

**Idaho Association of Counties  
Justice and Public Safety Committee Meeting**

Boise Centre | September 27, 2016 10:00 am – 12:00 pm

**Members Present**

Chair - Chris Goetz, Clearwater Sheriff  
Vice Chair - Paul Wilde, Bonneville Sheriff  
Ada: Vicky McIntyre, Treasurer  
Ada: Jim Tibbs, Commissioner  
Bannock: Lorin Nielsen, Sheriff  
Blaine: Angenie McCleary, Commissioner  
Custer: Lin Hintze, Commissioner  
Gooding: Denise Gill, Clerk

Madison: Kim Muir, Clerk  
Madison: Kimber Ricks, Commissioner  
Nez Perce: Dan Spickler, Prosecutor  
Payette: Donna Peterson, Treasurer  
Twin Falls: Kristina Glascock, Clerk  
Twin Falls: Debbie Kauffman, Treasurer  
Twin Falls: George Urie, Commissioner  
Valley: Patti Bolen, Sheriff

**Members Absent**

Caribou: Ric Anderson, Sheriff  
Cassia: Paul Christensen, Commissioner  
Cassia: Jay Heward, Sheriff  
Clearwater: Clayne Tyler, Prosecutor  
Franklin: Dirk Bowles, Commissioner  
Gem: John Buck, Coroner

Gooding: Shaun Gough, Sheriff  
Jerome: Charlie Howell, Commissioner  
Jerome: Doug McFall, Sheriff  
Jerome: Cathy Roemer, Commissioner  
Lewis: Zachary Pall, Prosecutor  
Payette: Marc Shigeta, Commissioner  
Washington: Betty Thomas, Clerk

**Guests**

Benewah: Phil Lampert, Commissioner  
Bonneville: Steve Hadley, Commissioner  
Fremont: Jordon Stoddard, Commissioner  
Fremont: J'lene Cherry, Treasurer  
Fremont: Marinda Ballard, Chief Deputy  
Treasurer  
Lewis: Greg Johnson, Commissioner  
Jefferson: Jerald Raymond, Commissioner  
Jefferson: Steve Anderson, Sheriff  
Power: Bill Lasley, Commissioner  
Kootenai: Richard Houser, Chief Deputy Assessor  
Lewis: Alesia Winner, Clerk  
Gem: Bill Butticci, Commissioner  
Valley: Doug Miller, Clerk  
Latah: Bill Thompson, Prosecutor  
Latah: Henrienne Westberg, Clerk  
Clark: Bart May, Sheriff  
Bonneville: Capt. Sam Hulse, Sheriff  
Gooding: Mark Bolduc, Commissioner  
Lan Smith, LHTAC  
Nez Perce: Dan Spickler, Prosecutor  
Dan Chadwick, Executive Director, IAC

Jason Stone, Liaison IDJC  
Sharon Harrigfeld, Director IDJC  
Kimberly Simmons, Exec. Director, Idaho Public  
Defense Commission  
Josh Tewalt, Budget & Policy Administrator,  
IDOC  
Kevin Haight, ISP & PSAP Committee Chair  
Ada: Lorna Jorgensen, Deputy Prosecutor  
Bear Lake: Brent Bunn, Sheriff  
Canyon: Bryan Taylor, Prosecutor  
Ada: Terry Derden, Sheriff Legal Advisor  
Fremont: Bill Baxter, Commissioner  
Fremont: Len Humphries, Sheriff  
Bonner: Daryl Wheeler, Sheriff  
Teton: MaryLou Hansen, Clerk  
Bonneville: Roger Christensen, Commissioner  
Jefferson: Brian Farnsworth, Commissioner  
Butte: Rose Bernal, Commissioner  
Twin Falls: Kevin Sandau, Chief Probation  
Officer  
Teresa Baker, Director of Government Affairs,  
IAC

Chair Goetz called the meeting to order at 10:00 am.

**Sheriff Nielsen moved to approve the minutes of the February 2016 meeting. Debbie Kauffman seconded the motion. The motion carried.**

### **Justice Reinvestment Act, Officer Increase, and County Jails Update**

Kevin Kempf, Director of the Idaho Department of Corrections made a presentation on the status of IDOC and changes that he is implementing including reorganizing to add more probation and parole officers to handle the increasing workload from the Justice Reinvestment Act.

Vaughn Killeen asked if there are five programs still in place. Kempf responded that they are.

### **Public Defense Commission Update and Standards**

Kimberly Simmons, Executive Director of the Idaho Public Defense Commission, explained the role of the Commission and the services that they have provided since their inception in 2014. These services include public defender training, rosters of PD attorneys, model contract language for counties, uniform data collection, etc.

In 2016 the legislature passed legislation to give the Commission more duties and rulemaking authority. They completed negotiated rulemaking this summer. Simmons answered several questions regarding the rule implementation for the counties. She stated that there is a chance for input into the process during public hearings across the state in October.

### **Mental Health Pharmaceutical Formulary**

Sheriff Wilde spoke about the idea from the IDJC to have a formulary that would purchase medication across corrections facilities and would also provide consistency in the medication when moved from facility to facility. He asked for support for a statewide formulary that IDOC has started working on. This will save counties and state facilities money as well by using the same formulary. IDJC is just beginning to gather support from different groups.

Sheriff Nielsen asked how the sheriffs comply with what the medical doctors prescribe. Sheriff Wilde said the goal is to get the mental health professionals working together with the counties and the facilities to get a better understanding of what is needed and buying in bulk to purchase and save money.

