

Idaho Criminal Justice Commission
Regular Meeting
January 27, 2023

Location: In Person

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Joshua Hurwit, U.S. Attorney, District of Idaho
Tracy Basterrechea, Chiefs of Police Association	Jeff Nye, Idaho Attorney General's Office
Vacant, Senate Judiciary & Rules	Jared Larsen, Office of the Governor
Ashley Dowell, Comm of Pardons & Parole	Denton Darrington, Public Member
Jonathon Brody, Judge, District Court	Marianne King, Office of Drug Policy

Monty Prow, IDJC
Kathleen Elliott, Public Defense Commission
Bernadette LaSarte, Public Member
Grant Loeb, Prosecuting Attorneys Assoc.
Vacant, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Daniel Chadwick, Public Member	Seth Grigg, Idaho Association of Counties
Kieran Donahue, Idaho Sheriffs Association	Dave Jeppesen, Health & Welfare
Kedrick Wills, Idaho State Police	Todd Lakey, Senate Judiciary & Rules Chairman
Thomas Sullivan, Judge, Magistrate Court	Darren Simpson, Judge, District Court
Chris Mathias, House Jud, Rules & Admin	Bruce Skaug, House Jud & Rules Admin
Josh Tewalt, Department of Correction	
Sara Omundson, Idaho Supreme Court	

Others Present:

Kathie Brack (for Dave Jeppesen), IDHW
Justin Whatchott, US Attorney's office
Tai Simpson, Idaho Coalition Against Domestic Violence
Heather Cunningham, ICDVVA
Thomas Strauss, ISP
Courtney Rodgers, ISP
Mel Fillmore, BSU
Bill Gardner (for Kedrick Wills), ISP
Cheryl Miller
Wally Campbell (for Josh Tewalt), IDOC
Jessica Marshall, ICDVVA

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
9:00 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> 		
Commission Management			
9:05 am (10 min)	Action Item – Approve November 2022 Minutes <u>Subcommittee Reports</u> <ul style="list-style-type: none"> • Human Trafficking • Mental Health • Sex Offense • MMIP 	<p><i>There was a motion to approve the minutes from November 2022 by Ashley Dowell, Marianne King seconded. Motion carried.</i></p> <p>Human Trafficking: Working to change 18-5601 from single to plural. The group is working with Rep. Skaug on this. The chairman will send a letter of support.</p> <p>Other: There will be some changes to the ICJC presentations. The chairman and vice-chair will be reaching out to each agency to see what the critical issues are and to see how ICJC can help with the issues that need addressed. Timing will also be adjusted to 9-12 pm.</p>	
Promote Well-Informed Policy Decisions			
9:20 am (20 min)	Governor's Priorities – <i>Jared Larsen</i>	<p><u>Governor's Broad priorities:</u></p> <p>Education: There is a nexus between the commission/justice system and education. The legislature allocated \$380M ongoing to education. The legislature this session will determine how that will be spent. The Governor's recommendation for spending: Teacher pay, school safety, and property tax relief. He didn't give specifics on tax relief, but we know when we address infrastructure needs it is tax relief.</p> <p>The governor requested a salary study and we found that we were underfunding law enforcement. He is recommending an increase for state law enforcement.</p> <p>The state also fell short in IT and nursing. Ultimately the legislature gets to decide what is done.</p> <p>Operation Esto Perpetua: There is a fentanyl taskforce, the budget request includes funds for a team to work on this issue. ISP only has one mobile scene trailer. We are looking to get two more. It will help with response times. There</p>	

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	<p>is also a request for more funds for drug testing. We also need more funds for training.</p> <p>The Governor is looking to add \$1.1M for stabilization for POST. There have been whole classes of academies that have been canceled.</p> <p>Pre-plea diversion program: This program would be an enhancement to our drug courts. This will be run through the courts. Future presentation by Sara Omundson?</p> <p>The Governor has requested, and the state has appropriated \$6M safe teen assessment centers for youth to help them avoid the juvenile correction system. This will help change the narrative of “get your kid into the system so they get the help they need”. There are 8 centers around the state (one in each district, two in district 5) There is \$4.1M round two funding for more assessment centers and for existing centers. These funds have been matched with people in the community. This is a great thing for our state. The ideas is to start identifying at risk youth sooner before they get into the system. How many children will be able to serve? In the first two days without any advertising the Burley saw 6 youth. We are expecting pretty good numbers, especially once we advertise.</p> <p>IDJC has seen a decrease in the deepest of services. Lewiston doesn't have very many youths in their facility and has great space to help with other services. The hope is to help service IDJC residents on the secure side and citizens on the non-secure side. It will be a great multi-use facility. We are starting in Lewiston and if it goes well, we will look at the other parts of the state. This is a great way to be good stewards of the public's money. This will keep families together for integrated treatment.</p> <p>Some of the dangerously mentally ill population is being housed in our corrections facilities even though they have never committed a crime. There will be a new facility. Two populations will be served: those in a civil commitment process and those who need competency restoration. Those needing competency restoration need to be placed in a facility until they can assist in their case.</p>	

