

Justice and Public Safety Committee

September 26, 2022 | 9:30 am – 11:30 am

Boise Centre | Room 100C | Boise, ID

MEETING MINUTES

Call to Order | *Bill Thompson, Vice-Chair*

Bannock County Commissioner Ernie Moser made a motion to approve the minutes from February 2022, Leslie Duncan seconded. Motion carried.

Public Defense Update and Roundtable – Seth Grigg

IAC staff met with the governor's office and the defending attorneys this last week. There was a discussion about what the system should like. The governor's office believes they bear the responsibility as the Tucker lawsuit is pushing that public defense is a state responsibility. The state believes that there should be a strong state system. IAC had meetings last fall and the outcome was that there should be more of a regional model. It would have a public defense office in each judicial district. The defense attorneys are open to the regional model, but they do not want to see the same issue we have now with the PDC. There was a consensus on rules and standards. They should, and already have, codify what the standards should be. The ABA already has many of the standards the attorneys work by. The group is looking at moving away from the commission model.

Each group had an assignment of trying to come up with an organizational model and will bring it to the next meeting. Do they understand the timelines? Yes, we have about two years (two legislative sessions) to get this done.

What does the funding look like? Beginning in 2025, the online sales tax money (\$36M from Wayfair) will go into a public defense fund. The \$36M will be combined with the ~\$12M that the state currently gives to the PDC. This gives a total of about \$48M. Any expenses above and beyond that will be subject to legislative appropriation. The discussion around facilities also needs to be worked through.

Civil Commitments – SB1327 and possible legislation for next session (66-326, 66-329, and 66-1305)

There was a treatment court meeting, and they were informed that there is a shift in some items at IDHW. Ross Edmunds will be presenting to the commissioners about the shift in behavioral health services. It appears that some services will be outsourced to a contractor. They are reviewing contractors currently. IDHW is looking to keep the crisis teams in place.

How has everything been going? Bonneville County is contracted with the state to do the post commitment transportation since the IDHW vendor doesn't have the capacity to cover the whole state.

The Idaho Behavioral Health Council has a working group drafting language for some changes in 66-326 and 66-329. They will be moving the community petition section of 329 to 326. They will also look at trying to make some changes so the whole state is consistent on when a case is opened for individuals in an involuntary commitment process. They have recently added a couple of prosecutors to the group.

Sheriffs and Temporary Guards – SB1279

Most have not used the new statute yet but those that have said it has been handy when needed.

Rule of 80 – HB499 & HB589

The intent of the bills were to include supervisors but the law states that supervisors are not supposed to be included. There is a working group that just starting meeting last week. This group will be working to decide who should be and this will make it easier when other groups come forward and ask for rule of 80. It should, hopefully, make a clear path. The group will be working on the list of job titles that will be included. Counties have been changing job titles to make individuals qualify for the rule of 80.

Peer Support Specialists – HB699

The bill gives protection for first responders who talk to peer support specialists when they need something/help, especially after traumatic calls/events. It allows them a safe place to talk about experiences. Ada County has had a positive experience with this new tool. Bonneville County has been using Law Enforcement Chaplains. They are a great resource.

Resolutions | *Seth Grigg, IAC; Kelli D Brassfield, IAC*

- JPS-01 Civil Commitments – Kristina Glascock
This resolution was withdrawn by the sponsor prior to the conference as the prosecutors are going to work with the Idaho Behavioral Health Council on this issue.
- JPS-02 Domestic Terrorism Definition, Jared Orton
This resolution looks like it is stemming from the issues school board meetings have encountered over the last couple of years. It is felt that citizens have the right to speak up at school board meetings, but the school boards have not been sure how to address the violent and disruptive issues at the meetings and still allow that right. There is a concern that the resolution only talks about having to have a link to international terrorism. LE can already charge for domestic terrorism but without proposed language it is hard to know what exactly the resolution sponsor is trying to accomplish.

When the local LE is working with the federal government, it is usually for something bigger than issues at school board meetings. This could tie the hands of LE. Need to be careful with this language. There is a time and place to work with federal partners but not in every instance.

Opinion of intent: They may be thinking that the federal government is painting a picture of what they think these definitions mean and this trickles down to the local level, which could create issues.

Bonneville County Sheriff Sam Hulse made a motion to not approve; Power County Commissioner Bill Lasley seconded. Discussion: I like definitions and think this should be vetted more but will support the group. Motion carried.

- Sheriff's Legislation

Clarke decision – ISA is looking to make some changes to the Idaho Constitution and are looking for support from prosecutors. This is going to be a long process, but it needs to happen. LE needs to be able to arrest or make a move on domestic violence and DUIs. The Clarke decision has had an impact. An example is about a DUI case. The court just found that there was a defacto arrest in a case where the individual was cuffed and transported for DUI testing.

ISA will be working on the rule of 80 with the working group mentioned earlier.

Other Business

Some counties are having major problems with wind turbines. The Twin Falls County citizens are against this. There is a four-county dispatch system and they have written a letter of opposition. It is unknown how this will impact or disturb (create interference) the dispatch systems. There is a big push to put these on public lands and would like to know how LE feels about it. It would depend on the radio frequencies the turbines use. The turbines have created problems fighting fires from the air as these are in the way and they have also impacted the wildlife. Local resource plans haven't been updated in many years and they don't reflect current conditions. These need to be updated.

The meeting was adjourned.

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