**Sheriff Nielsen moved to support the development of a formulary. Angenie McCleary seconded the motion. The motion carried unanimously.**

### **Resolution on the PERSI Rule of 80 For Juvenile Detention, Juvenile Probation, Misdemeanor Probation Officers, and the Idaho Department of Juvenile Corrections**

Sharon Harrigfeld talked about the PERSI Rule of 80 that her agency is supporting for juvenile detention, juvenile probation, misdemeanor probation and Idaho Department of Corrections. She reaffirmed that all of these positions require POST certification.

Kevin Sandau reiterated that the counties and the state are working together better than ever and are working together on this effort.

Vicky McIntyre asked how employees will react to a decrease in pay. Harrigfeld stated that is it option for those currently employed. Each employee will choose whether they move to Rule of 80 and those that are hired later will automatically go to the Rule of 80.

Sheriff Nielsen spoke about adding dispatchers to the Rule of 80 in addition to the juvenile justice positions. He stated that Sheriff's employees are in favor of this move and it is employee driven due to the stress of truly being the "first" first responders.

Mary Lou Hansen inquired about the increase to all public safety PERSI contributors that Don Drum spoke about in his presentation to the Intergovernmental Affairs Committee. Teresa Baker clarified that the increase in contributions for this resolution would only affect those employees who would change classes and the increase was approximately 1.5%. The other proposal from the Professional Fire Fighters of Idaho Drum spoke about for a change in the spousal benefits would increase all public safety (Class 2) employees by approximately 1.5%.

**Nielsen moved to recommend the resolution to the general membership with the addition of dispatchers to the Rule of 80. McCleary seconded the motion. The motion carried unanimously.**

### **Justice Fund Levy**

Sheriff Nielsen stated that the Justice Fund has not had an increase in the levy allowed since it was established. The increased burden of duties has increased beyond what is allowed.

Sheriff Goetz spoke about how politically feasible the idea would be without an actual resolution.

Lan Smith stated that during his conversation with legislators he got the idea that they may not understand that with the 3% cap the levy caps are not needed. Most counties have taken many expenses out of the justice fund and there is not enough money to cover the basic needs.

Sheriff Nielsen proposed forming a committee to draft a resolution. Donna Peterson also suggested that a subcommittee is formed. Sheriff Goetz asked if Sheriff Nielsen would chair the committee and he agreed. Sheriff Nielsen will recruit members to assist with a resolution.

### **Legislative Update on Law Enforcement Media Recordings, and Summary of IPAA Bodycam Summit**

Terry Derden, Ada County Sheriff legal advisor, presented the resolution to specify minimum standards for the retention of data from body cameras and jail camera recordings. He spoke of the vast amount of data that they hold and the expense for server space that is required to retain the recordings.

Sheriff Wilde asked about redaction of the videos. Derden explained that the current public records law is what governs the redaction and that this legislation would not have an impact on redacting of the videos for release although it can be an issue.

Dan Spickler asked why the cities are not included and stated that he would like them to be included. Terry stated that he did not have the support of the Idaho Chiefs of Police Association at this time.

**Sheriff Wilde moved to recommend the resolution to the general membership. Jim Tibbs seconded the motion. The motion carried unanimously.**

**Other Business:**

### **Whistleblower Resolution**

Lorna Jorgensen presented a resolution to amend the Whistleblower Protection Act in Idaho Code §6-2104(2) to be consistent with other portions of the statute by adding language that makes it clear that an employer cannot take adverse action against an employee because that employee participates or provides information involving the waste of public funds, property or manpower or a violation of law, rule or regulation.

Teresa Baker informed the committee that the Intergovernmental Affairs Committee voted on Monday to recommend the resolution to the general membership.

### **Equity Funding Courts**

Lorna Jorgensen and Jim Tibbs from Ada County presented the resolution for Magistrate Court funding equity for the cities. They explained that there has been previous litigation over the years between Ada County and the cities of Boise, Meridian and Garden City. The 4<sup>th</sup> District en banc panel of judges has held that the cities are required to provide magistrate court facilities. Boise has entered into an agreement to pay Ada County to provide those court services, however Meridian and Garden City have refused to do so. Ada County was in mediation with the two cities last summer without resolution. The cities are not spending their criminal citations and infractions on magistrate court services as the statute provides.

Boise has a \$2 million budget from the fees from citations however they are now paying Ada County for their services. Meridian has \$500,000 in revenue from citations and Garden City has \$200,000.

Donna Peterson asked if the idea to take all of the cities' funds when this just affects a few cities is politically feasible.

Dan Chadwick asked what the fiscal impact to the cities would be? Jorgensen stated that Ada County has not collected all of that information but that the funds would come through general fine money collected pursuant to Idaho Code § 19-4705.

Kristina Glascock moved to recommend the resolution to the general membership. Bill Baxter seconded the motion. The motion carried.

### **Emergency Dispatch Hiring and Training Standards**

Lt. Kevin Haight, Idaho State Police and the Chair of the PSAP Committee of the Idaho Public Safety Communications Commission, presented information and legislation to set hiring and training standards for Idaho's emergency communications officers, commonly referred to as public safety dispatchers. Lt. Haight indicated that he has support from the Idaho Sheriffs' Association, the Idaho Chiefs of Police Association, the Idaho Fire Chiefs Association, the Idaho State Police and the Idaho Public Safety Communications Commission.

Mary Lou Hansen asked how long it would be to implement the standards. Haight indicated that it would be approximately 18 months.

Donna Peterson moved to recommend supporting the legislation to the Legislative Committee and Angenie McCleary seconded the motion. The motion carried unanimously.

### **Updates**

Lan Smith talked briefly of the Idaho Public Safety Communications Commission and its reformation.

The meeting adjourned at 12:00 p.m.