

Idaho Criminal Justice Commission
Regular Meeting
July 29, 2022

Location: In Person

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Kedrick Wills, Idaho State Police
Tracy Basterrechea, Chiefs of Police Association	Thomas Sullivan, Judge, Magistrate Court
Kieran Donahue, Idaho Sheriffs Association	Jonathon Brody, Judge, District Court
Dave Jeppesen, Health & Welfare	Mark Kubinski, Idaho Attorney General’s Office
Grant Burgoyne, Senate Judiciary & Rules	Bruce Skaug, House Jud & Rules Admin
Ashley Dowell, Comm of Pardons & Parole	Denton Darrington, Public Member

Marianne King, Office of Drug Policy
Monty Prow, IDJC
Kathleen Elliott, Public Defense Commission
Sara Omundson, Idaho Supreme Court
Seth Grigg, Idaho Association of Counties

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Chris Mathias, House Jud, Rules & Admin	Jared Larsen, Office of the Governor
Daniel Chadwick, Public Member	Josh Tewalt, Department of Correction
Todd Lakey, Senate Judiciary & Rules Chairman	Grant Loeb, Prosecuting Attorneys Assoc.
Rafael Gonzalez, U.S. Attorney, District of Idaho	Eric Studebaker, Department of Education
Darren Simpson, Judge, District Court	
Bernadette LaSarte, Public Member	

Others Present:

Kelli Brassfield	Elisa Massoth
Kevin Hudgens	Rachael Murray
Mckenzie Moss	Rob McQuade
Toni Geddes	Brenna Sheehan
Thomas Strauss	Justine
Aaron Bazzoli	Lauren Harris
Heather Cunningham	Maria Sellick
Laura Keihl	Shannon Romero

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 May 2022 Minutes <u>Subcommittee Reports</u> <ul style="list-style-type: none"> • Human Trafficking • Mental Health • Research Alliance - Monty Prow • Sex Offense • MMIP 	There was a motion to approve the minutes from May 2022 by Ashley Dowell and was seconded by Kieran Donahue. Motion carried. Human Trafficking: Talked about the shared hope framework. Went through the Idaho report cards and decided which areas to work on: Training (recognize trafficking) and legislation. Going to start meeting monthly. Research Alliance: Gave an update on the ICJC dashboard. There was an update from CJIDS and IBHC. Missing, Murdered, Indigenous People: Trying to have an in-person meeting in October at/with the Shoban Tribe. Working on cross deputization issue. Hoping to have policy recommendations soon.	
Promote Well-Informed Policy Decisions			
9:15 am (25 min)	ODMaps demonstration - <i>Kevin Hoggins, OR-IDA HIDTA</i>	There is a strong push to get agencies to communicate better and to collect better data. There is a severe problem: 104,000 people died of a drug related death in 2020. What is ODMAP? Web based tool that allows public health and public safety the ability to: 1) Receive overdose data in almost real-time, 2) Allows local jurisdictions to produce community-based solutions, and 3) Designed to bring public safety and public health together to share data and devise solutions. The program is cost effective. Information can be entered manually for free, or an API can be placed on the users' case management system for minimal cost, which allows the API to automatically search and download information into ODMAP with no effort from the user.	

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	<p>ODMap has participating agencies in all 50 states, the district of Columbia, and Puerto rico. Kootenai County and Pocatello police are participating. All LE are able to use it but you must sign a participation agreement.</p> <p>The manual entry is called ODform and automatic data population is the application programming interface (API): API is the preferred method. API does not require future updates as it is backwards compatible.</p> <p>ODmap is not considered a system of record. The information is not considered protected health information (PHI); and the system does not retain any address information. It is not meant for the general public. There is restricted access.</p> <p>Demonstration of the map. Idaho from Jan. 1 to today shows 124 suspected overdoses, 16 suspected fatal overdoses, and 79 naloxone administered.</p> <p>This allows communities to come up with solutions that work for their respective areas. Like to see communities create response plans to deal with the issue.</p> <p>How many people are getting these drugs without knowing through things like edibles (actual food)? In Idaho we are seeing pills being smuggled up from Mexico. These pills are laced with fentanyl. Most people are seeking out the drugs and the extra drugs are included. We aren't seeing things like fentanyl being placed in things like brownies, etc...</p> <p>What kind of outreach has been done? Ada County paramedics should be coming online soon. That will help show what is really going on and will probably trigger more participation. Not sure why other agencies are participating. Fire fighters, coroners and a couple others are pushing back because they feel like it is another burden of administration. Coroners need to be submitting this data. Maybe the Governor's office could include this in the Esto Perpetua plan.</p>	

