

Idaho Criminal Justice Commission
Regular Meeting
September 30, 2022

Location: In Person

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Thomas Sullivan, Judge, Magistrate Court
Tracy Basterrechea, Chiefs of Police Association	Chris Atwood, U.S. Attorney’s Office, District of Idaho
Chris Mathias, House Jud, Rules & Admin	Alana Minton, Idaho Attorney General’s Office
Dave Jeppesen, Health & Welfare	Darren Simpson, Judge, District Court
Grant Burgoyne, Senate Judiciary & Rules	Bruce Skaug, 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
Daniel Chadwick, Public Member	Marianne King, Office of Drug Policy

Monty Prow, IDJC
Josh Tewalt, Department of Correction
Kathleen Elliott, Public Defense Commission
Jason Spillman, 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:

Kieran Donahue, Idaho Sheriffs Association
Jonathon Brody, Judge, District Court
Todd Lakey, Senate Judiciary & Rules Chairman
Bernadette LaSarte, Public Member

Others Present:

Liz Deemer OPE
Thomas Strauss, ISP
Courtney Rodgers, ISP
Chris Allgood, Nampa Police

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)	<u>Subcommittee Reports</u> <ul style="list-style-type: none"> Human Trafficking Mental Health Research Alliance - Monty Prow Sex Offense MMIP 	<p>Human Trafficking: Met recently. The subcommittee is focused on two areas: 1) training (what training is needed and where it should be provided) and 2) possible legislation.</p> <p>Research Alliance: This will be the last report as the group will be combined with the data oversight council (INSIGHT).</p> <p>Sex Offense: The subcommittee is looking at chapter 15 which is juvenile offenses. HB625 did not pass last year and so they will be reviewing that again.</p> <p>Missing Murdered Indigenous People: The subcommittee is having an in person in October at Fort Hall. Working towards legislation for the next session.</p>	
Promote Well-Informed Policy Decisions			
9:20 am (40 min)	Idaho Public Defense Commission Update – <i>Kathleen Elliott, executive director</i>	<p>Review of Idaho was done about 12 years ago. The report stated that Idaho was not giving providing proper defense. The PDC was created after that.</p> <p><u>Public defender counts in Idaho</u> Lead PD for institutional offices: 12 Public defenders: 198 Contract and conflict defenders: 211 Total: 421</p> <p><u># Of Cases/Case type</u> Felony: 24,362 Misdemeanor: 38,866 Juvenile: 6,452 CPA/family: 4,159 Civil contempt: 3,414 Appeals: 105 Total: 77,358</p>	

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	<p>These appeals are not handled by the SAPD. As the SAPD taking over more appeals the PDC is seeing less cases. Does this include probation violations? Yes they are new cases.</p> <p><u>Expenditures:</u> The states funding has exceeded the counties increase in expenditures each year. This does not include extraordinary litigation funds (ELF).</p> <p><u>HB735:</u> Financial assistance will continue, the PDC certified county expenditures so the tax commission can distribute funding to counties, and there should be a new public defense model by 2024.</p> <p><u>Training:</u> The PDC has established new training programs and they are providing three times the CLE credits. This training is free. The PDC training is improving and has started to include virtual training. There are multiple options for CLEs. The Idaho training library will be opening soon. There is a course on motions being developed and will be available soon. That is the most requested training. The PDC just finished the second public defense college in Idaho. We did it virtually so we could get national faculty.</p> <p><u>Tucker:</u> This lawsuit is in the 7th year of the lawsuit. The state of Idaho and the PDC remain as defendants. No counties are defendants. The trial is set for February 2024. Discovery is ongoing.</p> <p>Contact information: Pdc.idaho.gov Kathleen.elliott@pdc.idaho.gov 208-869-3124</p>	

