

Idaho Criminal Justice Commission
Regular Meeting
January 28, 2022

Location: In Person - [Zoom](#)

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Rafael Gonzalez, U.S. Attorney, District of Idaho
Dan Hall, Vice Chair, Chiefs of Police Association	Mark Kubinski, Idaho Attorney General’s Office
Kieran Donahue, Idaho Sheriffs Association	Darren Simpson, Judge, District Court
Chris Mathias, House Jud, Rules & Admin	Greg Chaney, House Jud & Rules Chairman
Ashley Dowell, Comm of Pardons & Parole	Jared Larsen, Office of the Governor
Kedrick Wills, Idaho State Police	Denton Darrington, Public Member
Todd Lakey, Senate Judiciary & Rules Chairman	Marianne King, Office of Drug Policy

Monty Prow, IDJC
Kathleen Elliott, Public Defense Commission
Bernadette LaSarte, Public Member
Sara Omundson, Idaho Supreme Court
Grant Loeb, Prosecuting Attorneys Assoc.
Eric Studebaker, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Dave Jeppesen, Health & Welfare	Grant Burgoyne, Senate Judiciary & Rules
Daniel Chadwick, Public Member	Seth Grigg, Idaho Association of Counties
Thomas Sullivan, Judge, Magistrate Court	
James Cawthon, Judge, District Court	
Josh Tewalt, Department of Correction	

Others Present:

Heather Cunningham, ICDV
John Dinger, Ada PA
Lisa Bostaph, BSU
Leila McNeill, ISP
Nancy Volle, SOMB
Erik Lehtnen, Deputy State Appellate Public Defender
Tanea Parmenter, ISP
Liz Demer, OPE
Amy Campbell, ISP
Lauren Bailey, OPE
Mackenzie moss, OPE
Jessica Marshall, ICDV

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 December 2021 Minutes <u>Subcommittee Reports</u> <ul style="list-style-type: none"> Human Trafficking Mental Health Research Alliance - Monty Prow Sex Offense MMIP 	<p>There was a motion to approve the minutes from December 2021 with an amendment to page 9 making a strike through sex offence by Ashley Dowell and was seconded by Kedrick Wills. Motion carried.</p> <p>The human trafficking subcommittee has a new chairman which is Director Jeppesen.</p> <p>The research alliance subcommittee meeting was canceled. This subcommittee will meet after session. Looking to support the IBHC.</p> <p>The sex offense subcommittee has finished their draft legislation and it will be for full consideration today.</p> <p>The MMIP subcommittee meets monthly. They are working on a survey to determine a definition of “missing” plus more.</p>	
Promote Well-Informed Policy Decisions			
9:15 am (30 min)	Biannual Report on Victimization and Victim Services – Lisa Bostaph	<p>Collaboration between BSU and domestic violence</p> <p>Reports are on the website. There are also have infographics.</p> <p>Idaho's Sexual Assault Kit Initiative: This topic is getting national notice and we have given a workshop. Data collection is reduced as the post collection information is the pre collection data for the next year.</p>	

