

**Idaho Criminal Justice Commission**  
**Regular Meeting**  
**Joint with Senate Judiciary and Rules & House Judiciary, Rules, & Administration Committees**  
January 12, 2024

**Location: In Person – Lincoln Auditorium, Idaho State Capitol**

**Time: 1:30 p.m.–2:45 p.m.**

**Idaho Criminal Justice Commission Members Present:**

Ashley Dowell, Chair, Comm of Pardons & Parole  
Kieran Donahue, Idaho Sheriffs Association  
Chris Mathias, House Jud, Rules & Admin  
Melissa Wintrow, Senate Judiciary & Rules  
Kedrick Wills, Idaho State Police  
Daniel Chadwick, Vice Chair, Public Member  
Erik Lehtinen, SAPD  
Jonathon Brody, Judge, District Court

Thomas Sullivan, Judge, Magistrate Court  
Todd Lakey, Senate Judiciary & Rules Chairman  
Jeff Nye, Idaho Attorney General’s Office  
Bruce Skaug, House Jud & Rules Admin  
Jared Larsen, Office of the Governor  
Marianne King, Office of Drug Policy  
Monty Prow, IDJC

Josh Tewalt, Department of Correction  
Kathleen Elliott, Public Defense Commission  
Sara Omundson, Idaho Supreme Court  
Seth Grigg, Idaho Association of Counties  
Greg Wilson, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

**Idaho Criminal Justice Commission Members Absent:**

Denton Darrington, Public Member  
Tracy Basterrechea, Chiefs of Police Association  
Grant Loeb, Prosecuting Attorneys Assoc.

Darren Simpson, Judge, District Court  
Bernadette LaSarte, Public Member

Dave Jeppesen, Health & Welfare  
Joshua Hurwit, U.S. Attorney, District of Idaho

**Others Present:**

Matt Clifford, Ada Sheriff  
Holly Koole Rebholtz for Grant Loeb

<b>Agenda</b> <i>Who's Responsible</i>		<b>Meeting Outcomes/Decisions Reached</b>	<b>Due Date</b>
1:30 pm (5 min)	Call to Order– <i>Chair Ashley Dowell</i> <ul style="list-style-type: none"> <li>Welcome and Roll Call— <i>Chair Ashley Dowell</i></li> </ul>	Chair Ashley Dowell called the meeting to order at 1:33 pm.	
<b>Commission Management</b>			
1:35 pm (5 min)	<b>Action Item</b> – Approve December 2023 Minutes  <b>Action Item-</b> Nomination of Sheriff Josh Campbell to the Idaho Grant Review Council	<i>Kieran Donahue made a motion to approve the minutes from December 2023, Greg Wilson seconded. Motion carried.</i>  Kieran Donahue made a motion to approve the nomination of Sheriff Josh Campbell to the Idaho Grant Review Council, Jeff Nye seconded. Motion carried.	
<b>Promote Well-Informed Policy Decisions</b>			
1:35 pm	Overview of Movement through the Criminal Justice System- <i>Chair Ashley Dowell</i>  Question and answer session with legislators	The Idaho Criminal Justice Commission (ICJC) was created in 2005 by Governor Kempthorne's Executive Order and has been reauthorized by subsequent Governors.  Members: See top of Minutes  Complex: Criminal Justice in Idaho: Two types of adult criminal processes. There are misdemeanors and felonies. Juvenile crimes are handled differently.  <u>Entry into the system:</u> Crime is reported, investigation and possible arrest by LE (ICPA, ISA, ISP). The individual may be released without charges or the crime may be unsolved. Contacts: LE (ICPA, ISA, ISP). Prosecutors: IPAA, Idaho office of the Attorney General  <u>Prosecution and pretrial services:</u> Charges filed by prosecutors (Charges may be dismissed, amended or added throughout process). Initial appearance – find out if there is an attorney, find out what charges have been filed. (Bail or detention, pretrial release). Preliminary hearing (this is for felony only)	

<p style="text-align: center;"><b>Agenda</b> <i>Who's Responsible</i></p>	<p style="text-align: center;"><b>Meeting Outcomes/Decisions Reached</b></p>	<p style="text-align: center;"><b>Due Date</b></p>
	<p>Pretrial conference – determine what is going on in the case. Will it be moving forward or has it been settled. (for misdemeanors)</p> <p>Contacts –  Prosecutors: IPAA, Idaho office of the Attorney General  Defense Counsel: We now have a new public defender. May be private counsel also.  Judiciary: Idaho Supreme Court  Pretrial Services/Jail: Idaho Sheriffs' Association</p> <p><u>Adjudication:</u>  Arraignment: this is after the preliminary hearing. Charges may be dismissed or they may be amended. They may plead guilty and eliminate the need for a trial. If they go to trial the individual may be acquitted or convicted of a crime.</p> <p>Contacts:  Prosecutors: IPAA, Idaho office of the Attorney General  Defense Counsel: We now have a new public defender. May be private counsel also.  Judiciary: Idaho Supreme Court  Jail: Idaho Sheriffs' Association</p> <p><u>Sentencing:</u>  Felonies: they can be given probation. They can also have a unified sentence (determinant or indeterminant).  Incarceration: jail or prison.</p> <p>Contact:  Judiciary: Idaho Supreme Court  Incarceration: Jail: Idaho Sheriffs' Association Prison/Rider: Idaho Department of Correction  Misdemeanor Probation: County  Felony Probation: Idaho Department of Correction</p>	