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		<p>Sometimes these individuals are deemed seriously mentally ill, and they are sent to the maximum-security prison. These facilities are not designed to help this population. It will be a 16-bed facility. The state is being proactive to address the housing for this population.</p> <p>Where are the female population housed? They are going to the mental unit in Pocatello.</p>	
9:40 am (20 min)	MMIP Issues – <i>Heather Cunningham and Bernie LaSarte, co-chairs MMIP subcommittee</i>	<p>What is MMIP? Indigenous persons experience disproportionately high rates of violence, and, relatedly, are reported missing or are murdered at higher rates than non-Indigenous persons.</p> <p>This is not unique to Idaho. Indigenous communities experience higher rates of violence.</p> <p>In 2020 the House passed HCR33 which designated May 5th awareness for MMIP day. There was a report done and it shows that indigenous persons are 10x higher than the national average for being murdered. Report recommendations: standardize MMIP case response, standardize data collection, sharing, and accuracy, increase agency collaboration, and enhance the capacity of the Missing Persons Clearinghouse.</p> <p>It is unique because we have county, tribal, state, and our surrounding states. This creates complicated jurisdiction issues.</p> <p>Mission statement: Research and identify current systems and resources dedicated to addressing and combating significant and unacceptable rates of missing & murdered Indigenous persons in the State of Idaho, and among members of Idaho tribes in neighboring states. Identify and seek to implement evidence-based strategies and community-centered practices not currently utilized in the state. Evaluate Idaho's statutory scheme related to MMIP and, if necessary, propose legislation to address and support efforts to curb the current trend.</p>	

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	<p>Membership: There are tribal members, tribal law enforcement, other law enforcement, federal partners, and other statewide partners. There is a need for state legislators, judges, medical examiner/coroner, and county/tribal prosecutors. This is a gap the committee is looking for help filling.</p> <p>Ongoing updates to the Clearinghouse: adding data fields other national agencies collect, working to develop a switch to allow other clearinghouses to connect to ours, adding data fields specific to MMIP such as tribal affiliation, enrollment, MMIP “flag”, and updating servers to comply with EMPA (endangered missing person alert).</p> <p>Thanks to the legislature there is the new alert system. There have been 11 alerts since that implementation. None have been indigenous yet, but we are hopeful for this new system.</p> <p>Ongoing challenges: Points of contact on reservation and county/city law enforcement. There is a sense of discomfort sharing tribal court criminal history with non-tribal law enforcement. There is also confusion around who has legal authority over the victim and alleged offender. There are more challenges as well.</p> <p>When a non-tribal person who is harming a tribal person on the reservation, non-tribal law enforcement can now act. Oklahoma v. Castro-Huerta</p> <p>Jurisdictional challenges: There is confusion on who has responsibility of housing the offender. It is hard to balance culture and family dynamics and there are community activism components. All of this takes trust and trust takes time.</p> <p>POST certification: Tribal officers go to POST and also go to another training; however, if they go to work on a reservation, they don't keep their POST certification. We are looking for cross deputization.</p>	

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		<p>MOU – MOUs would be a great tool between tribes and surrounding law enforcement. This would help with some of the challenges listed above. These MOUs will help keep policies and practices in place when there is turnover on either side. There is no “one size fits all” MOU.</p> <p>North Idaho does really well with their relationships and agreements. We are looking to them for some best practices.</p> <p>Other states and MMIP: Washington formalized a task force. They have over 100 recommendations. Key recommendations: all LE should expand their collaboration and coordination with federal, state, county, local, and tribal social and health services, require all LE agencies to use the systems (we need this in Idaho). The legislature should establish and fully fund a cold case investigation unit. Lastly, all law enforcement should use the national missing and unidentified persons system.</p> <p>Next work: Membership gaps: the sub-committee needs legislators, judges, coroner, and prosecutors.</p> <p>The sub-committee wants to meet with each tribe. This will allow for the committee to learn about the tribes and so will understand more. You want to be respectful, but it is hard if you don't know the culture.</p> <p>Designate MMIP as a crisis in Idaho. One of the worse things to do to victims is having a very hard system to navigate.</p> <p>Need to explore more funding options.</p>	
10:00 am <i>(10 min)</i>	Break		
10:10 am <i>(20 min)</i>	Suicide Data, Trends, and Impacts – <i>Teresa Abbott, Health Program Manager, Suicide Prevention Program, IDHW</i>	Unable to have presentation due to technical problems. Will reschedule for February.	

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10:30 am <i>(25 min)</i>	Legislative Proposals - <i>Sex Offense Subcommittee (Action)</i>	<p>18-8304 Criteria in A or criteria in F. This proposal changes the “and” to an “or”. Rep. Gardner will be carrying this one.</p> <p><i>Bill Gardner made a motion to endorse amendment, Jared Larsen seconded. Motion carried.</i></p> <p>18-8310 Clarification of the language. Criteria for release. Changes making sure that “all” supervision is completed. Rep. Handy will carry this one.</p> <p><i>Bill Gardner made a motion to endorse amendment, Jared Larsen seconded. Motion carried.</i></p> <p>There are two policy issues that the legislature needs to be aware of. The subcommittee wrote and approved a letter. The courts each year look at statutes for defects. In section 18-1508A there appears to be an issue and the committee can’t decide whether or not is was on purpose. There is a recommendation to make a change, so the cross reference is in place. The second issue is in regard to a bill that did not pass last year (HB625). The sub-committee decided that there is current language that covers these acts. Recommendation that the current conduct is covered by law.</p> <p><i>Denton Darington made a motion to support sending the sub-committee to the legislature for clarification on why new legislation is not needed, Jared Larsen seconded. Motion carried.</i></p>	
10:55 am <i>(5 min)</i>	Other ICJC Business – Action Item - Grant Council Membership	<p>There was one recommendation for fill the misdemeanor probation seat on the grant council. This was Jeff Breech.</p> <p><i>Ashely Dowell made a motion to approve Jeff Breech to the Grant Council, Wally Campbell seconded. Motion carried.</i></p> <p>There were two nominations to fill the prosecutor seat on the Grant Council. These were Denyce Udink from Gem County and Jamie Sullivan from Boise City.</p>	

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		<i>Bill Gardner made a motion to approve Denyce Udink to the Grant Council, Ashley Dowell seconded. Motion carried.</i>	
11:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, February 24th, 2022

“Collaborating for a Safer Idaho”