



STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

Brad Little
Governor
Ashley Dowell
Executive Director

QUARTERLY BUSINESS MEETING

Date and Time: January 11, 2021 10:00 a.m.

THE PUBLIC IS STRONGLY ENCOURAGED TO ATTEND VIA WEBEX

WebEx Meeting Physical Location
www.webex.com Idaho State Police District 3 Office

Meeting number: 700 S. Stratford Drive
177 835 8108 Meridian, Idaho
Password:
fcTzeHTC733

Commissioners: Patrick McDonald Terry Kirkham
Janie Dressen Scott Smith
Mike Matthews Shelly Parker
Michael Ross

Executive Director: Ashley Dowell

AGENDA

1. **Call to Order** 10:08 am – Review of November 2020 Business Meeting minutes
 - i. Action Item: Approval of November 2020 Minutes
 1. Commissioner Kirkham motions to approve minutes as written, Commissioner Parker seconds. All approve, motion passes.

2. **Welcome New Commissioners:**
Commissioner Patrick McDonald
Commissioner Michael Ross

3. **Commutation petitions regarding forfeitures:**

The Commission has reviewed several Commutation Petitions where the subject has forfeited time on supervision that the Commission has discretion over. Sometimes it is forfeited time related with being an absconder. When the subject loses their time because of fugitive status, commutation is the only option. If the forfeited time was a Commission decision, then a miscellaneous file review can be completed as the Commission has discretion to modify a previous decision.

4. **Police Reports for Violent and Sexual Offenses:**

The Commission requested police reports on all violent and sexual offenses at a previous business meeting. However, feedback has been given that the reports do not provide additional information as it is already included in the investigative report. The Commission can still request reports if needed.



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- i. **Action Item:** Commissioner Dressen motions to discontinue having investigators obtain police reports unless requested by the Commission. Commissioner Smith seconds. All vote to approve, motion passes.

5. **Hearing Format:**

Executive Director Dowell stated in the line of questioning from the Commission, there is inconsistency on when the inmate speaks. To ensure a consistent format, the Commissioners will be asking for a final statement following the questioning from the Commissioners.

6. **Review of State v. Winkler Decision** - Karin Magnelli, DAG

DAG, Karin Magnelli stated that the court interpreted the meaning of a pardon and its effects. They found pardons are intended to spare the individual from the punishment of the crime and any other effects that would come from that. Pardons remove any remaining penalties and any disabilities that would arise from the conviction. Executive Director Dowell explained that a Temporary Emergency IDAPA rule was adopted by the Commission because of the Winkler Case. This rule took immediate effect in November to ensure that the same scenario could not

7. **Review of Legal Standard for Habeas Corpus Petition** - Karin Magnelli, DAG

DAG Karin Magnelli explained what Habeas Corpus petitions are and what the process is when one is filed. Ms. Magnelli provided a PowerPoint presentation.

8. **Public Records Training** - Karin Magnelli, DAG

DAG Karin Magnelli explained the Public Records Act and related processes. Ms. Magnelli provided a PowerPoint presentation.

Commissioner Matthews asked if bringing up a subject's medical diagnosis in an open public hearing, is jeopardizing someone's rights. DAG explains the Commission should be mindful but, the subject has signed disclosure forms. Executive Director Dowell states that any communication between Commissioners about cases outside of the hearing process, is prohibited.

9. **Governor's State of the State Address**

10. **IDOC Director Update** – Director Josh Tewalt –

Director Tewalt states they will have vaccines available for staff members by mid-February. The vaccines will be available to the in-custody population by April. Discussion on programming including use of CARES funding to allow virtual programming. The quality of the PO's engagement has been consistent through COVID, they have good conversations and have quality interactions with their case load. Commissioner Matthews asked Director Tewalt about FASFA and spending on education. Director Tewalt stated the Pell Grant and FASFA money goes to the educational programs, it doesn't go straight to the individual.



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Commissioner McDonald asked Director Tewalt, what level of education at the post-secondary level can an inmate achieve being incarcerated. Director Tewalt replied with there are some that are not high school level. There are some that go past college level. They are working with Boise State University currently to get more information. Commissioner Ross asked Director Tewalt how they reduced the population in March. Director Tewalt replied with it's a combination of the courts being shut down, still holding Parole Hearings, and still being able to release inmates from the facilities.

11. Executive Director COVID Update

Executive Director Dowell stated that the Commission could potentially continue working remotely until July 2021, but several factors will determine steps moving forward. The number 1 goal is to keep everyone safe and healthy. The lease is up at the Parole Commission building in July, options are being explored to renew the lease or change locations. Executive Director Dowell thanks Idaho State Police staff for their partnership, while the Parole Commission has held meetings at their location. Appreciation to Commissioners for accommodating added days for hearings while keeping public safety at the forefront and to staff for their positivity and flexibility while working through the pandemic.

12. Open Meeting Training - Karin Magnelli, DAG

DAG Karin Magnelli explained open meetings laws including rules and requirements. Ms. Magnelli provided a PowerPoint presentation. Commissioner Parker asked if it was alright to ask questions before the parole hearing session has started. Ms. Magnelli stated that general questions prior to the hearing starting is fine. Executive session is meant for strictly executive session topics.

Executive Director Dowell stated that if there are questions or concerns regarding topics the Commission would like to discuss, let her know and she will put it on her list for future business meeting agendas.

13. Jared Larsen, Policy Advisor for Governor Little, welcomes new Commissioners.

14. Meeting Adjourned at 3:22 p.m.