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		<p>There is a huge need to share this information. This hasn't become a statewide issue yet because drugs and overdoses have been a HITDA issue and there are only 5 HITDA counties.</p> <p>The IBHC is working on data. It seems like this would be something that the council would want to support. The IBHC will be receiving a presentation soon.</p> <p>Pardons and parole would like to be involved as well. They are seeing a large amount of violations and this data could be used.</p>	
9:40 am (20 min)	Idaho Behavioral Health Council Update – <i>Dave Jeppesen, IDHW</i>	<p>Vision: adults, children, youth and their families who live with mental illness and addiction receive the behavioral healthcare services they need when they need them.</p> <p>The council is about halfway through the timeline. We have had two initiative completed. Completed deadline #1 and the council working to complete deadline #2.</p> <p><u>Opioid settlement fund spending Prioritization:</u> Considered 15 recommendations. They will make recommendations to the Governor's office.</p> <p><u>Recommendations:</u> Funding for housing, ongoing funding for recovery community centers, pilot pre-plea intervention program with prosecution deferred, pilot treatment counts or track within existing courts, and inpatient treatment.</p> <p>Trying to move these individuals away from the justice system instead of keeping them in it.</p> <p><u>988 Update:</u> Went live on July 16th. Calls will be answered by Idaho Crisis and Suicide Hotline and is available to all ages by phone, text, and chat.</p>	

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	<p><u>Workforce Plan Update:</u> Wanted to make sure it is really action focused. Looked at promotion, education, credentialing, employment, and retention. IBHC is trying to get more people into many fields as there is a lot of turnover and burnout. Idaholaunch.com for help find work. We are looking for funding to help people further their education (such as scholarships).</p> <p><u>Youth Assessment Centers Update:</u> IDJC has been working on this. There were grant funds available and IDJC was able to fund almost all the applications. These are places for youth and their families to come and get help.</p> <p><u>Timelines:</u> Certified Community Behavioral Health Clinics (CCBHC) are in progress right now. Trying to stretch funding as far as we can. This is a one stop shop for medical and mental health care.</p> <p>Crisis Response System for Youth and Adults is set to be completed by the end of the calendar year.</p> <p>Services for long-term recovery will take a little longer but has a completion date of June 2023.</p> <p>Youth Residential (co-sponsored by IDJC) has the longest completion date of June 2024.</p> <p><u>Early engagement diversion grant:</u> This grant is offered by IDOC and was implemented a couple of weeks ago.</p>	

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		<p><u>Sequential Intercept Model Mapping (SIM):</u> There were three initial workshops across the state. There are draft reports ready. Facilitators will help deepen our conversations. It is nice to be able to walk into counties and really understand how the justice system works. Aug 23 24 at the supreme court building will be the facilitator training. Twin Falls County will be the next SIM workshop training.</p> <p><u>Civil Commitments Update:</u> Made some changes but it is ongoing. 66-326 and 329 are currently being reviewed. Drafting group is working on this. They are also working on the dangerously mentally ill statutes.</p> <p>Senator Burgoyne has draft legislation that deals with substance use and would share with the group.</p> <p>The locations for the pilots? What are you needing for logistics? Buildings? Staffing? Staffing is a challenge but it is a hope that they will be privately owned and so staffed that way.</p> <p>Insight is the new data system name. Going to move RA under the INSIGHT under IBHC.</p>	
10:00 am (55 min)	Holistic Defense - <i>Justine Olderman, Executive Director of The Bronx Defenders</i>	<p>History: 6th amendment ratified in 1791 “In all [federal] criminal prosecutions, the accused shall... have the Assistance of Counsel for his defense.”</p> <p>A series of lawsuits lead to the right to counsel extending to state prosecutions. The development of public defense offices came before Gideon. They came almost 100 years before Gideon.</p> <p><u>Idaho History:</u> Public defense started before statehood. In 1889 the state passed the constitution, article 1. Later the state delegated public defense to the counties.</p>	