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		<p>Do we know what the new model will look like? We don't have a model yet. Governor's office, defenders, and counties are starting that conversation. HB735 lays out, as does Tucker, that public defense is a state function. The idea is to transition to a state model utilizing the institutional offices that currently exist. We are also looking at continuing to utilize the contract attorneys. Discussions have been productive.</p> <p>Has the issue of caseload standards resolved? Caseload standards were passed in 2019. They are Idaho based standards. 16 states have caseload standards. Five are following the national standards and then some have developed their own. We also requested information from defenders on how we can help with caseloads if they are indeed over the caseload standards.</p> <p>Looking to have a system that is less fragmented and well-funded. How does a state-based system work for our most rural counties? Most rural counties utilize contract attorneys. We will continue to use those contracts. There are some concerns that there will be a top-down approach. Defenders would like to see the local counsel retained. The intent is to keep that in place but with a state agency.</p> <p>There have been changes across the state to have better vertical representation. Some counties used to use teams and they are moving to have better/more vertical representation. Vertical representation is very difficult to do in some parts of Idaho. We have had to work through that. The initial appearance is the hardest part. Under the rules for vertical representation, some counties have contracted with attorneys to do initial appearances and then other counsel is appointed for the remainder of the case. Other states are looking at Idaho and their example on this.</p>	
10:00 am <i>(10 min)</i>	Break		
10:10 am <i>(30 min)</i>	Violent Crime Victimization – <i>Thomas Strauss, ISP</i>	ISAC is a two-person research team (including myself) housed within the Planning, Grants & Research Department of the Idaho State Police. ISAC was established in 1976 under the former Law Enforcement Planning Commission in response to the creation of the State-Level Statistical	

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	<p>Analysis Centers and Information Network Program by the National Criminal Justice Information and Statistics Service in 1972. The NCJIS was the precursor to today's Bureau of Justice Statistics (or BJS), which is the primary federal agency charged with collecting and disseminating data and research on the criminal justice system. Today, the State Justice Statistics program (or SJS), administered by BJS, provides federal grant funding to state Statistical Analysis Centers to enhance "the SAC's capabilities to collect, analyze, and publish statistical data that support the states' strategic criminal justice planning needs and BJS and national priorities." ISAC's designation as a state SAC makes us the only entity in the state of Idaho that can access this funding stream, and we have been highly successful at doing just that. Earlier this month ISAC was notified that we had received an award under the FY 2022 SJS solicitation, marking the sixth-straight year ISAC has been awarded SJS funding, and the 22nd time since the year 2000.</p> <p><u>Core functions:</u> One of ISAC's core functions is to provide support to those programs through participation in strategic planning processes centered around those programs and by conducting evaluations of programs receiving grant funding from the federal grants ISP administrators.</p> <p>ISAC's other core function is to conduct broad justice system research and policy analysis, such as the study I will be discussing today. Our research often involves multiple parts of the justice system. As a result, ISAC has strong working relationships with many of the agencies represented on ICJC, and many others, including local and non-profit agencies that provide services to both victims of crime and offenders.</p>	

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What we do?
 Our interactive data dashboards allow users to explore data on Idaho’s justice system and glean specific, topical insights that are relevant to them. Our technical reports communicate results of ISAC research projects in a manner that is easily accessible to anyone who has an interest in criminal justice research. Our research topics range from overall crime trends and justice system response to crime to deep dives into topics like behavioral health needs among juvenile offenders and program evaluations.

Publications:
 In 2022 alone, ISAC has published three new products and updated two others, with two additional reports scheduled for release by the end of the year. All of these are available on our website, which can be found simply by Googling “Idaho Statistical Analysis Center”.

Current projects:
 The total projected budget for the next three years is just north of \$750,000. All projects are funded with federal grants. Therefore, the work is driven by the grants secured, the working groups and committees ISAC participates in, and the partnerships built.

In 2023, ISAC will be partnering with Director King and the Office of Drug Policy to create a needs assessment data dashboard for the State Epidemiological Outcomes Workgroup. They are also talking with Director Prow and the Idaho Department of Juvenile Corrections about applying for SJS funding to conduct a study around school resource officers; that study would likely be done in 2024.

