

Minutes of the Joint Legislative Oversight Committee

February 29, 2024

Room EW42, Capitol, Boise, Idaho



Representative Douglas T. Pickett, presiding cochair

Representative Pickett called the meeting to order at 12:10 p.m.

Committee members in attendance were Senators Melissa Wintrow (cochair), C. Scott Grow, Dave Lent, James D. Ruchti, Representatives Douglas T. Pickett (cochair), Jordan Redman, Ilana Rubel, and Steve Berch. Also present were Rakesh Mohan, Director, Office of Performance Evaluations; Office of Performance Evaluations (OPE) staff.

Audience members in attendance included the following: Braedon Clayson, Jeff Hough, Dotti Owens, Tory Danner, and Brett Harding.

Approval of minutes from February 7, 2024 & February 16, 2024

Representative Berch moved to approve the minutes from February 7, 2024 & February 16, 2024. Senator Ruchti seconded the motion, and it passed by unanimous voice vote without debate.

Report presentation: *County Coroners and Death Investigations*

Casey Petti, senior evaluator, presented the report. The report examined the lack of state-level oversight and assistance for coroners in Idaho. Without assistance, coroners often rely on informal guidance from other coroners and outsource autopsies to neighboring counties. The report highlighted ambiguity in Idaho's legal code regarding coroner duties. The report also highlighted issues with continuing education for coroners, noting a lack of compliance with required education and a decrease in reported education.

Cochair Pickett asked Casey about coroner education. Casey explained that while it is required by Idaho law, there's no clear definition of what "coroner school" entails. He mentioned that historically, the Idaho State Association of County Coroners has organized education events like the annual conference in Las Vegas.

Cochair Pickett asked about the criteria for referring deaths to a coroner. Casey explained that factors like violence or accidents determine this. He noted that sometimes, reportable deaths aren't reported to the coroner as they should be.

Representative Redman asked about the different types of reportable deaths and their variations across states. Casey said that he had compiled data on this topic in an Excel workbook that could be shared with the committee. The workbook covered around 70 categories of deaths and

whether they require coroner notification. He mentioned examples like unidentifiable remains or deaths occurring out of state.

Representative Rubel asked if it is typically a partisan election for coroners in other states. Casey stated it is not something this evaluation looked into. Representative Rubel asked if there was any feedback from law enforcement or coroners about whether there is any foul play going unpursued in Idaho because of inadequate death investigations. Casey said that some coroners had indicated there were deaths that were not properly investigated. Representative Rubel asked to hear anecdotal stories and Casey shared two brief anecdotes.

Senator Ruchti sought clarification on the number of states with elected coroners and if there are any trends away or towards it. Casey explained that out of 28 states with coroners, only Kansas has an appointed coroner, while in two of the 14 states with both coroners and county medical examiners, coroners may be appointed. He noted that historically, there has been a movement to transition away from the coroner system towards medical examiners. However, this transition isn't always feasible due to the need for qualified individuals to serve as medical examiners, particularly in rural areas. Casey emphasized that with a strong foundation, the coroner system could effectively serve its purpose, but Idaho currently lacks such a foundation.

Senator Wintrow asked about any “low-hanging fruit” policies that could be addressed, expressing concerns about the reporting of deaths to coroners and the oversight and criteria for investigating deaths related to substances like overdoses. Casey discussed the efforts to address overdoses, mentioning the ODMAPs organization that tracks overdose deaths and the recent initiative by Governor Brad Little to provide toxicology screenings for coroner offices. He highlighted differing opinions among coroners regarding this program. Regarding other policy issues, Casey suggested identifying gaps in the state code and rectifying them, particularly those with financial and civil implications, such as protocols for autopsies and determining the circumstances of unintended deaths. He also mentioned potential policy changes, like reimbursing coroner offices for autopsies, as avenues for legislative consideration.

Representative Berch urged the committee to act on the report’s findings by proposing that a committee member lead efforts to develop legislation based on each report. He volunteered to take this role for the current project, collaborating with the study requestors to address highlighted issues. He emphasized the importance of ongoing follow up and suggested keeping projects open until legislation is developed to ensure effective use of gathered information.

Senator Grow questioned the absence of licensing or recertification for individuals dealing with deceased bodies, highlighting it as a potential gap in oversight. He questioned who would address this issue, considering that coroners typically operate at the county level, but suggested the involvement of state or national organizations specializing in this area.

