



# **IAC FALL TRAINING**

## **November 2024**

---

*Presented by*  
**Tim Osborne, Executive Director**

# Insurance Market Cycle





# IDAHO COUNTIES RISK MANAGEMENT PROGRAM (ICRMP)

---

**Created in 1985**

**Public Entity and Regulated Insurer**

**Member Benefits**

- **Stable source of Property and Liability insurance**
- **Control and Ownership**
- **Specialized Coverages and Risk Management Training**



# **JOINT POWERS SUBSCRIBER AGREEMENT**

Approved by Board of Trustees  
Effective December 8, 2022

# Quick Stats

---

**1,006 Members**



**\$60 Million in Written Premium**

**\$21 Billion in Property Value**

**Board of 9 local elected officials**

**21 Employees**



# PROPERTY & LIABILITY

---

# Comprehensive Multiline Policy

---

General  
Liability

Auto Liability

Employment  
Practices  
Liability

Law  
Enforcement  
Liability

Errors &  
Omissions

Sexual  
Molestation

Property &  
Auto

Crime

Cyber Liability



A wooden gavel is positioned diagonally across the frame, resting on a wooden block. The gavel's head is in the foreground, and its handle extends towards the background. The text 'TORT & LIABILITY' is overlaid in a large, white, sans-serif font, centered over the gavel. A thin white horizontal line is positioned below the text. The background is a dark, gradient grey, and the bottom of the image features a solid orange-red horizontal bar.

# TORT & LIABILITY

---

# What's a Tort?

A tort is a civil wrong that causes harm to a person or property, and is the basis of tort law.

Tort law is a body of rules that aims to compensate victims of torts by awarding monetary damages or other remedies.



# Types of Torts

## Intentional torts

Wrongdoings that are knowingly committed, such as assault, battery, defamation, or intentional infliction of emotional distress

## Negligent torts

Wrongdoings that occur when a defendant acts in an unreasonably unsafe manner, such as in a slip and fall, vehicle accident, or medical malpractice

## Strict liability torts

Wrongdoings that occur when a product is placed on the market knowing it is defective, such as in product liability, animal attacks, or abnormally dangerous activities

# State Tort Claims Acts

---

A state tort claims act (TCA) is a law that allows a private party to sue the state government for damages caused by a state employee's actions. **The purpose of a TCA is to compensate victims of government employee misconduct, while also limiting the government's liability.**

- TCA's vary by state
- TCA's have been eroded over time
- Some states do not impose damage caps
  - Unlike many states, **Washington State** does not impose damage caps on non-economic damages in personal injury cases. This means that there is **no legal limit on the amount of compensation a plaintiff can receive for pain and suffering, emotional distress, or other non-economic damages.** – *Personal Injury (Maurer Law Firm)*

# Idaho Tort Claims Act (ITCA)

---

*6-903. Liability of governmental entities — Defense of employees.*

(1) Except as otherwise provided in this act, every governmental entity is **subject to liability for money damages** arising out of its **negligent or otherwise wrongful acts** or omissions and those of its employees acting within the **course and scope of their employment** or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho

(2) (i) A governmental entity shall **provide a defense** to its employee, including a **defense and indemnification** against any claims brought against the employee in the employee's individual capacity when the claims are related to the **course and scope of employment**, and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the course and scope of his employment

# Tort Filing & State Lawsuit

---

*6-906. Filing claims against political subdivision or employee — Time.*

All claims against a political subdivision [subdivision] arising under the provisions of this act and all claims against an employee of a political subdivision for any act or omission of the employee within the course or scope of his employment **shall be presented to and filed with the clerk or secretary of the political subdivision within one hundred eighty (180) days from the date the claim arose or reasonably should have been discovered, whichever is later**

*6-910. Suit on denied claims permitted.*

If the **claim is denied, a claimant may institute an action** in the district court against the governmental entity or its employee in those circumstances where an action is permitted by this act.

# Notice of Tort Claim

## FOR PROPERTY DAMAGE OR BODILY INJURY

This form is to be completed by the claimant and is a requirement that if used, be presented to and filed with the clerk or secretary of the public entity involved. This form is being provided as a courtesy to assist you in filing your claim. Providing this form to you is not an admission, nor shall it be construed to be an admission, of liability or an acknowledgement of the validity of a claim by the political subdivision. Legal requirements for filing claims can be found in the Idaho Code: Title 6, Chapter 9. All claims must be filed promptly and in writing.