		<p>Victim service providers: Follow up survey in the past October. Partnered with ISP and other policing agencies to examine individual effects of each statutory revision/addition and the cumulative effects of statutes.</p> <p>Invitations were sent out in October 2021. There was collaboration with ISP PGR to inform goals of STOP grant funding. All agencies are required to complete the survey to receive funding.</p> <p>Idaho crime victim survey (due to be released in January 2021 – some still ongoing): Ongoing through Fall 2022. All agencies are required to complete the survey to receive funding. Some of the survey items are crime type(s), services received, services needed, opinions about services, crime victims’ rights, reporting, and demographics. It is available in 5 languages. There have been 280+ responses.</p> <p>Victim clearinghouse: Dashboard to connect people to service providers. There is a lot of information on crime and victimization. Working on new dashboards for data at the county level. Due to be completed in June 2022.</p> <p>Release dates: Summer 2022: crime victim provider survey Fall 2022: effects of SAKI statutes on clearance rates December 2022: crime victim survey Spring 2023: domestic violence and housing issues</p> <p>Other work: MMIP report released in October 2021 15+ key findings (missing persons, homicide, and interviews with stakeholders) and 7 recommendations</p> <p>Council on Development Disabilities:</p>	
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9:45 am (25 min)	Idaho Public Defense Commission Update – Kathleen Elliott, executive director	Report cycle: <u>Total PDC assistance:</u> Since 2016: \$40.77M Formula \$27.38M (15% of county budget) Workload \$11.7M standards implemented in 2018 Joint \$600K Extraordinary \$527K Training \$567K <u>County expenses and PDC awards:</u> 2021: Counties \$32.97M state \$8.6M 2020: Counties \$33.92M state \$9.2M <u>Cases:</u> 76,764 cases (some reports outstanding) Total indigent expenses \$42,260,000 (some reports outstanding)	

		<p><u>Defending attorneys:</u> 12 lead public defenders for institutional offices 198 public defenders for institutional offices 211 contract public defenders as primary and conflict Total 421 attorneys</p> <p><u>2022 State Funded Workload Positions:</u> Attorneys This funding has paid for 36.5 attorneys (salary and benefits) 16 primary attorneys (hire/retain) 20 conflict attorneys (hire/retain)</p> <p>Staff 13 staff (salary and benefits) 3 staff (hire/retain)</p> <p>Other: Office rent, cell phones, laptops, office equipment/supplies, professional dues, training, insurance.</p> <p>Legal experience: Average experience for defending attorneys is 10.47 years of indigent defense</p> <p>Training opportunities: Public defense college, First Friday, The Montroy Series, We the Defenders, Leadership Institute, Western All Starts, NAPD, Open Houses Will have a library soon. It will hold all webinars.</p>	
10:00 am (30 min)	Draft Legislation (Action) – Ashley Dowell (Sex Offenses Subcommittee)	<p>Bill 2: Reason why the strikethrough: we haven't been able to charge for some time because there was a court opinion that decided it was unconstitutional. There are other crimes that would still fall under this statute.</p> <p>Bill 3: Housekeeping matter. The rape and mal-rape were combined years ago and this was overlooked at the time. It assumes that the only victim could be a female.</p>	

		<p>Bill 4: Issues with delays in the postal service. The USPS said that mail will be delivered slower and we are already experiencing this. Offenders are not able to return their address verifications in the allotted time. This would give them a little more time. This also gives offender 7 days instead of 5 days to complete their registration.</p> <p>Bill 1: Repealed of fornication and adultery, crime against nature (also penalties). these terms are added in the incest statute. Added in a definition of “sexual intercourse.”</p> <p>Repealed because the us supreme court decision. Court made it clear that clear consent is constitutional. They don’t want to regulate conduct with consenting adults. Most states have already made these changes.</p> <p>Crime against nature needed a language update. This has been updated for understanding in the sodomy section. Also includes language for acts that include animals or human remains.</p> <p>New section 18-6602 sexual abuse of an animal: Modeled after another state, using Idaho definitions. We wanted to make sure there wasn’t risk to our Ag industry when they are doing their normal appropriate duties such as veterinary.</p> <p>New section 18-6603 sexual abuse of human remains: Want to make sure that if this occurs, there is still a way to prosecute. It is very uncommon to see these crimes but there needs to be a way to prosecute if it does occur. Again, there is a safe harbor for those in an industry that work with human remains.</p> <p>6604: Amends allow for repeal of crime against nature.</p> <p>18-8303:</p>	
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		<p>Sex offender registration: strikethrough of crime against nature (recommending not adding in new sections as this is intended for violent acts)</p> <p>18-8304: Housekeeping of removing references but add in animal and human remains. We addressed those that have already been registered for the repealed statutes. The recommendation is to have those cases litigated on a case-by-case basis. They will stay.</p> <p>18-310: Deals with gun rights. Removed crimes against nature as it is repealed. Discussed adding in the new sections but recommended not adding them as they are not the violent acts such as the others listed.</p> <p>19-2515: Housekeeping</p> <p>2520C: Same</p> <p>20-509: Same</p> <p>20-1005: When a risk assessment is required for parole. Animal and human remains was added in place of the repealed section. They are considered risk factors for recidivism.</p> <p>39-1113: Daycares: adding animal and human remains. Deviant sexual behavior that could be a risk to children.</p> <p>What would be the next steps? Who would carry this? This would be a recommendation to the Governor's office. If it moves forward, it would be brought by ICJC.</p>	
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10:30 am <i>(25 min)</i>	Agency Legislative Updates	<p>IDJC has a couple of bills. One technical correction for post adjudication. Another adding additional youth and lastly allowing for juveniles to be sent to detention instead of jail in certain cases.</p> <p>IBHC has a proposal for amendments to civil commitment process. Addresses some concerns for funding. Final edits this afternoon. Send draft to ICJC.</p>	
10:55 am <i>(5 min)</i>	Other ICJC Business –	Dan Hall will be retiring. This is his last meeting.	
11:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, February 25, 2022