<p style="text-align: center;"><b>Agenda</b> <i>Who's Responsible</i></p>	<p style="text-align: center;"><b>Meeting Outcomes/Decisions Reached</b></p>	<p style="text-align: center;"><b>Due Date</b></p>
	<p><u>Corrections:</u>            Probation (Judge) over the case            If it is misdemeanor probation the county will oversee the case. If it is a felony IDOC will oversee the case. If the individual does something that goes against their probation, it could be revoked and the underlying sentence could be executed.</p> <p><u>Incarceration:</u>            The individual goes to prison or jail. If you have served the parole board can make a decision as to whether or not the person can serve the remainder of time in the community or remain in prison.</p> <p><u>Contact:</u>            Probation: Idaho Supreme Court (County/misdemeanor and IDOC/felony)            Incarceration: Jail: Idaho Sheriffs' Association Prison: Idaho Department of Correction            Parole: Idaho Commission of Pardons and Parole/Supervision by IDOC</p> <p><u>Other critical parts of the system:</u>            Juvenile Offenders (Separate system)            Appeals of court rulings            Mental health            Substance abuse treatment            Education            Treatment courts</p> <p><u>Contacts:</u>            Juvenile Offenders (Department of Juvenile Corrections/County probation)            Appeals (State Appellate Public Defender/Office of the Attorney General)            Mental health/Substance abuse (Department of Health and Welfare/Office of Drug Policy)            Education (Department of Education)            Treatment courts            Idaho Supreme Court</p>	

<p style="text-align: center;"><b>Agenda</b> <i>Who's Responsible</i></p>	<p style="text-align: center;"><b>Meeting Outcomes/Decisions Reached</b></p>	<p style="text-align: center;"><b>Due Date</b></p>
	<p>Pardons and Parole Commission: What is the interaction with Governor's office? Clemency- pardons (people who have a crime of their record, have served their time, done well, request the commission to clear record), commutation (request changing the sentence the judge gave you), restoration of firearm rights (some rights are removed for certain crimes, and this is a request to have them restored).</p> <p>What is the rider program? Judge may impose sentence but may defer the sentence to allow the individual to try and divert from going to prison.</p> <p>Some would rather be in felony probation v. misdemeanor probation. Do you know why? Probation and parole are a very difficult job. We don't want to play referee. We would rather be a coach and help these individuals. The expectation for our staff is to get to know their clients and help them get to where they need to go. Those that are high need are the ones that need to be in treatment courts. Not everyone needs to be in treatment court.</p> <p>Is there general oversight over misdemeanor probation? Probation tends to be overused because our jails only have so much room. As a judge, the first thing we think of is, "is the public safe by the decision I made?" The hardest cases are drug and alcohol cases.</p> <p>What is the best practice for time of supervision? We have to look at risk principles. If they are on supervision for longer than 36 months, there is a risk of doing more harm. Sometimes there are individuals that need to be on supervision longer than that. Those that are low risk, may reoffend or commit a new crime. We try to work with these people to keep them on a good path.</p> <p>How does pretrial release different among the counties? Pretrial is a service of supervision. The judge will release individual if they meet certain criteria. It is a lower supervision. Some counties only provide the service to the level of their funding. They are not required to provide the services. The ADJ works with the county to decide what services they are able to provide.</p>	

<b>Agenda <i>Who's Responsible</i></b>		<b>Meeting Outcomes/Decisions Reached</b>	<b>Due Date</b>
		<p>How does a judge determine determinant v. indeterminant? It is discretionary. We looked at truth in sentencing years ago. Judges now have the discretion to determine what this look like. Not every judge does this, but a lot go with a 50/50. The commission on pardons and parole get to make the decision as to whether or not the sentence can be changed. The judges are not involved in that process.</p> <p>How do make employers a partner in the parole process? History says we have done what is more convenient to us. We are adjusted to make sure we are considering with facilitating their cases.</p> <p>What are the trends in our prison population? Where do you see us going in the future? We saw a dip on our population. We aren't broken. We are in a market correction. Not all systems are back to normal, but we are getting close. We are seeing growth and changes in our composition of our population. The drug only crimes have grown to 36% percent of our population.</p> <p>568 out of the state. We are at 99.4% of capacity. We look at different factors when determining who will be placed out of state. We only move males out of the state.</p>	
2:45 pm	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, February 23, 2024

## **“Collaborating for a Safer Idaho”**