### CLAIMANT INFORMATION: (PLEASE PRINT)

1. Full Name: \_\_\_\_\_

2. Current Address/City/State/Zip: \_\_\_\_\_

3. Mailing Address (if different): \_\_\_\_\_

4. Claimant phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Address for six months prior to the date of damage or injury: \_\_\_\_\_

6. Date of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

7. Time of Incident: \_\_\_\_\_ a.m./p.m. (circle one)

8. DESCRIBE IN DETAIL WHAT DAMAGE OR INJURY OCCURRED: (Attach additional documentation if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Witnesses: \_\_\_\_\_ Phone: \_\_\_\_\_

I hereby certify that I have read the above information and it is true and correct to the best of my knowledge.

I hereby make a claim against \_\_\_\_\_ (a public entity)

for \_\_\_\_\_ in the amount of: \_\_\_\_\_

**IMPORTANT:** If you were injured and you are on Medicare/Medicaid, please fill out the following as required by 42 U.S.C. 1395.

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ Medicare/Medicaid Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Per Idaho Statute Title 41, Chapter 13: 41-1331-Any person who knowingly, and with intent to defraud or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony. "Statement" includes, but is not limited to, any notice, statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or doctor records, x-ray test results, or other evidence of loss, injury, or expense.

# Insurance & Tort Cap

---

*6-923. Authority of political subdivisions to purchase insurance.*

**All political subdivisions of the state shall have the authority to purchase the necessary liability insurance for themselves and their employees.**

*6-924. Policy limits — Minimum requirements.*

Every policy or **contract of insurance** or comprehensive liability plan of a governmental entity as permitted under the provisions of this chapter shall provide that the insurance carrier pay on behalf of the insured governmental entity or its employee to a **limit of not less than five hundred thousand dollars (\$500,000) for bodily or personal injury, death, or property damage** or loss as the result of any one (1) occurrence or accident, regardless of the number of persons injured or the number of claimants.



# ICRMP POLICY

INSURANCE CLAIM FORM

(Sponsor's SSN)  
Name, Middle Initial

DATE OF BIRTH	YY	MM	DD	SEX	M <input type="checkbox"/> F <input type="checkbox"/>	RELATIONSHIP TO INSURED	Child <input type="checkbox"/> Other <input type="checkbox"/>	INSURED'S I.D. NUMBER	1. INSURED'S I.D. NUMBER	2. INSURED'S NAME
STATUS	Single <input type="checkbox"/> Married <input type="checkbox"/>	Full-Time Student <input type="checkbox"/>	Other <input type="checkbox"/>	Other (Specify)						



# Liability Coverage (Split-limits)

Auto, General, Employment, E&O, Law Enf, Sex Molestation

---

## ITCA CLAIMS

Indemnification	\$500,000
Defense	\$2,000,000

## ALL OTHER CLAIMS

Indemnification	\$3,000,000
Defense	\$2,000,000

**POLICY AGGREGATE INDEMNIFICATION LIMIT \$5,000,000**

# Property Coverage (Shared Limits)

---

Coverage for Buildings/Contents/Equipment/Automobiles

All perils coverage

- Broader coverage than a named perils policy
- Covers any loss or damage not specifically excluded

Schedule of Values – Important to keep updated!

