

Idaho Criminal Justice Commission
Missing and Murdered Indigent Persons (MMIP) Subcommittee
Agenda
 March 21, 2022

Location: Zoom Call **Time:** 3:30 p.m. – 5:00 p.m.

Mission Statement: Research and identify current systems and resources dedicated to addressing and combating significant and unacceptable rates of missing & murdered Indigenous persons in the State of Idaho, and among members of Idaho tribes in neighboring states. Identify and seek to implement evidence-based strategies and community-centered practices not currently utilized in the state. Evaluate Idaho’s statutory scheme related to MMIP and, if necessary, propose legislation to address and support efforts to curb the current trend.

Members Present:

Daniel Chadwick, Chair, ICJC Public Member	Heather Cunningham, Idaho Council on Domestic Violence
Kevin Dunton, Retired FBI	Bernie LaSarte, Coeur d’Alene Tribe
Audrey Jim, Shoshone Bannock Tribe	Karee Pickard, Nez Perce Tribe
Rafael Gonzales, Acting U.S. Attorney	Tai Simpson, Idaho Coalition Against Domestic Violence
Tanea Parmenter, ISP	

Members Not Present:

Peggy Maas, Kootenai Tribe	Greg Chaney, State Representative, District 10
Scott Sergeant, Kootenai County	Jim Woodward, State Senator, District 1
Samuel Abrahamson, Coeur d’Alene Tribe	

Observers: Zachery Schoffstall, FBI, Willeena George (willeenageorge@yahoo.com), Carrying the Message; Paul Frank, Carrying the Message; Jessica Marshall, Idaho Council on Domestic Violence

Staffed by Kelli Brassfield, Idaho Association of Counties

Agenda		Due Date
3:30 p.m.	Call to Order	

	<ul style="list-style-type: none"> • Welcome and Roll Call 	
	<ul style="list-style-type: none"> • Washington HB1725 Update • Endangered Missing Persons Alert – SB 1378 • Family Case Study and Discussion – Tai Simpson • Next Steps Conference on MMIW/P – Breakout Working Groups <ul style="list-style-type: none"> ○ May 4th <ul style="list-style-type: none"> ▪ Law Enforcement ▪ Attorney ▪ Tribal Leaders ▪ Victim Advocates 	<p>Established the MMIP alert. It is being transmitted to the Governor awaiting a signature.</p> <p>This is sponsored by Sen. Lee and Rep. Kirby. Would allow for an endangered alert for MMIP as well as other vulnerable individuals. It has passed the Senate and passed out of the House committee this afternoon. The funding component was supposed to be heard today but JFAC had to stop to go back on the floor. The bill would create a committee that would identify the endangerment factors for utilization of this alert.</p> <p>See below.</p> <p>What breakout sessions should we have?</p> <p>What MOUs are in place? Kelli will email counties for types of MOUs are in place and those that are old but not being used. What was done in the past? Ask sheriffs and prosecutors.</p> <p>The hotel is asking about the meeting logistics. How many are attending? Meals? Drinks? End time? Tai will provide some coffee and snacks.</p>

	<ul style="list-style-type: none"> • MOU Discussion 	<p>These have been started but are proving difficult.</p> <p>Kootenai County might have an MOU for LE but the subcommittee is unaware if there other MOUs in place. Don't know if the tribal officers are deputized with counties.</p> <p>What are the types of MOUs that need to be in place?</p>
	<ul style="list-style-type: none"> • Issue(s) for the Next Meeting 	<p>Need to have conference logistics in place. Finalize the conference agenda.</p>
5:00 p.m.	<ul style="list-style-type: none"> • Adjourn 	

Next Scheduled Meeting: April 29, 2022 Via Zoom

Case Study Minutes

It would be nice to have law enforcement in this conversation and we don't have that. Today is three years since Cynder's son has been missing.

