

Idaho Criminal Justice Commission
Regular Meeting
September 27th, 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	Colleen Zahn, Idaho Attorney General's Office
Melissa Wintrow, House Jud, Rules & Admin	Darren Simpson, Judge, District Court
Dave Jeppesen, Health & Welfare	Greg Chaney, House Jud, Rules & Admin
Ashley Dowell, Comm of Pardons & Parole	Jared Larsen, Office of the Governor
Kedrick Wills, Idaho State Police	Denton Darrington, Public Member
Melissa Moody, Judge, District Court	Monty Prow, IDJC

Darrell Bolz, Public Defense Commission
Sara Thomas, Idaho Supreme Court
Grant Loeb, 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:

Paul Wilde, Vice Chair, Idaho Sheriffs Association	Todd Lakey, Senate Judiciary & Rules
Dan Hall, Chiefs of Police Association	Bart Davis, U.S. Attorney, District of Idaho
Grant Burgoyne, Senate Judiciary & Rules	Melinda Smyser, Office of Drug Policy
Lisa Bostaph, Public Member	James Cawthon, Judge, Magistrate Court

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

Others Present:

Tim Hibbard, ICJC/IAC	Tanea Parmenter, ISP
Kate Horowitz, U.S. Attorney, District of Idaho	Kathleen Elliot, PDC
Alex Curd, ODP	Rachelle Cahoon, Public
David Bell, IDHW	Vickie Shubert, Public
Beth Kriete, IDHW	Nancy Volle, SOMB
Ross Edmunds, IDHW	Kelli Brassfield, IAC

Don Burns, Ada Court Services
Leslie Hayes, Attorney General's Office
Matt Wimmer, IDHW
Lynn Norton, Ada County Drug Courts
Deborah Bail, Ada County Drug Courts

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
8:00 am (5 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			
8:05 am (5 min)	Action Item – Approve July 2019 Minutes <u>Subcommittee Reports</u>	There was a motion to approve the July 2019 minutes by Dave Jeppesen and seconded by Kedrick Wills. The motion carried. Human Trafficking Subcommittee met and is working toward next steps. Community College Subcommittee is working with community colleges within problem solving courts team to see if the best option is to create a pilot problem solving court that will address getting kids into the colleges. Mental Health Subcommittee is working on 18-212 processes. Chair Fredericksen worked with Jared Larsen to draft legislation on the Criminal Justice Integrated Data System that will be housed at the Controller's Office. It will be launched in 2021 to be able to run reports.	
Promote Well-Informed Policy Decisions			
8:10 am (15 min)	ICJC Google Drive Information — <i>Timothy Hibbard, ICJC</i>	Tim Hibbard provided brief training on the new ICJC Google Drive shared drive. <ul style="list-style-type: none"> The ICJC Google shared drive will be available to any member of the Commission that would like access to all ICJC documents and meeting materials when it is convenient for them and without needing to request it. Members may access the drive via the Google Drive in an internet browser or via the file system on their computer via Google File Stream. You do not need a Gmail account to create a Google account to access the files on Google Drive. 	
8:25 am (45 min)	2018 Uniform Crime Report — <i>Tanea Parmenter, ISP</i>	Colonel Wills introduced Tanea Parmenter who gave a presentation on the 2018 Uniform Crime Report: <ul style="list-style-type: none"> National Incident Based Crime Report (NIBRS) -- Crime is counted based on what happened vs when offender is charged 	

