

Idaho Criminal Justice Commission
Regular Meeting
October 18th, 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	Melissa Moody, Judge, District Court
Paul Wilde, Vice Chair, Idaho Sheriffs Association	Colleen Zahn, Idaho Attorney General's Office
Dan Hall, Chiefs of Police Association	Darren Simpson, Judge, District Court
Melissa Wintrow, House Jud, Rules & Admin	Greg Chaney, House Jud, Rules & Admin
Dave Jeppesen, Health & Welfare	Jared Larsen, Office of the Governor
Grant Burgoyne, Senate Judiciary & Rules	Denton Darrington, Public Member
Ashley Dowell, Comm of Pardons & Parole	Monty Prow, IDJC
Lisa Bostaph, Public Member	James Cawthon, Judge, Magistrate Court

Josh Tewalt, Department of Correction
Darrell Bolz, Public Defense Commission
Margie Gonzalez, Comm. on Hispanic Affairs
Sara Thomas, Idaho Supreme Court
Grant Loebs, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Kedrick Wills, Idaho State Police
Todd Lakey, Senate Judiciary & Rules
Bart Davis, U.S. Attorney, District of Idaho
Melinda Smyser, Office of Drug Policy

Others Present:

Tim Hibbard, ICJC/IAC	Brit Kreimeyer, Concordia University
Kathleen Elliot, PDC	Brad Johnson, Idaho State Police
Daniel Clark, Bonneville Prosecutor	Shaina Cales, Office of Drug Policy
Beth Rumpel, IDHW	Sandy Meyer, IPAA

Gloria Totoricaguena, Idaho Policy and Consulting

Ross Edmunds, IDHW

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
8:00 am (10 min)	Call to Order— <i>Chair Eric Fredericksen</i> <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> 	The Commission's Vision and Mission Statement and Values were read by the Commission members.	
Commission Management			
8:10 am (10 min)	Action Item – Approve September 2019 Minutes <u>Subcommittee Reports</u>	There was a motion to approve the July 2019 minutes by Dave Jeppesen and seconded by Darrel Bolz. The motion carried. Paul Wilde gave an update on the Mental Health Subcommittee: <ul style="list-style-type: none"> • Work on 18-211s and 18-212s continues. • Attendance hasn't been what it needs to be. Please ensure individuals in your organizations that are on the committee that they need to be there. • The committee is working on reaching out to John Christiansen from the Idaho Psychological Association about making the evaluations more consistent. • The subcommittee is working on gathering data to see what the issues are and what is causing them. • The committee is also working on 66-326 to see if the statute can be updated. Sara Thomas gave an update on the Community College Subcommittee: <ul style="list-style-type: none"> • The committee hasn't met but is continuing to work. • 	
Promote Well-Informed Policy Decisions			
8:20 am (30 min)	Federal Crime Statistics and Trends—Bart Davis, U.S. Attorney	U.S. Attorney Bart Davis gave a presentation on federal crime statistics and trends: <ul style="list-style-type: none"> • The U.S. Attorney's Office employs 34 attorneys in the State of Idaho. <ul style="list-style-type: none"> ○ 7 civil litigators, all in Boise. ○ The rest work solely on federal and criminal prosecution. • The U.S. Attorney's Office does not give advice to state agencies. • The U.S. Attorney's Office does not set federal policy, but is required to enforce it, regardless of personal feelings about the law. • The bulk of cases that were filed were: <ul style="list-style-type: none"> ○ violent crime (about one third) up 25% from last year. ○ drugs (about 30%) ○ immigration (about 25%) ○ fraud (about 8%) • The U.S. Attorney's Office will continue to be aggressive against gun 	

		<p>violence.</p> <ul style="list-style-type: none"> • Gang violence in the Treasure Valley is the predicate to the Idaho Criminal Justice Commission. • The Idaho SAUSA program is a model for the rest of the country. • In 2007, the Gang SAUSA program was created in Canyon Country, and has been very successful. It has been replicated in several other counties since. • If the U.S. Attorney’s Office advertises a AUSA position, they will get a significant amount more applications than if they advertise for a SAUSA position. AUSA make much more money than a SAUSA. • Prosecuting those who sexually assault children continues to be a top priority of the U.S. Attorney’s Office. • Many opportunities for a solid prosecution do not exist because some counties do not have the necessary ability to perform an autopsy. • The U.S. Attorney’s Office primary target in terms of immigration are “the ‘crooks’ not the ‘cooks.’” • The U.S. Attorney’s Office continues to work to fight against fraud cases. There are many counties that have the acumen, but just don’t have the resources required to prosecute these cases. • Idaho is one of two states that do not use NIBIN; it should consider using this underutilized tool to help solve cases. • Forensic Genealogical DNA is another tool that is taking center stage to help solve cases. • Idaho’s Cooperative Disability Investigation Unit (CDIU) program is a good model. 	
8:50 am (30 min)	Sexual Assault Protection Orders—Annie Hightower, Idaho Coalition Against Sexual and Domestic Violence; and Melissa Wintrow, Idaho House of Representatives	Representative Wintrow was unable to present the legislation. This presentation will be moved to the November meeting. A copy of the draft legislation will be provided prior to the meeting. Representative Wintrow is looking for feedback on the legislation.	
9:20 am (45 min)	Idaho Courts Update—Judge Jessica Lorello, Idaho Court of Appeals; and Beth Rumpel, Idaho Dept. of Health & Welfare	<p>Beth Rumpel gave an update on the increasing number of involuntary mental holds in Region IV, which comprises Valley, Boise, Ada and Elmore counties, but noted that this is certainly a state-wide issue. All counties are experiencing an increase of mental holds and any solutions need to have a state-wide lens.</p> <ul style="list-style-type: none"> • These solutions should, at least in part, focus on making this process more streamlined so we can use our limited resources in a more efficient 	