Casey spoke about the national organizations related to coroner accreditation and certification. He explained that two organizations focus on accrediting coroner's offices, while the third offers certification for individual coroners. In other states, coroner education is often managed similar to Idaho’s POST programs (Peace Officers Standards and Training), where completing the

program results in state certification. Some states, like Washington, are transitioning to recognize the ABMDI (American Board of Medicolegal Death Investigators) certification in place of state certification due to its high regard. Casey suggested utilizing these respected organizations rather than creating a new certification process at the state level.

Senator Grow suggested forming a group involving stakeholders such as coroners and individuals with expertise in the field to delve deeper into the matter.

Representative Redman asked a question related to elections and partisanship regarding the coroner's authority to arrest a sheriff. Casey clarified that the Idaho Constitution grants coroners the authority to arrest sheriffs and assume the sheriff's duties if they are incapacitated. He noted this provision is historical, dating back to the creation of the coroner system, and may not be practiced today due to changes in law enforcement procedures and structures.

Senator Wintrow suggested the need for a state coordinator to provide oversight on the issue. She also invited comments from others present, including Representative Berch and the director of the crime lab.

Mr. Danner, representing the Idaho State Association of County Coroners, expressed appreciation for OPE's thorough report and support for its findings regarding the need for clarification and standardization within the system. He highlighted the challenges faced by the association in addressing these issues without the necessary authority. Mr. Danner emphasized the importance of standardization across various aspects, including statutes, legislation, jurisdiction, roles, and responsibilities. He also stressed the significance of education and certification, noting ABMDI as the standard in their office. Mr. Danner offered the association's assistance in advancing efforts towards standardization and welcomed questions from the committee.

Representative Berch requested Mr. Danner prioritize the changes his organization would like to see, which would help guide future legislative discussions. Senator Grow expanded on the request, suggesting that the entire committee be involved in the prioritization process. Mr. Danner agreed and offered to coordinate with the committee members.

Commissioner Huff from Bannock County expressed gratitude for the county's mention in the report and expanded on the east Idaho forensic pathology lab project. He highlighted the lab's purpose to address barriers of time and money in serving the 17 counties in eastern Idaho. Utilizing a subscription model based on population, they aim to reduce the financial burden on smaller counties while ensuring access to forensic services. He shared successful test runs of their facility, emphasizing the need to remove barriers such as distance for counties to access autopsy services.

Senator Ruchti asked for low-hanging fruit to address some of the concerns and challenges Bannock County has run into in completing the project. Commissioner Huff mentioned the challenges they face in completing their project as intended. He emphasized the need for additional funds to complete construction, as the \$3.5 million committed is insufficient. He

highlighted the financial burden on smaller counties in funding autopsies, proposing a reimbursement model and to encourage accreditation. Senator Ruchti asked for a financial sense of what is needed. Commissioner Huff outlined an annual operating expense of approximately \$600,000, primarily for forensic pathologist salaries.

Senator Lent asked if money from the Permanent Building Fund was going to this facility. Commissioner Huff said yes, two years ago some money was appropriated. Senator Lent asked if any more money coming their way. Commissioner Huff said he is not aware of any money coming their way.

Director Rakesh Mohan made announcements. He said there may be another follow-up report on child protection released during this session. Additionally, new projects need to be selected, with the Luma evaluation already chosen. A meeting will be scheduled within two weeks to facilitate this selection process. Cochairs were asked to announce that requests for projects should be submitted by early next week. Director Mohan made a follow-up comment regarding Representative Berch's suggestions. Director Mohan suggested that legislators are free to introduce their own bills or discuss suggestions with leadership or the requester. This has been done previously by multiple legislators, and there are no restrictions preventing such actions.

Representative Berch moved to keep the project open. He proposed keeping the project open and suggested inviting committee members to submit questions for follow-up with Rakesh, if time permitted, to provide additional detail for a future follow-up report. Regarding Director Mohan's comment, Representative Berch commented that he believed it is valuable to take proactive steps on each project rather than relying solely on legislators to initiate action in the legislature. He said he intended to formalize this proposal by writing one for the committee's consideration later.

Representative Pickett moved to keep the report open. Senator Ruchti seconded the motion, and it passed by unanimous voice vote without debate.

Cochair Pickett adjourned the meeting at 1:23 p.m.