

**Idaho Criminal Justice Commission**  
**Missing and Murdered Indigenous Persons (MMIP) Subcommittee**  
June 21, 2022

**Location:** Zoom

<https://us02web.zoom.us/j/88972006441?pwd=V3NDU2k5SjJWcWo5N1V1Wnc3d2M0dz09>

**Time:** 3:30pm-5:00pm MTN or upon adjournment

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:**

Daniel Chadwick, Chair, ICJC Public Member  
Bernie LaSarte, Coeur d'Alene Tribe  
Audrey Jim, Shoshone Bannock Tribe  
Josh Hurwit, Rafael Gonzales, Acting U.S. Attorney  
Scott Sergeant, Shoshone County  
Samuel Abrahamson, Coeur d'Alene Tribe

Heather Cunningham, Idaho Council on Domestic Violence  
Jackie McArthur, Nez Perce Tribe  
Tai Simpson, Idaho Coalition Against Domestic Violence  
Tanea Parmenter, ISP  
Adam Mabey, Caribou Sheriff

Not Present:

Kevin Dunton, Retired FBI  
Dianne David, Kootenai Tribe  
Greg Chaney, State Representative, District 10

Jim Woodward, State Senator, District 1  
Leotis McCormack, Nez Perce Tribal Police  
Jason Davis, Lewis Sheriff

Observers:

Shawn Kelley  
Cheryl Miller  
Jared Larsen  
Willeena George  
Melanie Fillmore

Staffed by Kelli Brassfield, Idaho Association of Counties

Agenda		Due Date
3:30 p.m.	Call to Order	
	<ul style="list-style-type: none"> <li>• Welcome and Roll Call</li> <li>• Action Item: Approve minutes from May 2022</li> </ul>	Amend minutes to say “indigenous” There was a motion to approve the minutes with amendments from May 2022 by Tai Simpson and was seconded by Bernie LaSarte. Motion carried.
	<ul style="list-style-type: none"> <li>• Missing Person’s Clearinghouse Updates <ul style="list-style-type: none"> <li>○ Data Collection</li> </ul> </li> </ul>	<p>The clearing house funding is still waiting for July 1 implementation date. We will have some steps to do before it is ready to go. We need to determine the data points we want to collect before we can move forward. They could be anything from personal points or data that may need to be presented in future reports. We need it for the SOW to give to the vendor. We may not be able to get all data points but we will try. Do we need to create a working group to decide or do we want to have a round table discussion now? I.e. place where individual went missing and where they were found.</p> <p>Recommendations from Melanie’s report. The council could brain storm some ideas. Suggestion to put an informal group together to work on a list. Someone should also invite Dr. Gelespe to participate. Heather will put this group together.</p> <p>If you are interested in serving on the endangerment factor advisory board, you can email Tanea Parmenter. Send cover letter and resume.</p>

	<ul style="list-style-type: none"> <li>• July 6<sup>th</sup> Indian Affairs Presentation <ul style="list-style-type: none"> <li>○ Subcommittee highlights and other items to include</li> </ul> </li>   <li>• POST Certification and Cross-Deputization follow-up discussion from May meeting</li> </ul>	<p>No update as of now. We are on their agenda but who should do the presentation since Dan is no longer the chairman? The five tribes' summit is around the same time. Tai will be presenting at that. She will send her PowerPoint to the group for review. Maybe some of the information could be used and will modify to add in relevant/needed informational. Bernie, Heather, Dan, and Tai will create a plan for a presentation.</p> <p>Input from the subcommittee: Maybe look at peace officer recognition (will help interjurisdictional interaction). Fill in gap of tribal leadership participation. COMETIY- Full faith in credit. Enforcing protection orders in court. Connection of county coroners with this issue and collaboration with other stakeholders.</p> <p>See Shawn's review below</p> <p>Heather sent out a chart/review of how other states deal with this issue. Tribal officers don't have the ability to be POST certified. Most get this through statute or through cross deputization. Some states will allow them peace officer status. Washington does require cross deputization. Idaho does have agreements but the weakness is whether or not there is actually an agreement. The simple solution is a statute to allow tribal officers to become POST certified.</p> <p>Some don't see tribal LE working under the state because of treaty complications. Statute allows for cross deputization from a sheriff or a chief but authority would only be for crimes within those jurisdictions. We may need to allow for POST certification as well as cross deputization. Need to understand the intent of the statute.</p>
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	<ul style="list-style-type: none"> <li>• Issue(s) for future meetings</li> </ul>	<p>LE POST certification/cross deputization</p>
5:00 p.m.	<ul style="list-style-type: none"> <li>• Adjourn</li> </ul>	<p><a href="mailto:wbarquin@kootenai.org">wbarquin@kootenai.org</a> William Barquin, Kootenai Tribe</p>

Next Scheduled Meeting: July 25, 2022

Shawn's review: The basic problem is that tribal officers don't have the inherent ability to retain POST certification, because they are not defined as peace officers. Different states resolve this issue through different methods. The common pattern is either to grant peace officer status through statute, or cross-deputization with local police or sheriff's departments. The states that do this through statute still require an agreement with the state to abide by state certification standards, but they do grant peace officer status and the ability to enforce state law within the political boundaries of the department (ie. Reservation). Only Washington makes cross deputization mandatory so state and local law enforcement can enforce state law on the reservation and tribal law enforcement can enforce state law off the reservation, and it's only mandatory for jurisdictions that had cross deputization agreements in place prior to 2008, and they do this while granting statutory authority to POST certified tribal officers to enforce state law.

In Idaho we do this through cross deputization. The inherent weakness in this solution is that it is contingent on tribes and local police or sheriff's departments making an agreement. The best example of this weakness is Utah that technically allows for POST certification to be maintained through cross-deputization, but no sheriff's departments have made these agreements. So the simple solution is to have a statute that grants the status of peace officer to any POST certified officer working in a police department recognized by the state, and also recognizing tribal police departments if they enter an agreement with the state to abide by state certification requirements. Another novel solution would be to allow cross deputization to be done through Idaho State Police, thus giving oversight to one entity creating uniformity in these agreements.