

**Idaho Criminal Justice Commission and Board of Juvenile Corrections**  
**Joint Meeting**  
November 16th, 2018

**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:**

Sharon Harrigfeld, Chair, IDJC	Nicole Fitzgerald, Office of Drug Policy
Paul Wilde, Vice Chair, Idaho Sheriffs Association	Russell Barron, Health & Welfare
Darrell Bolz, Public Defense Commission	James Cawthon, Judge, Magistrate Court
Denton Darrington, Public Member	Gregory Moeller, Judge, District Court
Eric Fredericksen, SAPD	Lisa Bostaph, Public Member
Grant Loeb, Prosecuting Attorneys Assoc.	Lynn Luker, House Jud, Rules & Admin

Melissa Moody, Judge, District Court  
Matt McCarter, Department of Education  
Patti Anne Lodge, Senate Judiciary & Rules  
Sara Thomas, Idaho Supreme Court  
Sandy Jones, Comm of Pardons & Parole  
Grant Burgoyne, Senate Judiciary & Rules

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

**Board of Juvenile Corrections Members Present:**

Denton Darrington, Chair	Patti Anne Lodge, Senate Judiciary & Rules
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Lynn Luker, House Judiciary, Rules & Admin

Comprising a quorum of Board of Juvenile Corrections

**Idaho Criminal Justice Commission Members Absent:**

Dan Hall, Chiefs of Police Association	Margie Gonzalez, Comm. on Hispanic Affairs
Henry Atencio, Department of Correction	Paul Panther, Idaho Attorney General's Office
Kendra Knighten, Office of the Governor	Kedrick Wills, Idaho State Police

Seth Grigg, Idaho Association of Counties  
Melissa Wintrow, House Jud, Rules & Admin  
Bart Davis, U.S. Attorney, District of Idaho

**Board of Juvenile Corrections Members Absent:**

Barry Black, Kootenai County	Steve Jett, Canyon County
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**Board of Juvenile Corrections Ex Officio Member Absent:**

Mark A. Ingram, Statewide Juvenile Justice Judge

**Others Present:**

Timothy Hibbard, IAC/ICJC	Vaughn Killeen, Sheriff's Association
Craig Kingsbury, Chiefs of Police Association	Gloria Totoricaguena
David Birch, IDOC	Tammara Tamn, ISA
Kelli Brassfield, IAC	Thomas Strauss, ISP

Monty Prow, Research Alliance  
Danielle Swerin, ISP  
Brian Kane, Office of Attorney General of Idaho

<b>Agenda</b> <i>Who's Responsible</i>		<b>Meeting Outcomes/Decisions Reached</b>	<b>Due Date</b>
8:00 am (10 min)	Call to Order— <i>Chair Harrigfeld</i> <ul style="list-style-type: none"> <li>• Welcome and Roll Call—<i>Chair Harrigfeld</i></li> <li>• Review Commission's Vision and Mission Statement and Values—<i>Commission Members</i></li> </ul>	Introductions of members and guests. The Commission Purpose was reviewed.	
<b>Commission Management</b>			
8:10 am (20 min)	<p><b>Action Item</b> – Approve October 2018 Minutes</p> <p><b>Action Item</b> – Approve MOU and Bylaws Subcommittee Minutes</p> <p><u>Subcommittee Reports</u></p>	<p>There was a motion to approve the October 2018 meeting minutes by Darrell Bolz and seconded by Dr. Lisa Bostaph. <b>The motion carried.</b></p> <p>There was a motion to approve the MOU and Bylaws subcommittee meeting minutes by Darrell Bolz and seconded by Russell Barron. <b>The motion carried.</b></p> <p>Chair Harrigfeld reminded the participating members to sign the MOU.</p> <p>Sara Thomas gave an updated on the Community College Subcommittee: The subcommittee is working with community colleges to put on a program that would be for justice involved youth from ages 16 to 22/23, BSU is creating a draft of a white paper, after review the subcommittee hopes to bring recommendations to the Commission some time in 2019.</p>	
<b>Promote Well-Informed Policy Decisions</b>			
8:30 am (60 min)	<p>“Chronic State” – A documentary on how marijuana normalization affects communities (<a href="https://vimeo.com/280127474">https://vimeo.com/280127474</a> To avoid disturbing images begin documentary at 3:06)</p>	<p>The commission watched “Chronic State”—a documentary on how marijuana normalization affects communities.</p> <p>Nicole Fitzgerald gave an introductory explanation of the video: The video was made to show the “other side of the story”—the ill-effects of the normalization of marijuana in states that have legalized it. This video gives lawmakers and the public information that needs to be considered before the state moves forward with legislation on the legalization on marijuana.</p> <p>Denton Darrington asked a question, and shared a story about marijuana use in vaping devices. Nicole Fitzgerald explained that vaping products can be modified to use marijuana.</p> <p>In Twin Falls, vaping devices being found in schools are increasing. How many of those devices are being used for marijuana is a concern and question.</p> <p>Law enforcement no longer has the advantage of testifying that marijuana was</p>	