		<ul style="list-style-type: none"> • Idaho was one of the first seven states to report NIBRS in 1992 • FBI mandated all states to transition to NIBRS by 2021 <ul style="list-style-type: none"> ○ Easier to compare across states ○ Summary collection was an aggregate total count of offenses <ul style="list-style-type: none"> ▪ No way to track if an incident was cleared by arrest ▪ Lack of victim, offender and crime information • Even with the transition it is still an old collection method <ul style="list-style-type: none"> ○ Looking beyond the crime data, what's needed and how to collect? Location based on definition, future – geolocation. Quicker reporting of crime – new crime dashboard and report • Crime data is as good as the information received from LE Agencies • It is in statute 67-3006, however no enforcement powers <ul style="list-style-type: none"> ○ Grant funding can be limited if not reporting crime data • Accountability and collection methods vulnerabilities <ul style="list-style-type: none"> ○ Lack of staff or staff turn-over at the local agency. Lack of reporting or records management system (RMS). Lack of training to officers entering incidents in RMS. • New UCR Repository with updated collection practice <ul style="list-style-type: none"> ○ Data Validation at initial entry. Up to date with FBI Technical Specifications. Online help and training material. Return of Errors instantaneously. • Development of the Crime Data Quality Assurance Dashboard <ul style="list-style-type: none"> ○ Designed to measure an agency reporting. Quality Assurance Dashboard. Tracking of error incident submissions and corrected incidents. Warning notifications of potential data anomalies. Online audit of all reporting agencies triennially. • NIBRS definitions broken into three Group A Categories <ul style="list-style-type: none"> ○ Crimes Against Persons. Crimes Against Property. Crimes Against Society. • 2018 Idaho Statewide Crime Profile: <ul style="list-style-type: none"> ○ 100% of agencies reported. Population 1,755,263 – provided by FBI and US Census Bureau. Used to determine crime rates for jurisdictional comparison. $\text{Crime rate} = (\# \text{ of offenses/population}) \times 100,000 = \text{crime}/100,000.$ ○ 88,269 Group A Offenses <ul style="list-style-type: none"> ▪ 0.54% increase from 2017 	
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<p>9:10 am (15 min)</p>	<p>Tucker v. State of Idaho Update—<i>Leslie Hayes, Attorney General's Office</i></p>	<p>Leslie Hayes gave an update on the Tucker v. State of Idaho pending litigation:</p> <ul style="list-style-type: none"> • The Tucker lawsuit is the ALCU allegation that the Idaho public defense system is unconstitutional. It was initially filed in 2015 and was dismissed by the district court on a preliminary motion for lack of judicability based on standing, ripeness and separation of powers. • On appeal to the Idaho Supreme Court it was reversed and remanded in 2017. • Class certification was granted in January 2018. • Discovery was the next step. That closed in the Fall of 2018. • Both sides filed motions for summary judgement. In February 2019 the district court heard oral arguments, and denied both motions in March of 2019. • The Supreme Court agreed to take the case up on appeal. • Right now, none of the effects will be decided on, it is merely a question of law at this point. What is at stake is the level of standard to which the case would be decided. • The ACLU will file the opening brief. • The record on appeal has now been settled, and as of two day ago the briefing schedule has been set. The opening briefing is due in October 2019. The briefing will likely close in early 2020. • Oral argument will be set once briefing is closed. The Supreme Court will issue its order as to what standard applies, and it will be remanded for trail. • There is potential for a reopening of discovery, but perhaps not. 	
<p>9:25 am (20 min)</p>	<p>Break</p>		
<p>9:45 am (45 min)</p>	<p>Medicaid and Criminal Justice—<i>Matt Wimmer and Ross Edmunds, IDHW</i></p>	<p>Beth Kriete and Ross Edmunds gave an update on Medicaid expansion as it relates to the criminal justice system in Idaho:</p> <ul style="list-style-type: none"> • Idaho is on task to have Medicaid expansion go live on January 1st 2020. About 91,000 that need to be enrolled. They already know about 70,000 due to other interactions. • Incarcerated persons do not qualify for Medicaid. However, if they become inpatient at a hospital, they can switch their Medicaid back on. • Hospitals can file a “short form” for individuals to qualify for Medicaid for those individuals that are known to the system. It’s called 	