		<p>way. (statutory requirements are vague, leading to inconsistencies in how each County conducts this process. Cost inefficiencies: demand for designated examinations vs. the number of designated examiners)</p> <ul style="list-style-type: none"> • Beth used “David” as an example to help Commission members aware of the process: <ul style="list-style-type: none"> ○ By following his journey through the involuntary mental hold process you’ll be able to see that we really are dealing with life and death situations. The decisions that our Designated Examiners and Judges are making every day are weighty and have far-reaching implications for people’s lives. ○ He initially came to our attention when his parents called the Mobile Crisis Unit and asked for him to be evaluated because he hears voice of God telling him that if he eats or drinks anything, children will die. David has not eaten in five days and not been drinking anything for two days. We were able to see right away that he was meeting criteria for an involuntary mental hold. MCU calls in LE who put David on a hold and take him to the ED. • The criteria for mental holds is defined by statute. • David meets criteria for a hold under grave disability—so impaired by a mental illness that he is in imminent danger. <ul style="list-style-type: none"> ○ Must be due to a mental illness. ○ Must be imminent. • I’m a first designated examiner and I come into the process once a temporary custody order is signed by a judge. I meet with David in the psychiatric hospital where he was transferred once he was medically cleared in the ED. It takes some time to create a rapport with him since he does not believe he has a mental illness or need to be in the hospital. He’s worried he will be forced to eat or drink and then it’ll be his fault that children die. The interview takes about an hour, then I talk to the nursing staff and the attending psychiatrist. • Once back in the office, I call David’s parents and talk to them at length. Part of what the first DE does is help family understand what is going on with their loved one. Especially in the case of a first psychotic break, families are scared, bewildered and eventually start mourning the loss of what they had always hoped and expected for their son or daughter. I 	
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		<p>will follow David's case through this whole process and keep his family informed. I file a positive DE and send my certificate to the court. A 2nd DE is appointed by the court and he meets with David three days after I do. By then, David has been taking in some liquids because he is so thirsty, but he is wracked with guilt because of this and feels he is failing God and the children who are now dying because of him. He is still refusing psychiatric medication and David cannot be compelled to take it until he is committed. The average length of commitment is 4 weeks. Commitment is terminated once client is stabilized and no longer meets commitment criteria, but the Department of Health and Welfare will continue to follow David for at least 30 days once he is out of the hospital. We provide follow up support, crisis services, help with referrals along with many other things that may be needed by David and his family.</p> <ul style="list-style-type: none">• The number of mental holds have been steadily increasing over the years.• The Department started using an EHR in 2009 and after that, the data have been pulled from that program.• In 2018, our highest month was 218 holds and we averaged 200 holds a month.• In 2019 so far, our highest month was 313 holds and we were averaging 250 holds a month.• Both 1st and 2nd DEs are overwhelmed by the number of cases. 60% of holds receive a first positive and are assigned to a 2nd DE. Since May there have been only two 2nd DEs available to take cases and most of August there was only one.• In August approximately 180 cases were assigned to a 2nd DE.• Six days into his hold, David's case was dismissed because there was no 2nd DE available to see him. Since he continued to be acutely psychotic, the hospital refiled a hold on him and the process started again from the beginning. He had been refusing medications because he has no insight into his mental illness so his treatment was delayed a week. He cannot be compelled to take medications until he is committed. Once David leaves the hospital the department will continue to provide him services with 30 day follow up, crisis services, referrals and a myriad of other things to help ensure his success in the community.	
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10:05 am (20 min)	Break		
10:25 am (45 min)	Idaho Department of Juvenile Corrections Update— <i>Monty Prow, IDJC</i>	<p>Denton Darrington began by addressing the origins of the Idaho Department of Juvenile Corrections.</p> <ul style="list-style-type: none"> • All children, with a few exceptions, know right from wrong. • IDJC was created because he wanted to make sure that committed crime had a place to do, and be held accountable. • A young girl in her class burned down the school in 1974 and the wasn't prosecuted because the law was not adequate law. Thus the IDJC was created. <p>Monty Prow gave an update on IDJC:</p> <ul style="list-style-type: none"> • Juvenile justice in Idaho, as established by the Juvenile Corrections Act is a bi-furcated system. Meaning the state and the counties are partners in working with justice involved youth and their families. • About 95% of the youth involved in the juvenile justice system have their cases managed locally and never walk through IDJC's doors. This is extremely positive for the youth and their families. Research indicates that juveniles mature and develop quicker into prepared adults if they are never in a long-term care residential facility. • As for the foundation of the JCA Idaho it is built on the balanced Approach principles. <ul style="list-style-type: none"> ○ Community Safety 	

