to have a serious mental health disorder.</li> <li>• There are statutory prohibitions, such as a felony crime of violence or a felony crime in which the person used a firearm or deadly weapon (unless the prosecutor agrees that they can), or found/pled guilty of a sex offense.</li> <li>• There are very many services and classes participants receive.</li> <li>• The mental health court is a very positive environment and informal. The role of the judge is to provide sanctions, such as writing assignments and service, labor detail, increased contact, curfew, and jail sessions. Judges also provide positive encouragement and rewards, such as tokens, which are required to graduate the program. The tokens are very important. The response to getting one or not getting one is very substantial.</li> <li>• Individuals that are not successful will either be terminated or suspended from the program.</li> <li>• Program participants must be sober for at least 6 consecutive months. If a participant uses near the end of their treatment then then must start over.</li> </ul>	

		<ul style="list-style-type: none"> <li>• Overall recidivism does drop with the use of mental health courts. There was 9% reduction.</li> <li>• Felony recidivism also decreased for mental health court participants.</li> <li>• Comparing those who graduated and did not graduate, there was a significant drop in both felony and misdemeanor recidivism.</li> <li>• Higher risk participants were more likely to graduate. This program was not designed for low risk participants. There are several theories as to why, but there isn't a definitive answer.</li> <li>• There are a lot more individuals that could be served but cannot currently because of a lack of resources or buy-in.</li> </ul>	
10:00 am (20 min)	Break		
10:20 am (30 min)	Agency Update— <i>Nicole Fitzgerald, Idaho Council on Domestic Violence and Victim Assistance</i>	<p>Nicole Fitzgerald gave an update on the Idaho Council on Domestic Violence and Victim Assistance:</p> <ul style="list-style-type: none"> <li>• The purpose of the council is to support crime victims and help them receive services.</li> <li>• There are five major roles of the council: <ol style="list-style-type: none"> <li>1. Grant funding</li> <li>2. Victim service enhancement</li> <li>3. Safety and Resilience Conference</li> <li>4. Offender Intervention</li> <li>5. Partnership</li> </ol> </li> <li>• Funding sources comes from DOJ (\$11.5M), Health &amp; Human Service (\$934.6K), and State DV project (\$171.8K).</li> <li>• The Idaho Crime Victims Compensation Program is overwhelmed with requests for payment of forensic interviews.</li> <li>• Children under the age of 18 accounted for 71% of the sexual assault victims known to law enforcement in Idaho between 2012-2017.</li> <li>• Children under the age of 18 accounted for 71% of the sexual assault victims known to law enforcement in Idaho between 2012-2017. <ul style="list-style-type: none"> <li>• CACs saw 29% increase</li> <li>• Court system saw a 19% increase of child sexual abuse cases filed in criminal court since FY2012</li> <li>• Between FY2012 and FY2018, DHW saw a 26% increase in the</li> </ul> </li> </ul>	

		<p>number of child sexual abuse cases where the Department’s services were required</p> <ul style="list-style-type: none"> <li>• 2015 Medicaid policy change is the suspected driver.</li> <li>• Large increase in child forensic interviews/exams claims did not occur until 2017</li> <li>• 96% of claims were from one of the four accredited Child Advocacy Centers (2015-2018)</li> <li>• 17% of responding agencies reported trouble accessing at least once within the last year</li> <li>• The Main source of funding for forensic interviews are: <ul style="list-style-type: none"> <li>• Crime Victims Comp – 39%</li> <li>• Agency operating budget– 36%</li> <li>• Grant funding, usually VOCA – 25%</li> </ul> </li> <li>• Despite agencies allocating operating budgets or grant funds: <ul style="list-style-type: none"> <li>• More than 25% did not know the cost of an average forensic interview</li> <li>• Only 42% supplied the number of forensic interviews the agency performed</li> </ul> </li> </ul>	
<p>10:50 am (30 min)</p>	<p>Agency Update— <i>Ashley Dowell, Commission of Pardons &amp; Parole</i></p>	<p>Ashley Dowell gave an update on the Commission of Pardons &amp; Parole:</p> <ul style="list-style-type: none"> <li>• The commission has retained its discretion despite many reforms.</li> <li>• “A parole shall be ordered when, in the discretion of the commission, it is in the best interests of society, and the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. Such determination shall not be a reward of clemency and it shall not be considered to be a reduction of sentence or a pardon”.</li> <li>• Investigative reports include: Risk Assessments (LSI-R, VRAG, Static 99R), Parole Guidelines Score Victim Information, Mental Health Evaluation, Sex Offender Risk Assessment, Prior Criminal History, Institutional Behavior, Seriousness of the Crime, Aggravating or Mitigating Circumstances, Community Supervision History, Stability of the Proposed Release Plan, and Completion of Institutional Programming.</li> <li>• 2 sections JRI legislation impacted the Parole Commission directly: <ol style="list-style-type: none"> <li>1. Requirement to use parole guidelines. Commission retained discretion</li> </ol> </li> </ul>	

		<p>2. Caps on parole violations. Implemented as 90/180 day sanctions. In 2017, these caps were removed.</p> <ul style="list-style-type: none"> <li>• There are 9 types of Parole Commission decisions: Parole, Early Discharge Request, Self-Initiated Parole Reconsideration, Revocation, Diversion, Pardon, Firearms Restoration, Commutation, and Medical</li> <li>• In 2018, the Commission made just over 9,200 decisions, 4,900 were parole, 4,300 were other decisions.</li> <li>• Requests for Early Discharge from parole were up 42% from 2017, however, the grant rate has continued to decline since 2014</li> <li>• Diversion options include: Jail, Prison Programming, Community Reentry Center, Problem Solving Court, Reinstate parole, and To Revocation.</li> </ul>	
11:20 am (40 min)	<p><b>Action Item</b> – Review and Approve ICJC Public Requests for Information policy</p> <p>Other ICJC Business</p>	<p>Chair Fredericksen addressed the Commission regarding the Public Requests for Information policy. It was discussed that personal email addresses shouldn't be on the policy. It was discussed that drafts shouldn't be included. It was discussed that rather than list items that are subject to public records requests, just cite the code.</p> <p>Chair Fredericksen made the decision that he would create a new draft to bring the Commission to vote on in the July meeting. There was no motion.</p> <p>Chair Fredericksen noted that the July meeting will be a shortened version of CIT training, and for the members of the Commission to wear comfortable clothing.</p>	
12:00 pm	Adjournment	The meeting was adjourned.	

Next regularly scheduled meeting to be held in Boise, Friday, July 26th, 2019

## “Collaborating for a Safer Idaho”