		<p>being used based on the testimony that there was smell of marijuana, as new marijuana devices no longer emit an odor. Idaho Sheriffs are absolutely against any legalization of marijuana in the state of Idaho. They do consider CBD if FDA approved and on a pharmaceutical base where it is controlled and understood that consumers are getting a clean protected product. Sheriffs would entertain and accept something of that nature.</p> <p>Senator Grant Burgoyne expressed being struck by the similarity between marijuana candy/food products and how tobacco vaping is marketed. Idaho has a social and health problem. Looking at the history of tobacco use after WWII, that presents a better model for how to deal with the issue of substance abuse. His observations suggest that in the 1960s there was an attack on the legitimacy of criminal laws on drugs. Why? Because of kids who say things like “Mom and dad have their alcohol and cigarettes, but I can’t have my pot.” Today, kids say things like “if you have money you can go to the doctor and get a prescription. But if you’re poor, you can’t.” Drugs like Viagra being advertised as a recreational drug, but being prescribed by physicians poses a great problem. There is a huge legal recreational drug issue in this country, and it is not being dealt with. This leads to some of the complications that the state is dealing with in regards to the legalization of pot. It is a war that cannot be won. A very different approach must be adopted to the issue of substance abuse in the county and in the state. It is about healthy living. Other social issues such as antigovernment sentiments, delegitimizes the criminal justice system, law enforcement, and what government tries to do this area. Class issues are also a problem. “No hope” classes use recreational drugs often because of their issues. The poor always pay the heaviest prices. In a society with increasing wealth disparities, this is going to be a huge problem. The poor will not be able to deal with substance abuse issues in such a way that wealthier classes will for a variety of reasons. Broader social issues must be addressed if marijuana is to be dealt with. Pharmaceutical industries control healthcare and make money off of legal recreational drugs. That is what the opioid crisis is all about. They have not been held accountable. Drug agencies were not allowed to prosecute drug pushes that “cloaked themselves in the mantle of legality.”</p> <p>Grant Loeb expressed a concern with the statement that AG Sessions failed in his attempt to combat marijuana. He also disputed the statement that “we have lost the war on drugs” and compared it to losing the war on cancer. If it’s the right thing to</p>	
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		<p>do, complete success is not the measure by which a decision to stop fighting the war should be made. Fighting the daily battles is what keeps society from sliding to the other extreme. In old days, tougher drugs were dealt by the more hard-core drug dealers, the kind of people that everyone would say should be in prison, while pot was mostly dealt by “local loser guy” but not someone that should be in prison. Now, arrests for harder drugs, almost always they are also selling marijuana too. The marijuana has moved into the same category as the heavy drugs. That will likely not change with legalization or not. The black market is going to deal in all drugs. Users got all of the drugs. Prosecutors also do not support the legalization of marijuana. Marijuana legalization changes communities for the worse. That shouldn’t be something that is brought to Idaho. Just because a war can’t be won, doesn’t mean that the daily battles shouldn’t be fought. If the marijuana industry wins on battle, they will be back to move the bar farther down the road the next year, and so on. It is a big business operation. Other industries are excited to get into the marijuana industry.</p> <p>Nicole Fitzgerald explained that organized crime has increased since legalization of marijuana in the city of Denver. Crime is up across the board. The black market has been emboldened. She addressed CBD. Epidiolex was approved as a pharmaceutical grade CBD product. The FDA was created to keep what is happening from happening. There is a lot of consternation about the cost of Epidiolex. During the legislative session it was vote tipping point. The DEA has scheduled it as a class 5, it will cost \$32,500 a year. However, this is before insurance, and the cost is based on the weight of the patient. Those who cannot afford it, GW will pay for the cost of the medication. If substance use disorders are to be addressed, prevention must be the focus. Iceland has a strong after school program, and substance abuse number are extremely low. The Office of Drug Policy works on funding after school programs, youth that participate in an evidence based program and their parents participate in a parent program, are significantly less likely to engage in the use substances.</p> <p>Matt McCarter asked a question about the Youth Risk Behavior survey. The percent of 30-day has gone down, but was expected to go up.</p>	
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<p>9:30 am (30 min)</p>	<p>Update from Idaho Sheriff’s Association, Vine and PREA Audits—<i>Vaughn Killeen, Executive Direction, Idaho Sheriff’s Association</i></p>	<p>Vaughn Killeen gave an update on the Idaho Sheriff’s Association, Vine, and PREA audits:</p> <ul style="list-style-type: none"> <li>• A brief description of the Association’s history, purpose, and organization.</li> <li>• Jail inspection program. The Association is involved in increasing jail standards. There are many compliance issues. There needs to be at least 2 detention officers on duty at all times. 29 out of 36 jails are certified.</li> <li>• PREA compliance. Idaho was not among the original states that adopted PREA. IPREA was created, which was created because Idaho felt that PREA was too onerous. Idaho now was an official PREA auditor. The Association does both PREA and IPREA audits. In 2020, IPREA audits will go away, and all jails will become full PREA compliant. IPREA essentially prepared jails for PREA. Sharon Harrigfeld: Only PREA compliant Jails can hold juvenile offenders. There was a reading of a report that explains that PREA is the start, not the end of the effort. A question was asked by Judge Moeller how PREA would affect certain situations, such as a heart breaking case where an 18-year-old was sexually assaulted by several older inmates.</li> <li>• Vine update. The association is working on “Enhanced Vine”. There is an app called “Mobile Patrol” people can use to see what is going on in their communities.</li> <li>• Offender watch program is a system that sheriffs can use to register a sex offender much quicker, and also it allows them to monitor those individuals. It is also paperless. It is supported by the U.S Marshal system. It is used in about 37 states. There is about 5,000 registered sex offenders in the system.</li> <li>• Scholarship program. The Association grants two scholarships per year.</li> <li>• Civil School every April. Civil manual is online.</li> <li>• New Sheriff’s school every 4 years. The only prerequisite to be a sheriff is to be 21 years of age and a U.S. Citizen.</li> </ul>	
<p>10:00 am (15 min)</p>	<p>Break</p>		