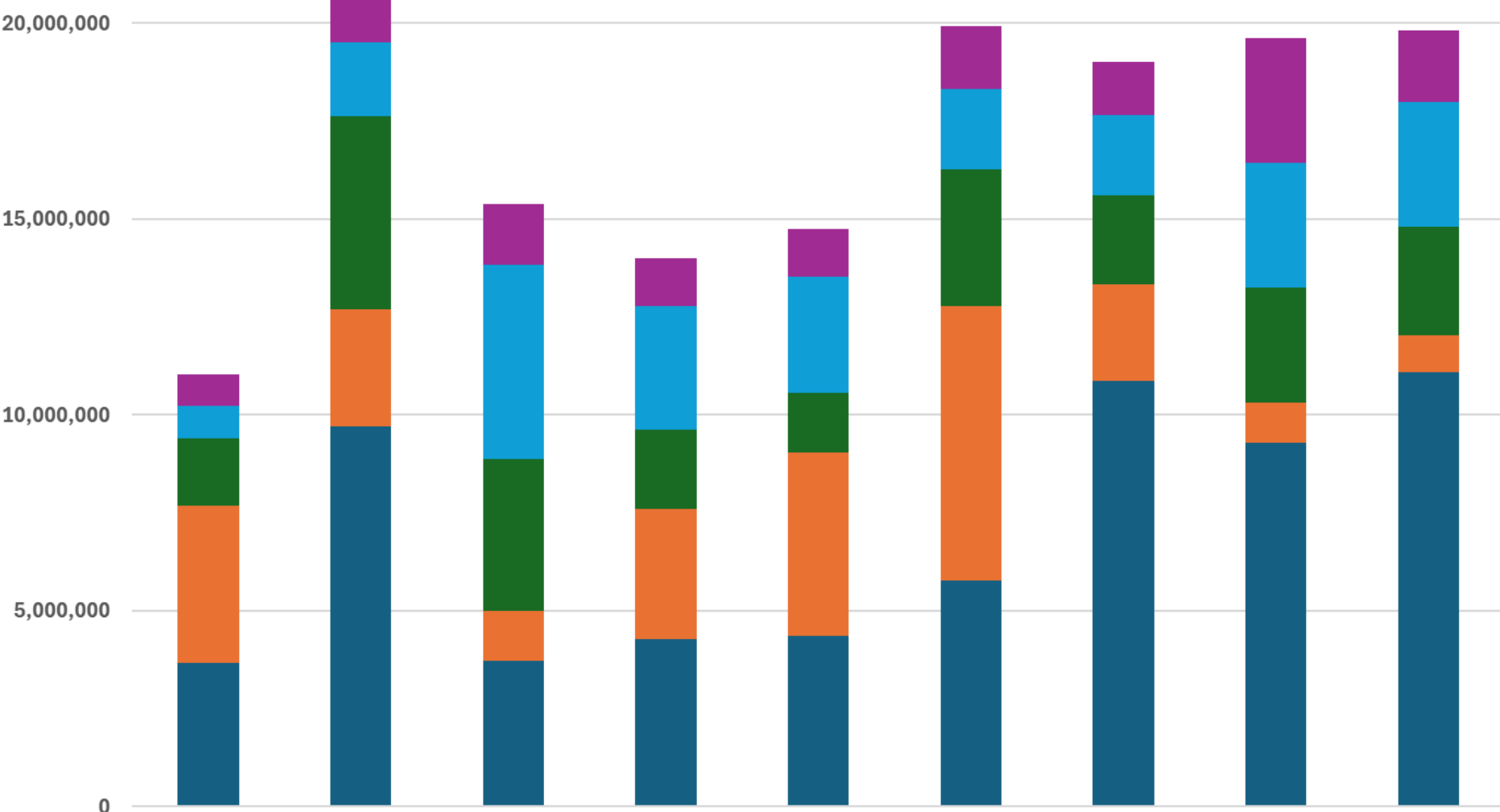
Shared \$200 million limit per occurrence

INSURANCE

CLAIM

LOSSES





■ Property ■ Police Liability ■ General Liability ■ Employment Practices Liability ■ Auto Liability

A photograph of a modern building with a curved glass facade and a brick tower. The word "PROPERTY" is overlaid in large white letters. The building has a mix of brick and glass, with a curved glass section on the right and a brick tower on the left. The sky is blue with some clouds. An American flag is visible on a pole in the foreground. The overall scene is brightly lit, suggesting daytime.

# PROPERTY

---



---

# Perils

Snow

Fire

Wind

Earthquake

Flood





Oops!





# January 2021

NORTH IDAHO COLLEGE -  
CDA



# Property Risk Management

---

- Preventative maintenance goes a long way
  - Replace worn out water heaters & appliances
  - Fire inspection & alarm testing
  - Roof maintenance & snow removal
  - Turn up the heat
  - Protect building envelope

