

Idaho Criminal Justice Commission
Regular Meeting
December 17, 2021

Location: In Person - [Zoom](#)

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD
Kieran Donahue, Idaho Sheriffs Association
Vacant, House Jud, Rules & Admin
Dave Jeppesen, Health & Welfare
Grant Burgoyne, Senate Judiciary & Rules
Ashley Dowell, Comm of Pardons & Parole
Kedrick Wills, Idaho State Police
Daniel Chadwick, Public Member

Thomas Sullivan, Judge, Magistrate Court
Rafael Gonzalez, U.S. Attorney, District of Idaho
Mark Kubinski, Idaho Attorney General’s Office
Darren Simpson, Judge, District Court
Greg Chaney, House Jud & Rules Chairman
Denton Darrington, Public Member
Marianne King, Office of Drug Policy
Monty Prow, IDJC

Josh Tewalt, Department of Correction
Kathleen Elliott, Public Defense Commission
Bernadette LaSarte, Public Member
Sara Omundson, Idaho Supreme Court
Grant Loeb, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Dan Hall, Vice Chair, Chiefs of Police Association
James Cawthon, Judge, District Court
Todd Lakey, Senate Judiciary & Rules Chairman
Jared Larsen, Office of the Governor
Eric Studebaker, Department of Education

Others Present:

Liz Demer, OPE
Misty Kifer – ID – she/her
Craig Kingsbury, Chiefs of Police
Thomas Strauss
Allie Moser SDE
OPE
Kourtnie Rodgers
Jason Hudson, Mike Brown
Mackenzie Moss
Lauren Bailey
David Lund (he/him), BarNone, Inc.

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 October 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 October 2021 by Dan Chadwick, Ashley Dowell seconded. Motion carried.</p> <p>Director Jeppesen will be the chairman of human trafficking subcommittee.</p> <p>The research alliance subcommittee is just getting starting again.</p> <p>The sex offense subcommittee is working on updating statutes that are out of date. The subcommittee did not meet this month but should have a draft next month.</p> <p>The topic for this month's MMIP meeting was data collection. Tanea Parmenter reviewed the current data that is collected. Big issue is how do to get systems to communicate with each other and who is the person to start a missing person's record. We will be reviewing data collection systems in future meetings as well.</p>	
Promote Well-Informed Policy Decisions			
9:15 am (30 min)	Idaho Recidivism Rates – Thomas Strauss, ISP	<p>Two-person research team and was established in 1976. The only entity that can access certain funding and ISAC does not cost the Idaho taxpayer any money.</p> <p><u>What is a SAC?</u> “Nonpartisan professional organizations that serve all branches of the criminal justice system, all levels of government in the state, and the general public.” ISAC housed at ISP. Performs big-picture justice system research and policy analysis and aid PGR with strategic planning and program evaluations. Products are publicly available through interactive data dashboards and technical reports.</p> <p>ISAC has been collecting certain data to help ensure Idaho doesn't receive a penalty or reduction to the Burne/Jag funding.</p>	

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	<p><u>Acknowledgements</u> Funding provided by Bureau of Justice Statistics (BJS). The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the author and do not necessarily reflect the views of the US Dept. of Justice, ISP, IDOC, or the ISC. Thank you to research teams at IDOC and ISC for contributing data and linking data sets.</p> <p><u>Why study?</u> Started project in October 2018 but trends haven't changed much. Idaho is one of the safest states. Idaho had the second highest rate of prisoners in 2017. 1 in 25 adults Idahoans were either incarcerated or on probation or parole. Idaho had the 2nd highest incarceration rate in the western U.S. Crime rates low but incarceration rates are high because high recidivism rates are to blame. In the 2019 JRI report, more than half of monthly prison admissions in 2018 were probation/parole violations. This is actually an improvement over the last few years. From 2014 to 2017 73% of IDOC's "termer" population failed probation parole or rider. Before JRI became law that number was 77%. Can agree that systems have been stretched thin for years.</p> <p>What does recidivism in Idaho actually look like? Most visible numbers are in IDOC's annual JRI reports. However, their definition only encompasses only part of the correctional system in Idaho. The state's piece. What could we be missing by defining recidivism as returning to IDOC custody?</p> <p><u>Research questions:</u> ICJC used to have an adult felony recidivism subcommittee. That subcommittee recommended a formal definition of recidivism that ICJC would use going forward. That definition may not have been adopted; however, it helped expand the thinking about what could be if other areas were included in recidivism. In 2018, with the support of the research teams of IDOC and ISC, ISAC was able to apply for a grant to study this topic. ISAC wanted to answer three questions:</p> <ol style="list-style-type: none"> 1. What existing data can be leveraged to get a bigger picture of recidivism patterns? 	