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	<p><u>Idaho's Victimization Data:</u> Tale of two data sources. So why are their three numbers here? The first is to provide a little context. It's no secret that Idaho's population is booming. In 2019, our state's population was 3% higher than it was in 2016. But what everyone wants to know is, "What effect is that having on the prevalence of crime around the state?" Our violent victimization rate, as seen in our Uniform Crime Report, or UCR, data was 6% lower in 2019 than in 2016. Good news, right? Well, maybe not. Comparing those same years, the number of crime victims being served at local victim service agencies through programs funded with federal grant dollars for crime victim services was 38% higher in 2019 compared to 2016, an increase that is more than 12 times larger than that 3% increase in population.</p> <p>So why are we seeing two measures of victimization heading in opposite directions, and why is the number of people receiving victim services increasing so rapidly? The bottom line is that we don't know, and the data we currently have cannot help us explain this finding.</p> <p>Data only goes through 2019 because there are ongoing projects that haven't been completed. The SJS project started in October 2020 and was completed in June 2022. The dashboard and report were published in August 2022.</p> <p><u>In this research ISAC wanted to answer three questions:</u> 1 – What can Idaho's existing data tell us about crime and victimization in Idaho? Here we were looking to not only explore trends in the data such as those you saw a moment ago, but also what other, non-justice system data could tell us about who has a higher risk and who has a lower risk of being a victim of a violent crime victim or otherwise exposed to violence.</p> <p>First, what can the data tell us? As it turns out, not much. You've already seen how the trends in these two measures of victimization compare to each other;</p>	

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	<p>this is just a different way of looking at the same thing. These trends were easy enough to spot, but we wanted to ask a deeper question: Why are these trends the way they are? What's driving this discrepancy between the number of victims in law enforcement data and victim service data?</p> <p>Data was collected from 15 different sources representing a wide range of geographic levels and subject areas. The smaller the geographic areas we wanted to examine; the less data existed for us to do so. Additionally, we excluded data that was only available at the national level, such as the National Crime Victimization Survey.</p> <p>First, the lack of geographic granularity in the data made it impossible to compare some data points to others. For example, it is impossible to correlate data from BRFSS (or Behavioral Risk Factor Surveillance Survey) with county-level crime data because BRFSS data is generally not available at the county level. Second, each data source has its own schedules around data collection and dissemination. If you were to look at Table 1 in our report, you would see that most sources collect data once each year. However, some only collect data every other year, or on some other schedule. As a result of these data quality problems, ISAC found no statistically significant relationships between any of the factors we examined and our two measures of victimization.</p> <p>2 – Conversely, what can Idaho's existing data <i>not</i> tell us about those issues? The existing data cannot tell us why the two measures of victimization are trending in opposite directions and at such different speeds meaning our knowledge of true prevalence of violence is incomplete, and it cannot tell us how many crime victims receive services other than from Idaho's federally funded victim service programs or who never receive any services altogether.</p> <p>An additional wrinkle in the problem with victim service data is that we only have visibility into the victims that receive services that are paid for with federal grants. The data inherently does not capture clients that were served through programs that are not federally funded, clients that are waitlisted or denied</p>	

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		<p>services because the agency doesn't have the capacity to serve them, or victims that never seek services in the first place.</p> <p>3 - Where can the state make improvements on existing data to help fill holes in our knowledge of these issues? There are three key things the state can do: develop new and expand existing data sources so that they have more geographical granularity, implement a statewide victimization survey and conduct it on a regular basis, and implement a statewide standardized data collection system for victim service data.</p> <p>Some believe we don't need to spend so much money on criminal justice based on crime statistics but as we just saw that doesn't match the services provided. Crime rate is all relative to the size of the population. Everything is different when the population is increased. The need for this data is very vital. Leaders can't make the proper decisions without the necessary data.</p> <p>Should we request more funding for this research since there isn't federal funding? The data oversight committee (INSIGHT) has created a dashboard within the controller's office. It is very basic at this point. There are some exciting things coming. The idea is to remove the silos and put the data in one place.</p> <p>Additional trend coming our way: We could see a push from the legislature to start declining federal funds. We will need to express how important these funds are.</p>	
10:40 am <i>(20 min)</i>	Other ICJC Business –Strategic Plan (Action Item) – <i>Eric Fredericksen, Chairman</i>	<p>There was a motion to approve the strategic plan with recommended amendments by Senator Burgoyne and was seconded by Dave Jeppesen. Motion carried.</p> <p>Recommendations for the October agenda: Eric Studebaker- Survey update, Rep. Mathias – Draft legislation, Ashley Dowell – INSIGHT</p>	
11:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, October 28, 2022

“Collaborating for a Safer Idaho”