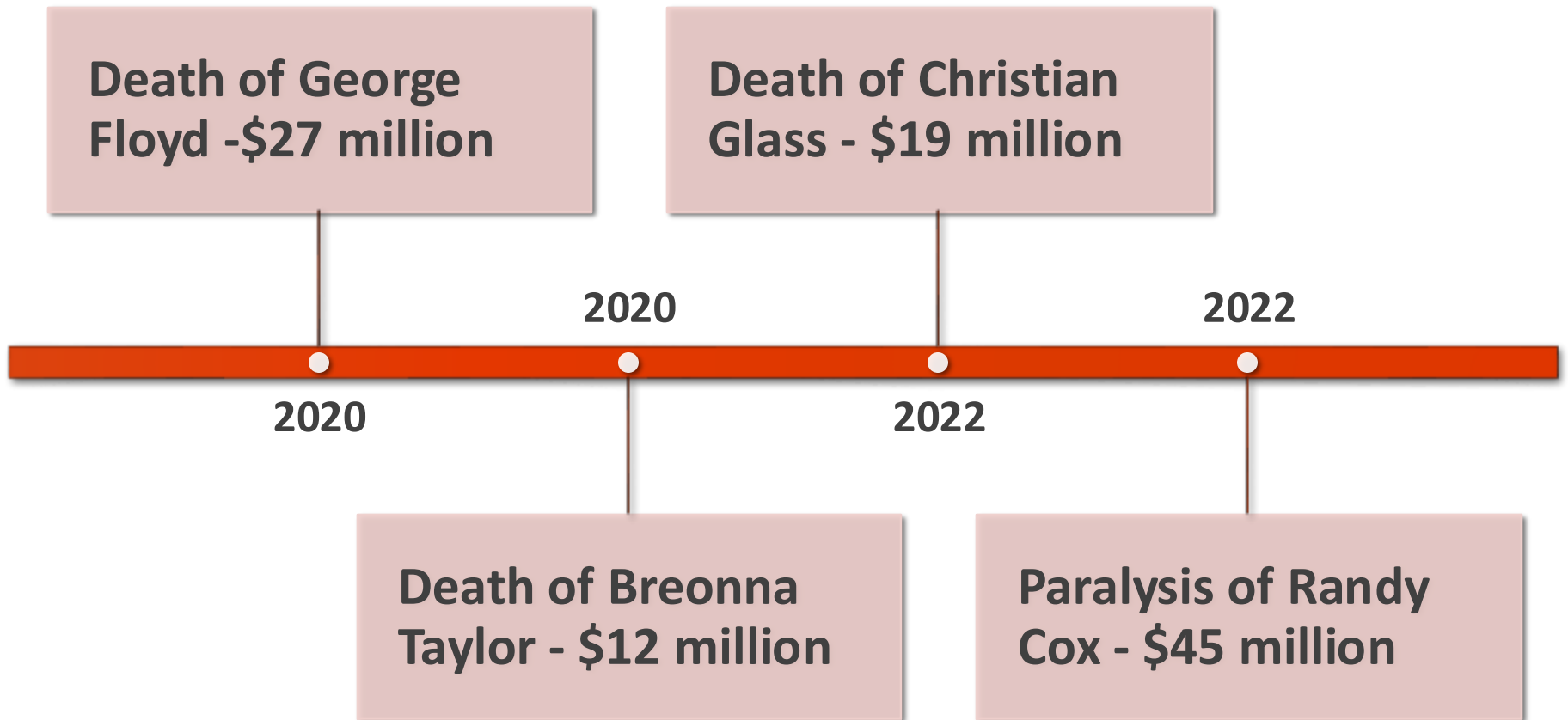
A close-up photograph of a hand holding a handgun, with the text 'LAW ENFORCEMENT' overlaid in white. The background is dark and slightly blurred, focusing attention on the hand and the weapon. The text is in a bold, sans-serif font, with 'LAW' on the top line and 'ENFORCEMENT' on the bottom line. A thin white horizontal line is positioned below the word 'ENFORCEMENT'.

# LAW ENFORCEMENT

---

# Recent Settlements

---



# Results



# Idaho Laws Requiring You To Have Law Enforcement

## Idaho Code 31-2202

- Duties of a Sheriff
  - Preserve the peace
  - Take charge and keep the county jail and prisoners
  - Serve all processes, notices, and maintain records