Interview audio: Family did their own search. Law enforcement monitored their search. Six days later his dog was found and that's when LE started their search. There weren't any leads. When we returned home, we got our local LE involved. The detective that started our case has since retired. There is another detective that has taken that case on. The Box Elder County LE officer stated that it isn't a case that they should be working and it should be a Fort Hall case as that's where the report was filed.

This interview brings up lots of questions: What happens when a lead doesn't participate? What happens when there is other criminal activity happening during an investigation? What happens when there is a change in command of a case? How do we get more resources? Who can intervene when jurisdictions are stating the case belongs to another jurisdiction?

All this depends on the facts of the case. If there is criminal activity the FBI will jump in with two feet. Every case is different. The FBI will look at juvenile cases if there is evidence of a crime or the child is in danger. This is up to interpretation. If FBI knows there is criminal activity there is collaboration with the locals. The FBI doesn't bring resources in on their own. The FBI doesn't have any specific influences over other agencies. They try to work together. It is a common occurrence for finger pointing of jurisdictions. This is not unique to the tribes. The FBI's general policy is that if the crime is on tribal land or jurisdiction, they will generally be involved. If it happened outside the boundaries of the tribal land, sometimes judgement calls have to be made, whether sometimes good or not so good.

ISP did outreach to multiple agencies on this case. The goal was to help get the case moving. ISP experienced the same frustration of getting collaboration. It appears that in a case that crosses state lines, the FBI needs to help more because they will be able to help bridge that gap. How can we get agencies to step up more? The FBI policy of recognizing a case is that they will not acknowledge if there is an investigation going. We know this leads to frustration. If FBI is involved there are usually victim specialists working with the family. It can be easy to get the FBI to look at a case but actually getting them to take the case is the hard part. There is a constant give and take on our resources. We try to respond immediately. There can be a lot of crimes that we take a look at but most times the cases that move forward are those that could/would be prosecuted at the US Attorney's office. This can lead to really hard conversations. That is a hard decision to make.

The US Attorney's office receives cases directly from tribal agencies. We always try to keep in mind criminal paper. If there isn't criminal activity, we don't have the same resources. The vacancy rate in the local jurisdictions that is really high. We would like to see some sort of protocol and then having the data to use and share. Some cases go unresolved for years.

The willingness to help or lack thereof from community members also can hinder an investigation. The farmer wouldn't let the family search his property. We need a willingness from all parties to cooperate. Seen in other cases where detectives or others that are culturally insensitive. Are coroners influenced by others? It has been hard to get answers from coroners as well.

Three areas identified:

Jurisdictional issues – how do we facilitate this?

Database of cases – what goes in and who has access? How do we keep cases from going cold? Resources? VAWA?

Accountability – coroners are accountable to the voters. They are trying to do better by engaging in more training. How do we hold others accountable? What should accountability look for victim service providers? For sheriffs? Other elected officials?

Interview: I call all the time and can't get a hold of anyone. There doesn't seem to be anyone around. When I do get in contact with Box Elder County, they state they can't do anything else in contacting people in the case because those people refuse to talk to them and would rather talk to other jurisdictions. Need an agreement between LE for collaboration.

What should this continued work look like? We all need to contribute. Families impacted need to know how to proceed in these cases. They need a path identified. A centralized process. How do we help these families with aftercare once these people are found and return home?

Why is DNA collected, how is it collected, and what happens to it? It is collected as soon as we have a report of someone is missing just in case we need it. This helps with positive identification. Having it ahead of time, it helps with speed of identification. ISP has a partnership with North Texas that processed DNA collections and holds the information in their database. Their grant ended and so there was the question of who would process those DNA analysis'.

Could we create a collaborative task force moving forward? Would like to have this discussion at the conference. What should the goals be if this task force be?

How do we get LE to participate at the conference? We do have some prosecutor involvement. We need to get more sheriffs involved. Should we involve coroners in this discussion? Which counties should we reach out to?

Idaho, Clearwater, Lewis, Nez Perce, Kootenai, Benewah, Bannock, Bingham, Owyhee, Boundary, and Power