		<ul style="list-style-type: none"> ○ Accountability (responsibility) ○ Competency Development • Supporting community partnerships results in significant positive impacts both fiscally and through diverting IDJC commitments. • According to the latest census 97% of Idaho's 10 to 17-year-olds never come into contact with the juvenile justice system (at probation/IDJC levels)) <ul style="list-style-type: none"> ○ 95% juveniles on probation ○ 5% are committed to IDJC • Justice involvement that escalates requires corresponding specialized, intensive, and expensive services • Primary methods of reducing further need to get deeper in the system are: <ul style="list-style-type: none"> ○ Prevention efforts are the best investment we can make. Example diversion ○ Intervention efforts are another investment. Example probation department statewide offer excellent evidence based programs to reduce and eliminate the need for further involvement in the system ○ Rehabilitation efforts are the most expensive. Example is long term residential care in an IDJC placement where staff work hard with youth and their families to stay for the minimum time necessary to internalize value change. ○ Positive Community Transition are a must. Example this set of services usually involves probation departments, families, and other community partners working with the youth to increase the chances of positive interaction with the community as well reducing recidivism. • IDJC has an amazing partnership with the Judiciary, County Probation and Detention, Providers, other state agencies (highlight detention clinician shared funding) and many others. • Because of the dedication and collaboration amongst the counties and IDJC and the excellent work done with justice involved youth at the county level, there are currently have 260 juveniles in IDJC custody today. The is a difference of 67% between the predicted and the current. • This is possible in large part because of the Community-based funding 	
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		<p>that is passed through to the counties to support local juvenile justice efforts. We pass through about 24% of our budget.</p> <ul style="list-style-type: none"> • These funds are distributed to counties and local communities to support effective programming and reintegration initiatives, which results in fewer commitments. • As discussed, data supports treating youth in the community in the least restrictive environment when possible. • Critical elements in IDJC community pass through resources include: <ul style="list-style-type: none"> ○ Collaboration with courts, counties, families, service providers; ○ Evidence-based approaches, matching appropriate services to needs ○ Services funded include: counseling, therapeutic mentoring, family preservation services, and wraparound services and many others • These strategies are essential components of the IDJC’s three facility programs and in contracted services. • Due to the excellent work on the front end of the juvenile justice system in the community those youths who do cross IDJC doors are complex with both mental health, trauma issues and other needs. • Mental health needs are three times that in the general population. • Problems include hallucinations, delusions, suicide behavior, self-harm and violent emotional outbursts. • Trauma needs are four times that of the general population. • 47% of committed youth have a need for IEP/504’s, this is three and a half times higher than general population. • Response: <ul style="list-style-type: none"> ○ Working to individual treatment to includes more trauma and mental health treatment ○ All front line staff trained in “Think Trauma” A Training for Staff in Juvenile Justice Residential Settings ○ IDJC continue to collaborate with IDHW and SDE on the YES project. • There are classic measures of any corrections systems outcomes • 29% of youth recidivate after release this means that 71% of youth are not adjudicated of a new misdemeanor or felony with 12 months of release. Additionally, 86% of youth never return to IDJC custody. These 	
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		<p>both compare favorably nationally</p> <ul style="list-style-type: none"> • IDJC will continue to look towards evidenced based and informed approaches to enhance our service to youth and families in the system. <ul style="list-style-type: none"> ○ Currently we are working towards education and skills building initiatives to enhance juveniles’ opportunities post release. As an example we have recently partnered with the IDOL through the Workforce Innovation and Opportunity Act (WIOA) and it is already yielding results. 	
11:10 am (20 min)	Criminal Justice Integrated Data System—Chair Eric Fredericksen, SAPD	<p>Chair Fredericksen thanked Judge James Cawthon for his service on the Commission. Judge Cawthon addressed the Commission and expressed his gratitude for it. Other members of the Commission thanked him for his service to the Commission and to Idaho.</p> <p>Chair Fredericksen gave an update on the Criminal Justice Integrated Data System Act which will create a data house for all criminal justice related data and will be housed at the Controller’s Office. The data will be protected there. The legislation states where the data will be stored, and states that the raw data will not be subject to public records request.</p>	
11:30 am (30 min)	Other ICJC Business	Chair Fredericksen asked members of the Commission to reach out to him if they have ideas for future meeting presentations.	
12:00 pm	Adjournment	The meeting was adjourned.	

Next regularly scheduled meeting to be held in Boise, Friday, November 15th, 2019

“Collaborating for a Safer Idaho”