“Collaborating for a Safer Idaho”

Quorum Members Present Bill 2:

*Eric Frederickson, Chair, SAPD
*Dan Hall, Vice Chair, Chiefs of Police Association
*Kieran Donahue, Idaho Sheriffs Association
*Chris Mathias, House Jud, Rules & Admin
*Ashley Dowell, Comm of Pardons & Parole
*Todd Lakey, Senate Judiciary & Rules Chairman
*Mark Kubinski, Idaho Attorney General's Office
*Greg Chaney, House Jud & Rules Chairman
*Denton Darrington, Public Member
*Marianne King, Office of Drug Policy
*Monty Prow, IDJC
*Kathleen Elliott, Public Defense Commission
*Bernadette LaSarte, Public Member

Non-Voting:

-Rafael Gonzalez, U.S. Attorney, District of Idaho
-Sara Omundson, Idaho Supreme Court

Members Not Present:

~~Dave Jeppesen, Health & Welfare
Grant Burgoyne, Senate Judiciary & Rules
Kedrick Wills, Idaho State Police
Daniel Chadwick, Public Member
Thomas Sullivan, Judge, Magistrate Court
James Cawthon, Judge, District Court
Darren Simpson, Judge, District Court
Jared Larsen, Office of the Governor
Josh Tewalt, Department of Correction
Grant Loebbs, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education~~

Quorum Members Present Bill 3

*Eric Frederickson, Chair, SAPD
*Dan Hall, Vice Chair, Chiefs of Police Association
*Kieran Donahue, Idaho Sheriffs Association
*Chris Mathias, House Jud, Rules & Admin
*Ashley Dowell, Comm of Pardons & Parole
*Todd Lakey, Senate Judiciary & Rules Chairman
*Mark Kubinski, Idaho Attorney General's Office
*Greg Chaney, House Jud & Rules Chairman
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Josh Tewalt, Department of Correction
Grant Loebbs, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education~~

Quorum Members Present Bill 4

*Eric Frederickson, Chair, SAPD
*Dan Hall, Vice Chair, Chiefs of Police Association
*Kieran Donahue, Idaho Sheriffs Association
*Chris Mathias, House Jud, Rules & Admin
*Ashley Dowell, Comm of Pardons & Parole
*Todd Lakey, Senate Judiciary & Rules Chairman
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Eric Studebaker, Department of Education~~

Quorum Members Present Bill 1

*Eric Frederickson, Chair, SAPD
*Dan Hall, Vice Chair, Chiefs of Police Association
*Kieran Donahue, Idaho Sheriffs Association
*Chris Mathias, House Jud, Rules & Admin
*Ashley Dowell, Comm of Pardons & Parole
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