

**Idaho Criminal Justice Commission
Sexual Offenses Subcommittee**

December 14, 2020

Location: Idaho State Police District 3 Office 700 S. Stratford Dr. Meridian, ID **Time:** 2:00 p.m.–3:30 p.m.

Members Present:

Ashley Dowell, Chair, Idaho Comm. Pardon/Parole
 Jared Larsen, Office of the Governor
 Louis Hougaard, Office of the Governor
 Erik Lehitnen, Deputy State Appellate Pub. Defender
 Carol Redding, Idaho State Police
 Melissa Wintrow, Idaho State Senator

Scott Grow, Idaho State Senator
 Nancy Volle, Sex Offender Management Board
 Colleen Zahn, Criminal Chief, Office of the Attorney General
 John Dinger, Deputy Ada County Prosecutor
 Paul Jagosh, Fraternal Order of Police

Members Not Present:

Greg Chaney, Idaho State Representative
 Heidi Johnson, Deputy Ada County Public Defender

Guests:

Kelli D Brassfield, IAC
 Patrick Denton, DAG, ISP
 Juli Ana Grant, Dept. of Justice

Agenda		Due Date
2:00 pm	Call to Order	
	<ul style="list-style-type: none"> ● Welcome and Roll Call 	The meeting was called to order at 2:03 pm.
	<ul style="list-style-type: none"> ● Approve November minutes <ul style="list-style-type: none"> ○ ACTION ITEM 	There was a motion to approve the minutes from the November 2020 meeting by Erik Lehitnen and seconded by Paul Jagosh. Motion carried.
	<ul style="list-style-type: none"> ● Clarification of legal overview of statutes and requirements – <ul style="list-style-type: none"> ○ Patrick Denton, DAG, Idaho State Police 	Patrick Denton clarified what the dwelling restrictions are for sex offenders. The restriction is actually that one offender is not able to reside in the residential dwelling with more than one other person, so two people can live together.

- Overview of SORNA/Adam Walsh and Idaho compliance
 - Juli Ana Grant

Juli Ana:
Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), was authorized by the Adam Walsh Child Protection and Safety Act of 2006. SMART assists with implementation of the Sex Offender Registration and Notification Act (SORNA).

There are 14 sections of the Idaho Report. Each section is detailed in the Act. The highlighted (section VIII and IX) is where Idaho does not meet the compliance standards. There are some deviations in other sections but the main are the highlighted.

Section VIII Offense Tiering and verification/appearance requirements:

SORNA established 3 tiers of offenders based on the crime of conviction. The tier determines frequency of reporting and duration of registration. Idaho does not have a tier system; however, based on the convictions, an offender could be placed in a tier.

There are two classes of offenders that can be permitted reduction of registration periods. These are tier 1 and tier 3 (see slides for info). Tier 1 offenders may have registration terminated after 10 years if they have had a “clean record” for 10 years. Tier 3 offenders may have registration terminated after 25 years if the registration requirement was based on a juvenile delinquency adjudication and if they had a “clean record” for 25 years.

Idaho has an area where there are more restrictions (initially requires lifetime registration for adults and registration to the age of 21 for juveniles). Idaho falls short on requirement for number of appearances and it allows for offenders to apply for a reduction of registration period to 10 years after they are released from incarceration or placed on parole or probation.

		<p><u>Public Website Requirements:</u> SORNA requires where they live, where they work, and where they go to school on the website. Idaho does not post employer addresses and does not have an alternate method to make this information available to the public.</p> <p><u>Penalties for non-compliance:</u> 10% reduction in Byrne/JAG funding for states. This penalty is annual. Idaho may apply each year for approval to have those funds reallocated back to Idaho to use solely toward furthering efforts to substantially implement SORNA. Idaho has applied for their funding for approximately 12 years towards compliance. They have gotten the reallocation funding each year.</p> <p>The 10% penalty for Idaho is about \$60,000, depending on what the Byrne/Jag funding is that year. Idaho has used the reallocation on fingerprinting and other things that have been good. Idaho has been successful each year in getting their funds.</p> <p>Has Idaho had a lot of problems due to non-compliance? ISP feels they are conforming to the mandate at this point. The legislature would have to change the law for SOR to place the employment info out on the website.</p> <p>Jared Larsen mentioned that this subcommittee was put together because we were told we were out of compliance and we are leaving funding on the table because we are out of compliance. What would it cost to fully comply? It would cost more than Idaho receives because there is a bit of work to be put in; however, states could receive a bonus to those who are fully in compliance. That bonus comes from the states that don't apply for reallocation.</p> <p>What are the pros and cons to doing this? What is the benefit or reason to place offenders into tiers based on conviction v. risk? It is really based on uniformity. States can be stronger than SORNA requirements though. Certain states use risk assessments with the SORNA requirements. There needs to be consistency. Are we successfully protecting our citizens with Idaho's requirements? It is</p>
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		<p>unknown if there has been an assessment/evaluation done to evaluate the Idaho system.</p> <p>What about public safety? Victims often call SOR and want to know where their offender is. They live in fear. The registry is a good tool for victims to follow what their offenders are doing. There is a concern that the registry is a one size fits all. The SOMB is reviewing a tiered system based on risk to help those that are not high-risk offenders.</p> <p>Paul Jagosh has been involved in investigations of those individuals that have not registered and he mentions that most of them are usually up to no good. Most of these offenders don't want to comply.</p> <p>Erik Lehitnen has also seen cases where offenders don't like the requirements but has seen them just trying to move on with their lives and they just make mistakes but aren't necessarily doing it to find new victims; however, there are those dangerous offenders out there.</p> <p><u>Offenses in each tier:</u> Tier 1: non-contact offenses that don't include children (minimum of 15 year registration) , Tier 2: usually has to do with pornography or sexual contact (25 year registration) Tier 3: aggravated offenses. (lifetime registration) (see Idaho report for offenses in each tier)</p> <p>How long has it been since this has been reviewed? It was last reviewed in 2015-2016. It was when the SOMB was looking at implementing tiers. The SOMB is renewing their efforts on this tiered approach. They are trying to have a less complicated system with four tiers based on the crime and then based on risk.</p>
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	<ul style="list-style-type: none"> Identify Topics for January Meeting 	<p>SOMB to present on a four-tiered system for feedback.</p> <p>Committee to submit topics for future meetings.</p> <p>Cancel January and February meetings.</p>
	<p>Adjourn- Next Scheduled Meeting, January 25, 2021</p>	<p>There was a motion to adjourn by Jared Larsen and was seconded by Melissa Wintrow. Motion carried.</p>