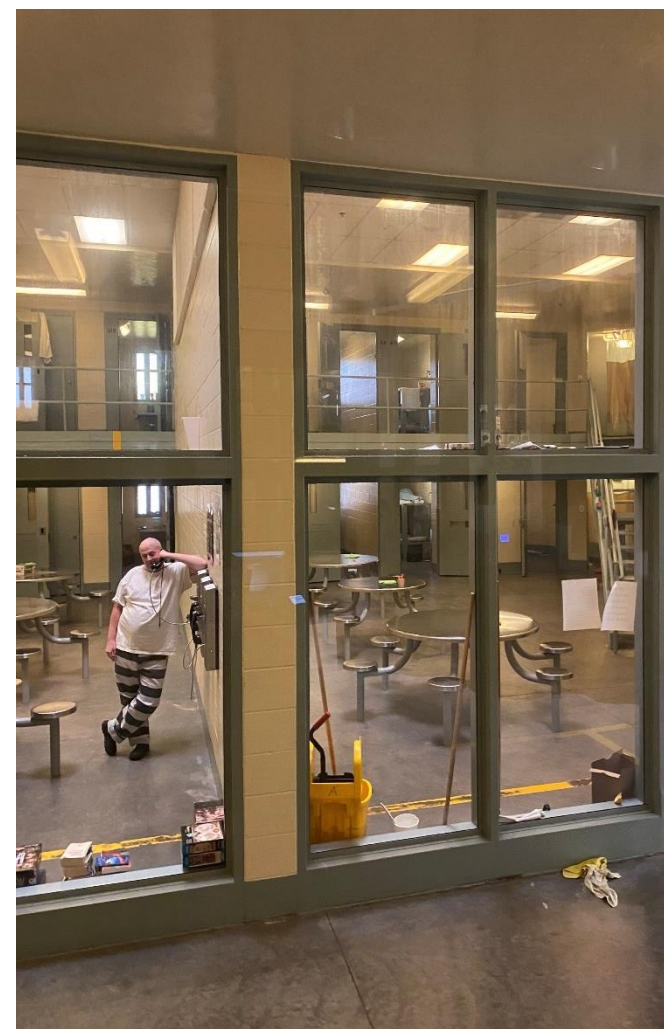




# Idaho Laws Requiring You To Have Law Enforcement

## Idaho Code 20-601

- Jails are to be kept by the Sheriff
  - Must provide medical care, food and shelter
  - Must provide transportation
- If no jail, housing arrangements must be made
  - Boise, Camas, Franklin, Lincoln, Minidoka, Oneida, Teton



# Law Enforcement Liability

---

## PATROL



## DETENTION





# Patrol Claims

---

## Use of Emergency Vehicle

- Policy & Procedure Violations
- Use of Lights & Siren
- High Speed Pursuit
- PIT Manuevers

## Arrest Procedure

- Probable Cause
- Use of Force
- Search & Seizure
- False Arrest



# Detention Claim Areas

## Excessive use of Force

- Inmate Management

## Medical Care

- Lack of/or inadequate

## Wrongful Death

- Suicide/Mental Illness
- Medical Condition

## Search

- Provisions made
- Availability to practice

# Law Enforcement Risk Management

---

CHAD SARMENTO



- Policies and Procedures Review
- Contracts
- Training
  - Use of Force
  - De-escalation
  - Crisis Intervention
  - Search & Seizure
  - Emergency Vehicle Operation-EVOC

# Continuing Risk Exposures

## Staffing

- Lack of Detention Deputies
  - Inmate well-being & safety

## Overcrowding

- Increased violence
- Inmate classification & Separation

## Facilities

- Deteriorating

## Medical & Mental

- Access/Responsiveness/Insurance



---

# EMPLOYMENT

---

# Employment Practices Liability (EPLI)

---

- Coverage for wrongful employment practices
  - Discrimination
  - Harassment
  - Retaliation
  - Wrongful termination
- Can be an expensive line of coverage
- Usually involves a significant deductible
- Can be mitigated with risk management





