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
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: Clay 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: 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: Henrianne Westberg, Clerk
Clark: Bart May, Sheriff
Bonneville: Capt. Sam Hulse, Sheriff
Gooding: Mark Bolduc, Commissioner
Laos Smith, LHTAC
Nez Perce: Dan Spickler, Prosecutor
Dan Chadwick, Executive Director, IAC
Benewah: Jason Stone, Liaison IDJC
Bonneville: Sharon Harrigfeld, Director IDJC
Fremont: Kimberly Simmons, Exec. Director, Idaho Public Defense Commission
Fremont: Josh Tewalt, Budget & Policy Administrator, IDOC
Lewis: Kevin Haight, ISP & PSAP Committee Chair
Jefferson: Ada: Lorna Jorgensen, Deputy Prosecutor
Jefferson: Bear Lake: Brent Bunn, Sheriff
Bear Lake: Canyon: Bryan Taylor, Prosecutor
Ada: Terry Derden, Sheriff Legal Advisor
Fremont: Fremont: Bill Baxter, Commissioner
Gem: Fremont: Len Humphries, Sheriff
Clark: Bonner: Daryl Wheeler, Sheriff
Jefferson: Teton: MaryLou Hansen, Clerk
Jefferson: Bonneville: Roger Christensen, Commissioner
Jefferson: Butte: Rose Bernal, Commissioner
Clark: Twin Falls: Kevin Sandau, Chief Probation Officer
Kootenai: 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 4th 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.