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	<p>2. What do recidivism patterns in Idaho currently look like?</p> <p>3. Does the recidivism rate change significantly if the definition is adjusted?</p> <p>There are three common definitions used and they all mirror the proposed definition from the ICJC subcommittee. They classify recidivism as either rearrest, a conviction for a new crime, or reincarceration. These definitions are not the only options available and each piece of research used a slightly different definition depending on the specific question being investigated.</p> <p><u>ISAC explored five definitions.</u> Probation/parole violations (technical violations), new criminal charges (either misdemeanors or felonies), new criminal convictions of any kind, new misdemeanor convictions, and new felony convictions.</p> <p><u>Data sources and methods:</u> These individuals were in IDOC supervision/custody at the end of December 21, 2017. ~ 56,000 people IDOC provided information to include demographics, crime type, LSI-R scores, supervision/movement records and parole violations. ISC linked the data to court records and then ISAC began analysis. They used descriptive statistics to describe the characteristics of the study population and determined recidivism rates by running a series of survival analyses, which is an advanced statistical modeling technique.</p> <p><u>Results:</u> ~55% of the study population were white men. Overall, three quarters of the population was male, three quarters were white, and just under two thirds were under the age of 35, with the median age being 28 years old. About half of the study population was already under the IDOC supervision or in custody on January 1, 2010. 80% were under their first sentence to IDOC.</p>	

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		<p><u>Types of offenses:</u> IDOC provided sentencing data for about 98% of the population on the number and types of cases. 71% had only one case for which they were sentenced to IDOC supervision custody but 10% had three or more. The top three cases that landed people in IDOC's were drug cases, property cases, and violent cases. The pattern scores are used to determine treatment. If the median score was higher than the 40%, individuals are at a higher risk of reoffending.</p> <p><u>Survival analysis:</u> Wide range in rate for each definition. The lowest rate being about 10% for probation and parole violations and all the way up to 41% for new criminal charges filed. Important to note that some people can fall into more than one category. About 1% of the study population fell into all five categories.</p> <p>IDOC rates from the JRI reports fell in between the ISAC rates and falls most closely with the new convictions rates. IDOC's rates miss those that are not ultimately placed under their supervision. Meaning they don't include those that have interaction with LE or the courts but are not sentence to supervision.</p> <p><u>Conclusion:</u> -The definition of recidivism significantly impacts the rate but the timing of those events is fairly predictable based on those definitions. Patterns are similar: about 40% of events occurred within one year, 33% in the second year, and 25% in the third year. New felonies showed a more even spread, with most occurring in year two. -The "new conviction" definition most closely mirrored IDOC statistics -Future research opportunities: allow research questions and context to determine an appropriate definition for recidivism, continue ongoing work to improve data collection, and take a deeper dive into offense types and offender characteristics.</p>	

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	<p>Thomas Strauss, MPA Director & Principal Research Analyst Idaho Statistical Analysis Center Planning, Grants & Research Idaho State Police isp.idaho.gov/pgr/sac/ Thomas.strauss@isp.idaho.gov 208-884-7047</p> <p>Executive summary: Don't quite understand the numbers. they've all had a felony and have been on probation/parole while most are on for the first time? When someone is in IDOC for felony (i.e., drug), then paroled and ends back at IDOC, then parole, this is considered only one event.</p> <p>Studied court filings but did you look at presumed arrest correlating to criminal convictions. Yes, we did. It is the any new conviction definition from the PP. We may be getting into trouble with recidivism because of substance use in this population? Substance users relapse. Are we not paying enough attention to rehabilitation? Did you find information that may be useful in this area? Yes, we have rehabilitative program records and those that were in a substance abuse program while incarcerated, 90+% completed the program.</p> <p>Some say there must be something wrong with our incarceration rate but other may say we could have a low crime rate because we do a good job of incarcerating those that need to be incarcerated. That side of the analysis never got the credit it deserved in the JRI committee meetings. This needs to be continually reviewed until it is understood. We need to add resources to post-conviction, supervision, post-supervision.</p> <p>Has Idaho's crime and incarceration rates been compared to other states? That has not been studied yet.</p> <p>ICJC needs to take the lead on making sure the research is done. JRI needs to be reviewed again. We don't know what we need to know. We were told that we</p>	