# EPLI Risk Management

---

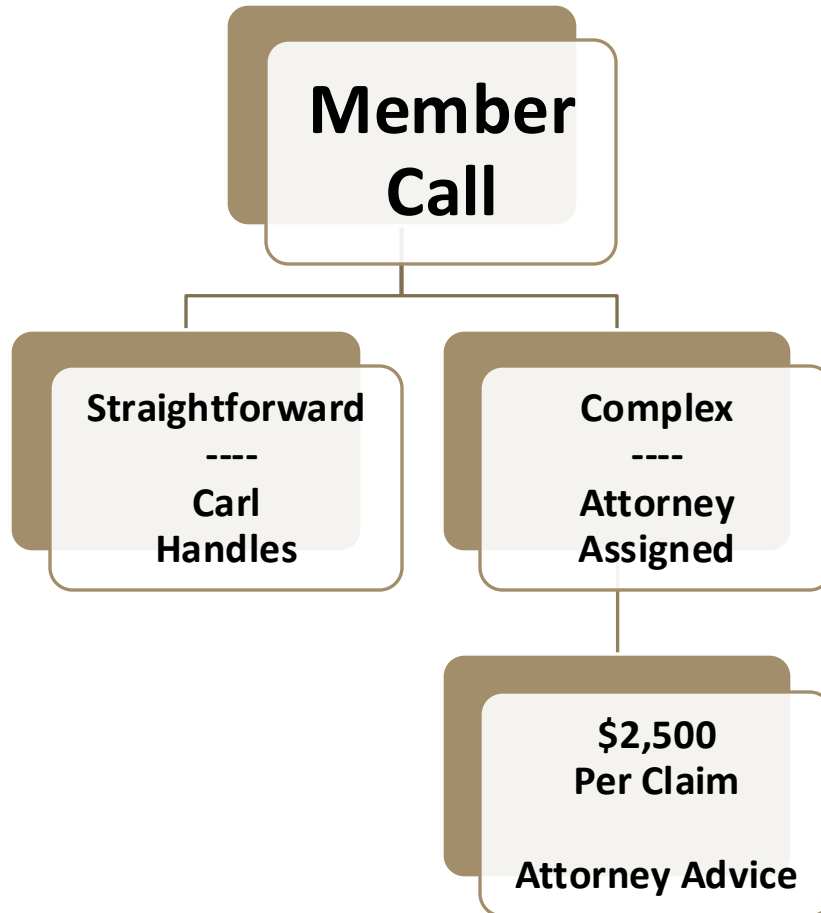
CARL ERICSON



TAMMY MIDDLETON

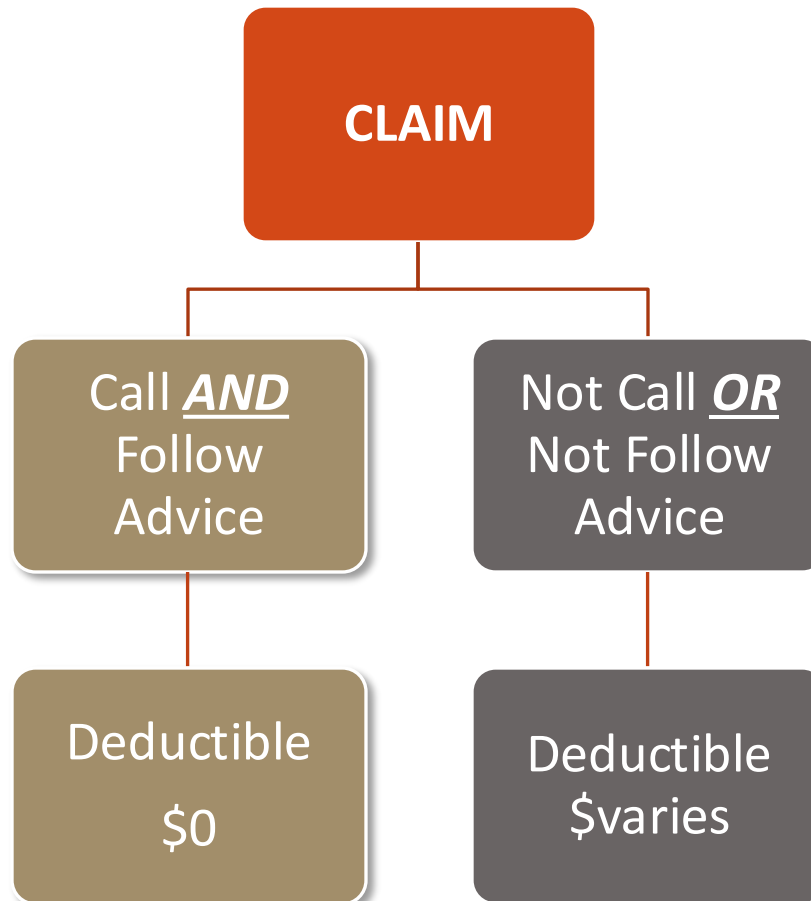


# Employment Practices Attorney Consultation



# Employment Deductible

---



The background of the slide is a photograph of a library shelf filled with books. The books are arranged in rows and columns, with their spines visible. The lighting is somewhat dim, creating a sense of depth and texture. The text is overlaid on this background.