		<p>presumptive eligibility.</p> <ul style="list-style-type: none"> • Health Connections is a program that allows participants to pick a primary care provider. There is a 90-day window that an individual has to find a primary care provider. • Services will be provided on January 1 of 2020 regardless of the Healthy Connections program. • The IMD waiver is in the works. • Idaho struggles with just with primary health care, let alone behavior health providers and psychiatrists and other services is a struggle as well. Part of the work groups that IDHW is having is helping getting individuals in need enrolled in Medicaid. • Every county in Idaho is a professional shortage area for behavior health. • The goal for Medicaid assisted treatment is that there wouldn't be any time limit on the treatment. • CMS wants healthcare system reform, so they are using the IMD waiver as a carrot. Under the previous waiver, there were 22 states that had it approved. So far, there is only one that has had it approved under the new waiver. IDHW is confident that Idaho's waiver will be approved. • If litigation were to effectively deny the work requirements, the legislature put it into the law that co-pays would act as a backup plan. • Medicaid can be turned on within a day in Idaho. 	
<p>10:30 am (60 min)</p>	<p>Idaho's Drug Courts—Judge Lynn Norton, Ada County Drug Courts</p>	<p>Sara Thomas introduced Judge Norton and Judge Bail:</p> <ul style="list-style-type: none"> • When a Judge takes on a problem solving court, they have a full case load, and then they also do the problem work of the problem solving court. It's a second full time job that they volunteer to do. <p>Judge Lynn Norton gave a presentation on Idaho drug courts:</p> <ul style="list-style-type: none"> • Drug Courts fall under the Idaho Drug and Mental Health Court Act. Its in 19-5601 Idaho Code. • Drug courts are in session every day of the week. • Drug court is not just a court; it's treatment as well. The idea is to try to change the trajectory of these individuals' lives, which they are very successful at. • In Ada County there have been over 1,000 graduates to date. • There have been 132 drug free babies born to women as a result of the 	

		<p>program.</p> <ul style="list-style-type: none">• In January, Idaho conformed its best practice standards to the national standards.• Idaho is one of the most studied criminal justice systems in the United States.• Drug courts began in Florida and later adopted by Idaho. Idaho shows how drug courts are effective. Idaho also shows not just that it is effective, but what exactly makes it more effective.• The curriculum makes up about 15% of what makes the system effective. Equally important is whether or not if the individual thinks it is going to be effective.• 30% comes from the therapeutic relationship with their counselor. Turnover can be a deterrent to success.• 40% comes from other criminogenic factor such as housing.• A big factor for success is a program that helps individuals not just get a job, but how to keep a job. Learning the skills to do well in a work environment.• Access to mental health care, and trauma informed treatment are incredibly important.• Of 60% of drug court participants have mental health conditions. <p>Judge Bail addressed the Commission:</p> <ul style="list-style-type: none">• Idaho has lead the nation in dealing with drug issues through its drug courts.• The key is everyone is a team and everyone is working together.• Group dynamics are very important in drug courts. Some participants engage in eager learning of how to manipulate the system. Shifting the focus from eager learning to getting individuals to believe they can actually change their lives is a major component.• Individuals that have come through the program are highly effective at detecting early warning signs in others.• The capacity in Ada county is about 270. The needs is very great. It is extremely difficult to tell someone you can't bring them "on to the lifeboat" because there isn't enough room.• The counties pick up a large part of the cost and energy and resources that go into problem solving courts.	
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11:30 am (30 min)	Other ICJC Business Action Item – Review and approve Public Records Request Policy	<p>Chair Frederickson shared with the Commission comments from Senator Burgoyne and the Public Records Request Policy.</p> <p>There was a motion to make the following changes to Senator Burgoyne’s proposed changes to read as: “ICJC has no physical location, infrastructure, employees, records storage system, email system or server. Therefore, the ICJC ability to maintain records is limited. The ICJC maintains the following records: Commission and subcommittee meeting agendas...” as suggested by Colleen Zahn, by Jared Larsen and seconded by seconded by Ashley Dowell. The Motion Carried.</p> <p>There was a motion to approve Public Records Request Policy with the changes as suggested by Senator Burgoyne and Colleen Zahn by Ashley Dowell and seconded by Jared Larsen. The motion carried.</p>	
12:00 pm	Adjournment	The meeting was adjourned.	

Next regularly scheduled meeting to be held in Boise, Friday, October 18th, 2019

“Collaborating for a Safer Idaho”