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	<p><u>Why it matters: (opportunity to strengthen)</u> Fundamental fairness (treat people fair), builds greater trust and faith in legal system (need enough funding to have cases worked completely), creates an opportunity for intervention, helps establish partners for reform, and decreases incarceration costs without decreasing public safety.</p> <p>We need trust in the system. When people feel like they have been heard and feel respected, the system is trusted more, even if they are not successful in their case. The same people that are represented are the people that are witnesses and other functions of the justice system later. The defenders have the opportunity to intervene earlier in a person's case. They are able to get them resources they need. We need great partnerships. This creates more success.</p> <p><u>New York:</u> County based system with a combination of PD offices and managed assigned counsel plans. There is an office of indigent legal services (created in 2010 and provides funding to counties for quality improvement). This office creates standards. New York is also in a lawsuit with the ACLU. How was New York going to fix this. Strengthen the office of indigent legal services. The resources for that office continues to grow. They work directly with the counties to make sure they are implementing quality improvement plans.</p> <p><u>Funding:</u> There is state funding of \$307M to counties; however, for NYC the funding is 83% city, 16% state, and 1% federal.</p> <p><u>Case breakdown:</u> There was a total of ~408Kcases statewide with ~190K of the cases being citywide. Further breakdown shows: 31,741 statewide felony indictments, 76,794 statewide felony complaints, 249,251 state wide misdemeanors, and 50,607 statewide violations.</p>	

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	<p><u>New model of representation:</u> New York only had one way of providing PD before the office was created. How do we build on the best of what was already happening? We learned that people want a lawyer that had competency and would investigate their case completely. They also wanted their PD to do more to understand and do more to help them with why they ended up in the system to begin with.</p> <p>Causes: We realized we were focused on the craft of being a lawyer and not on the fundamental issues of why they are in the system. Want to address the underlying issues. Some of these issues are untreated mental health issues, drug and alcohol use, unemployment, housing instability, poverty, and trauma.</p> <p>Cascade of consequences of criminal legal system involvement. Some cases trigger/lead to other problems. Could lead to loss of custody, denial of financial aid, deportation, loss of benefits, loss of employment, and could be eviction.</p> <p><u>Need to redefine public defense/Four pillars of holistic defense:</u> -Advocates: it is valuable to cross train, use techniques that helps each person individually, and to be familiar with other venues. -Seamless: should have a map of other service providers, which builds relationships with community organizations, leading to that streamlined referral process. -Dynamic: need robust information sharing which will lead to collaborative decision making. This also includes keeping the client informed. Robust: Need to have a history of where the client comes from and what the community engagement is and what events go on.</p>	

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	<p>BxD: Size: 400 lawyers, social workers, investigators, advocates, and administrative professionals. Practice: direct representation in many different areas to include but are not limited to criminal, civil, and immigration. Budget: \$53M funded by county and state with different contracts for different practices.</p> <p><u>Criminal defense practice:</u> Has 91 attorneys, 19 social workers, and 16 investigators. They are working on building in house expertise in these areas: adolescence, mental health, forensic evidence, sex offenses, and alternatives to detention and incarceration.</p> <p><u>Impact:</u> Reduced the chances of incarceration or other forms of mandatory custody, cut the expected sentence length by nearly a quarter and saved 1.1M days in jail which led to \$165M in funding saved.</p> <p>There was better client satisfaction: people thought their lawyer actually listened, they helped to understand all the consequences of the case, and thought the lawyer is actually fighting for them.</p> <p>Expect that 25% decrease in sentence length would equate to 13% increase in recidivism in a three-year period. But it actually showed no increase in recidivism.</p> <p>NYC now allocates funding for: Public defenders, investigators, social workers, forensic specialists, mental health specialists, adolescent defense specialists, and more.</p>	

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		<p>Some of these ideas are already working in Idaho. Ada County has 8 investigators, 2 social workers, a team-based approach, and a failure to appear clinic. They are addressing the issues people are dealing with. Kootenai county is also doing great work. They have 5 investigators, abuse and neglect cases, civil confinement cases and also utilize a team-based approach.</p> <p>BxD is able to do trainings.</p> <p>How do you work with vertical representation? For the most part we have a vertical system. We have many ways to work with this. Some lawyers are on-call. We might also co-counsel someone so that they are always covered.</p>	
10:45 am (5 min)	Other ICJC Business – MOU/Strategic Plan (Action Item) – <i>Eric Fredericksen, Chairman</i>	<p>IAC has not increased since it started. We have requested an \$1,800 increase. There was a motion by Dave Jeppesen to approve the update MOU and was seconded by Kedrick Wills. Motion carried.</p> <p>Strategic plan in September.</p>	
11:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, September 30, 2022

“Collaborating for a Safer Idaho”