

Justice and Public Safety Committee

September 27, 2021 | 2:30 pm - 5:00 pm

Boise Centre

MEETING MINUTES

Call to Order | *Chair Len Humphries*

Jack Johnson made a motion to approve February 2021 minutes. Chris Goetz seconded. Motion carried.

Idaho Department of Juvenile Correction | *Monty Prow, executive director*

Stats – Number of juveniles in custody has continued to reduce over the last decade. In 2010 there were an average of 67.4 arrests per 1,000. In 2019, there are only 31.2 arrests per 1,000. We have an amazing bifurcated system in Idaho that has been very successful. The goal of IDJC is to use the least amount of government to help these children achieve success. We are working on a new system to follow our children through many agencies. This creates a more collaborative process.

Legislative – Draft to keep kids out of jail no matter which court (magistrate or district) they may enter. Would this also apply to those that have committed something such as arson? Yes, there are some nuances around it. IDJC is looking at post adjudication as well.

There was a question as to whether an individual is more apt to end up in jail a second time if they have gone to jail once? The answer is yes, and this is why IDJC tries to use other community resources, such as diversion, to keep kids out of jail.

Idaho Department of Correction | *Josh Tenvalt, executive director*

Where we were. March 9,560 in custody, which was about 104% of capacity. We are over 1,000 down now from March. We are sitting about 8,150. We try not to go above 97% capacity. This allows for some quarantine if needed. We try to keep transports uninterrupted from counties. The department took over rider hearings and release hearings. These are being done virtually.

We do anticipate a growth in the capacity as courts resume operations normally. IDOC board approved more beds. One female facility (approx. 850 beds) and more male beds also.

There has been a fivefold increase in electronic monitoring since adding a mobile app for low risk caseload that uses geo-location and creates a portal. “Dosed” probation program is in the trial stage. It is a new model with local re-entry services showing positive results. “Connection intervention stations” with intensive day reporting and case management showing promise. They have been operational and we are going to open three more.

Were we letting inmates out because of covid? Are the reentry centers apart of that? No, we didn't release anyone early due to covid. We have also utilized the intervention stations. Have you seen a reduction in recidivism? Yes, we have.

Idaho Sheriff's Association | Jeff Lavey, executive director

ISA is monitoring faith healing, and garnishments. The two main areas ISA is focusing on are in regards to bodycam footage and dispatcher rule of 80. Rule of 80 legislation was proposed back in 2017. There has been a lot of discussions about this. Judges have been moved to the rule of 80 and now many want to get rule of 80. Positions need to be filled with very capable individuals. This is a good incentive to draw more of those candidates. Costs should be pretty minimal as the employee will have the majority of the cost burden. This will be number one priority for the sheriffs.

How do you feel about rule of 80 for juvenile/misdemeanor probation? To be a dispatcher, you need to go through certain training to be a dispatch. The burnout rate is high and again we need to have more incentives.

Opioid Settlement Update | *TBD*
Brian Kane, Brett DeLange AG's Office

There are two settlement agreements being negotiated. Idaho filed two separate lawsuits, one in federal and one in the state. Some counties have also filed suit as well. These lawsuits were filed against big pharma and manufacturers. The settlements will be divided among the states. There is a matrix to determine how much each state gets.

When Idaho gets its share. How will be it be distributed? It is being negotiated. The AG's office is optimistic. One important aspect of the settlements is that they are incentive based. As locals participate, the funding will go up. All counties are eligible to join and all cities over 10,000 population are eligible to participate. There is still on-going litigation with others.

Resolutions

- JPS – 01 Funding Murder Trials
Discussion: Looking for revenue sources for PA and defense. It is a unique case because they retained private counsel but that may change as one has now been deemed indigent and has a public defender. These cases are very expensive all the way around. Maybe we could set up a fund, similar to the CAT fund, to help pay for these cases. This should be a state cost. Would like to see the state pay for these. They have a surplus and would like to see this be ongoing funding. These types are a big burden on all counties.

We would use the state general fund to pay for all costs. What about looking at something like the CCDF? CCDF only pays for capital cases. Would you be looking to move the duty responsibility from the PA to someplace like the AG's office? No, just looking for funding to help pay for it. Have you identified eligible expenses? No, not yet. The alternative is having it still funded by counties.

IAC created a subcommittee to discuss creating a major crimes fund. The challenge has been how do we get all counties to participate. To work, all counties would need to participate.

It's a good concept but may need more work and not sure it's the correct resolution.

Kim Muir made a motion to send JPS – 01 to the full membership with an approval recommendation. No seconded. Motion dies.

- JPS – 02 Public Defense

Discussion: Every year we are moving control over from counties to the PDC with new rules and standards that are being passed. Twin Falls is having to increase pay significantly to pay for conflict attorneys. This is because of the passed-on requirements from the PDC. Counties are statutorily mandated to run the public defense offices but the ability to do so is diminished each year. This resolution would move public defense to a state-based system.

There are a couple of counties that are opposed but most seem to be in support. This would require legislative authority and funding. It doesn't appear that the PDC is listening to the counties when it comes to the rules they are proposing.

Some of the bigger counties might have some issues. Would like to see an opt out in the proposal. Seems like giving the problem to someone else. Let's address the problem with the PDC. Would like to talk to the PDC and just make sure they just pay for what they are requiring. It may be the best thing for the smaller counties but don't want to see the bigger counties subsidizing the program.

Ernie Moser made a motion to send JPS – 02 to the full membership with an approval recommendation. Marc Bolduc seconded. Motion carried.

- JPS – 03 Public Administration Notification

Discussion: change the notification time from 48 hrs to 72 hr. This is because the next of kin searches are taking longer. Law also states that we have to turn over all property to the treasurer's office but we want to have it state that we will secure all property and turn it over when we know it will be a public administration case. The extra time is

Chris Goetz made a motion to send JPS – 03 to the full membership with an approval recommendation. Leslie Duncan seconded. Motion carried.

- JPS – 04 Cremation

Discussion: Currently can't cremate until 14 days after an application has been approved. We have to store these individuals until we get the do ahead. This would allow cremation for public administration cases after 7 days. If there is next of kin that has abandoned the individual, we would be able to cremate. If there is next of kin, it wouldn't go through public administration.



Ernie made a motion to send JPS – 04 to the full membership with an approval recommendation. Bill Lasley seconded. Motion carried.

Steve Anderson made a motion to adjourn. Danny Clark seconded. Motion carried. The meeting adjourned at 3:58 pm.

Justice and Public Safety Committee

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