# ADDITIONAL RESOURCES



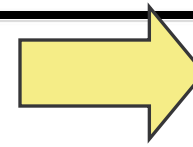
## County Sample Personnel Policy

Published by:



Idaho Counties Risk  
Management Program,  
Underwriters  
(208) 336-3100  
[www.icrmp.org](http://www.icrmp.org)

- 60+ On Demand Trainings
- 100+ Downloadable Resources
  - Policies
  - Forms & Checklists
  - Handouts
- Your Insurance Policy
- Submit a Claim



**ICRMP WAS CREATED BY IDAHO PUBLIC ENTITIES FOR IDAHO PUBLIC ENTITIES.**

[www.icrmp.org](http://www.icrmp.org)

## MEMBER PORTAL

The ICRMP Member Portal is an exclusive benefit to ICRMP members. In addition to online training and other resources, you also have access to insurance documents to better manage your own insurance.

### DON'T HAVE AN ACCOUNT YET OR NEED TECHNICAL ASSISTANCE?

Contact us at [intake@icrmp.org](mailto:intake@icrmp.org)  
or (208) 336-3100



### MEMBER SIGN IN

icrmp

.....

▲ [Forgot Password?](#)

**SIGN IN** 

ALL

HUMAN RESOURCES

LAW ENFORCEMENT

DRIVING

GOVERNANCE

CYBER

FACILITIES

HEALTH & SAFETY

## All Training

Search all training videos...

Name ▼	Duration	For	
Accident and Incident Reporting	16 min	All Employees	<button>Enroll</button>
ADA Title 1	25 min	Elected Officials and Supervisors	<button>Enroll</button>
ADA Title 1 Q&A Webinar	48 min	Elected Officials, Supervisors, Manag...	<button>Enroll</button>
ADA Title II	40 min	Elected Officials and Supervisors	<button>Enroll</button>
Bystander Training	11 min	All Employees	<button>Enroll</button>
Claims Torts and Lawsuits	19 min	Elected Officials and Supervisors	<button>Enroll</button>
Claims Torts Etc	16 min	All Employees	<button>Enroll</button>
Claims Trends and Risk Managemen...	32 min	Elected Officials and Supervisors	<button>Enroll</button>

## All Downloads

Search file downloads...

- [ICRMP Sample Policies](#)
- [ICRMP Sample Forms](#)
- [Links From ICRMP](#)
- [ICRMP Tailgate Topics](#)
- [Other ICRMP Downloads](#)

## Our Team

**Tammy Middleton**  
Human Resources Risk Manager  
Phone: (208) 246-8204  
E-mail: tmiddleton@icrmp.org

**Chad Sarmento**  
Law Enforcement Risk Manager  
Phone: (208) 246-8203  
E-mail: csarmento@icrmp.org

**Carl Ericson**  
Risk Management Legal Counsel  
Phone: (208) 246-8209  
E-mail: carle@icrmp.org

- Your Account
- User Management
- Assign Trainings
- Policies
- Reports & Transcripts
- Resources
- Your Training
- Insurance
- Claims
- Discount Program
- Contact
- Privacy Policy
- Legal Disclaimer
- Open Admin Panel
- Sign Out



- Your Account
- User Management
- Assign Trainings
- Policies
- Reports & Transcripts

**Resources**

- Your Training
- Insurance
- Claims
- Discount Program

- Contact
- Privacy Policy
- Legal Disclaimer
- Open Admin Panel
- Sign Out

- ALL
- HUMAN RESOURCES
- LAW ENFORCEMENT
- DRIVING
- GOVERNANCE**
- CYBER
- FACILITIES
- HEALTH & SAFETY

## Governance Training

Name ▼	Duration	For	
<b>Conducting Meetings Micro training</b>	14 min	Elected Officials	<input type="button" value="Enroll"/>
<b>Election Neutrality</b>	19 min	Elected Officials	<input type="button" value="Enroll"/>
<b>Ethics and Conflicts of Interest Micr...</b>	18 min	All Employees	<input type="button" value="Enroll"/>
<b>Executive Session Micro Training</b>	12 min	Elected Officials	<input type="button" value="Enroll"/>

## Governance Downloads

- ICRMP Sample Policies
- ICRMP Sample Forms
- Links From ICRMP
- Other ICRMP Downloads

## Our Governance Team

### Tammy Middleton

Human Resources Risk Manager

**Phone:** (208) 246-8204

**E-mail:** [tmiddleton@icrmp.org](mailto:tmiddleton@icrmp.org)

### Carl Ericson

Risk Management Legal Counsel

**Phone:** (208) 246-8209

**E-mail:** [carle@icrmp.org](mailto:carle@icrmp.org)

Thank  
You