<p>10:15 am (45 min)</p>	<p>Ethics and Government Training—<i>Brian Kane, Assistant Chief Deputy, Office of the Attorney General of Idaho</i></p>	<p>Brian Kane gave training on ethics and government:</p> <ul style="list-style-type: none"> <li>• Faith in government is a problem in the U.S. while tragic, 9-11 was a unifying event: faith in government peaked at that time.</li> <li>• People view congress as corrupt, but people don't view their own congressman or congresswoman as corrupt.</li> <li>• Every time there is a scandal based on an official not handling some ethics issue properly, faith in government erodes just a little bit each time.</li> <li>• If you feel that you have a conflict of interest, then it is best to seek legal counsel. If counsel says it's okay, then you are protected.</li> <li>• If you have the thought that it might be a good idea to disclose something, it is a good idea to disclose it. Over disclosure is better than under disclosure.</li> <li>• Watch out for the “culture of entitlement” – “I deserve special treatment because of my position.”</li> <li>• Know who your friends are. Your friends are friends with you because of who you are not what you are.</li> <li>• Watch out for steps of rationalization. The hardest thing is the first take. Once you take some petty cash, it becomes easier and easier every time. Small amounts of money turn into large amounts. Those who are prosecuted always reveal a rationalization that they will pay it back.</li> <li>• Always get a second opinion. If you don't feel that you can, that is a huge red flag that what you are doing shouldn't be done.</li> </ul>	
<p>11:00 am (30 min)</p>	<p>Presentation on Criminal Justice Data Warehouse—<i>Lisa Bostaph, Associate Professor, Boise State University</i></p>	<p>Dr. Lisa Bostaph gave a presentation on the Criminal Justice Data Warehouse:</p> <ul style="list-style-type: none"> <li>• All of the different criminal justice silos need to collaborate and share data so that questions that currently cannot be answered, can be answered.</li> <li>• Without all of the data from all sources, it is hard to develop the entire picture needed to make sound decisions about how to best intervene in certain situations.</li> <li>• Monty Prow explains how the data warehouse would work and how the different agency can control their data on the way in and way out. The data warehouse would create a secure place to store data from all sources.</li> <li>• If someone wants access to the data, the warehouse custodian would seek approval from agencies to release information from their silo's on multiple levels (three times, once on way in, twice on way out). Once an agency gives a no, it's a hard no.</li> <li>• Dr. Bostaph explains that her and her staff are collecting data and have been</li> </ul>	

		<p>doing so for the last 4 years and expect another year to complete database.</p> <ul style="list-style-type: none"> <li>• There was a question about making sure that the data is used in a valid way. It was answered by Monty. There will be a rule made such that with the publication of report using the data that was released, the approving agency has the right of first approval. There will be four opportunities to accept or reject data usage.</li> <li>• The algorithm that will be used to link data together was described. There will be about a 90% success level on the match.</li> <li>• \$500,000 is what is being requested to run the warehouse.</li> <li>• There needs to be a non-partisan and public service driven location to house the data. The research alliance is currently trying to determine who that would be.</li> <li>• A vote for ICJC to support \$500,000 funding will be held in the January meeting.</li> </ul>	
11:30 am (30 min)	<p>Other ICJC Business</p> <ul style="list-style-type: none"> <li>• <b>Action Item</b> – Support of COPS Program</li> </ul>	<p>There was a motion to support the COPS program by Paul Wilde and seconded by Senator Patti Anne Lodge. <b>The motion carried.</b></p> <p>There will be time on the agenda during the December meeting to discuss agency legislation.</p> <p>A calendar for the 2019 meetings will be created prior to the December meeting, and approved at the December meeting.</p>	
12:00 pm	Adjournment	The meeting was adjourned.	

Next regularly scheduled meeting to be held in Boise, Friday, December 14th, 2018

## “Collaborating for a Safer Idaho”