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		<p>needed to reinvest in supervision but we haven't done that. If we were to actually do what we were supposed to, would we have gotten the results we need. Want to know the characteristics of recidivism...</p> <p>There is a struggle in finding value for decision making today with recidivism data that reflects a time period of the past where policies don't exist anymore. The nature of our population usually needs a few times in our system to not end up in the system any more. We need real time data that will affect real time decisions, such as arrest data that has case level information. The other challenge is how discretion impacts crime and recidivism. Discretion impacts success or failure.</p> <p>The data system was placed in statute and includes multiple agencies. It will be housed by the state controller's office. They are developing it and have data from the Department of Juvenile Correction and the Department of Correction. Working to integrate the data together to answer some preliminary research questions. This will give us data across state agencies. Going to rename the data system to Insight. This system will also be used to help the IBHC on substance abuse and mental health. Hopefully this data will help us understand where to intervene earlier because once these people get to probation/parole, it is too late.</p>	
9:45 am (25 min)	SRO Update – Monty Prow, Eric Studebaker, Marianne King, Mike Munger	<p>This is a follow up to how the ICJC could support the SROs.</p> <p>There has been some research about why SROs are so important. They help provide a safe learning environment in our schools, provide valuable resources to school staff members, foster positive relationships with youth, develop strategies to resolve problems affecting youth and protect all students, so they can reach their fullest potentials.</p> <p><u>Provide tremendous value:</u> Study in 2019 concluded that for every dollar invested in the SRO program, a minimum of \$11.13 of social and economic value was created. The report lists numerous benefits of the program, including: reduction of the likelihood that a student will get a criminal record, increased likelihood that students will get the help they need from the social service and health care systems, plus more.</p>	

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	<p><u>Offering additional support to SROs:</u> Many states take a larger role statewide supporting the work of SROs (Texas https://tasro.org/ and Colorado https://casroinfo.org/) Using resources from multiple Idaho organizations, we believe we can enhance support (SDE, Office of School Safety, Office of Drug Policy, and the Idaho Department of Juvenile Correction)</p> <p><u>Four domains:</u> Training – Some examples of training provided are SRO Basic-NASRO, SRO Advanced- NASRO, SRO Supervisor- NASRO, Adolescent Mental Health-NASRO and Professional Development. Wouldn't it be great if our SROs could get POST credit for professional development?</p> <p>Professional conferences – Current conference opportunities include Idaho Threat Assessment Conference, Prevention Conference (SRO track possibility), and Idaho Juvenile Justice Association (SRO track possibility). There are a few SROs are able to attend and we could look at adding in an SRO track.</p> <p>IDASRO - Are there rules or laws necessary for SROs. You won't find SRO listed anywhere. What should the standards of training be? We need to facilitate communication with SROs, educators, and the Juvenile Justice system.</p> <p>Support and resources – We need resources for program managers and websites. Is there a possibility for financial support for trainings, professional development, and conferences?</p> <p><u>Partners:</u> There are many state agencies working together on this issue.</p> <p><u>Next steps:</u> Onboarding a program manager, begin sharing strategy with partners and collaborating going forward, work on IDASRO website, coordinate regional training, and coordinate conferences.</p>	

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		SROs are in a unique position to help provide services in intervention for our kids.	
10:00 am (55 min)	Draft Legislation – Jason Hudson, and Ashley Dowell (Sex Offenses Subcommittee)	<p>Trying to address aggressive behavior towards utility employees. They are seeing hostile situations when they are out in the public. We acknowledge that this section has been a little bit of a hot potato. This section seemed like the most appropriate section to add in these types of employees. We want to include employees of rural electrical cooperative and consumer-owned utility.</p> <p>This appears to be an issue across the country. Whether it is a power outage or even just routine maintenance, or even when first responders are on scene, there have been people that are not happy. We have seen guns being pulled on utility workers, there have been verbal threats, and there have been physical harm done. A lineman was approached by a farmer that didn't want him there. He was hit by the end of a shotgun. There was another incident where someone was cutting wire and preventing the power being restored. That individual used his vehicle to try and stop that work.</p> <p>13 states have identified this as a problem.</p> <p>The current statutes don't cover these situations? They aren't sufficient? I would like to have more conversations about how this would be another tool in the tool box. There is a need for another level of deterrence. We are open to thoughts on how this section of code has helped.</p> <p>There will be a lot of questions in the House of whether this is necessary or not. Other sections of codes probably cover this. What challenges are you facing in prosecutions that makes this necessary? I don't know yet about specifics around right of ways. We wanted to make this as simple as possible instead of getting too specific.</p>	

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		Have we seen by adding in groups into law if it actually is deterring people from committing the crime? Have we seen a difference? ISC could pull some statistics on how often the statute is being used.	
10:55 am <i>(5 min)</i>	Other ICJC Business –		
11:00 am	Adjournment		

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

“Collaborating for a Safer Idaho”