



Idaho Sheriffs' Association

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GENERAL BODY MEETING

**Riverside, Boise, Idaho
February 8, 2018**

Meeting called to order by Vice President Sheriff Wolfinger. President Sheriff Donahue was in Washington DC attending sheriff's business. Motion made by Sheriff Sanders to approve December 13th-14th, 2017 minutes, seconded by Sheriff Carter, minutes approved. The Board of Directors met before the meeting to discuss the audit presented during the board meeting, audit approved.

Voting Members: Sheriffs Wilde, Wolfinger, Goetz, Sanders, Carter, Huff, Bolen, Lumpkin, Gough, Thomas, Kaczmarek, Henry, May, Wells, Skiles, Davis, Anderson, Rowland, Wheeler, Giddings, Bartlett, Snarr, Fryer, Kramer, and Humphries

Non-voting Members: Chief Deputies Besst, Larsen, and Scrimsher; Captains Hughes, Davis, and Ward; Lieutenants Bullington, Kiehl and Lee; Jail Administrator Gavin.

Non-Members: ISA Staff Cindy Malm, Vaughn Killeen, Tammara Tarvin, Mike Kane

Jail Standards Committee- Chair Sheriff Wilde

IDOC Report- Tim Higgins advised inmates are being moved out of state due to overcrowding and recent disruptions. Gang fights broke out in maximum security. Investigation discovered gangs are teaming up with Mexican Mafia and following orders to hit Nortenos gang members. IDOC plans to move 250 offenders out of state. By May 1st, inmates in short term holding (jails) will be moved to long term out of state facilities.

Jail Administrators Report- President Hughes advised there is nothing to report at this time.

Weighted Blankets Distribution- Kelli Brassfield from IAC distributed seven blankets. The blankets are made by IDOC inmates and are used to calm individuals experiencing trauma, suicidal ideations or other mental health symptoms. Blankets are free. The goal is to provide one to every first responder across the state.

PREA/IPREA-Cindy Malm reported she will be conducting 12 audits this year. Certificates were distributed to Gooding County for IPREA compliance and Elmore County for PREA compliance.

Statewide Pharmacy Formulary-Chair took a vote. Membership opposed the formulary after a discussion regarding likely negative effects on local pharmacies.

Custer County- Sheriff Lumpkin reported on a failed bond to fund a new 28 bed jail attached to the courthouse. They are trying to save money towards a facility larger than the current 6 beds and will try again for a bond.

Jail Standard- Chair advised legal review is complete, revisions have been made. ***Sheriff Bolen motioned to approved Chapter 11 revision, Sheriff Thomas seconded the motion, motion passes. Motion made by Sheriff Wheeler to approve revisions to Standard 03.04, seconded by Sheriff Bolen, motion passed.***

Suicide Prevention Posters-Tammara Tarvin reporting she is waiting on approval from the board to purchase posters and decals for distribution to jails that would like them. Executive Director Killeen advised the cost is \$500 to \$600. Membership advises to move forward with the purchase.

Other Business-Chair reminded everyone ICRMP has offered to pay 50% of the cost to use Guardian for cell checks.

Operations Committee- Chair Sheriff Sanders

OHV Committee- Chair advised will be reporting and the meeting by March to IPR. The 32-35K form has been shortened.

Driver's License- A meeting is scheduled next Tuesday, February 13th, 2018 from 11:00 a.m. to 3:00 p.m. Idaho Department of Transportation Director Alberto Gonzales spoke to the body later in the meeting. Driver licensing programing is an ongoing issue. The Gemalto system is unstable. State of Idaho Division of Purchasing handles the contract due the large funding amount. IDOT is working on cutting the contract. There will be a transition period. The live date with GEM is in May.

Waterways-Sheriff Bolen advised there are no updates.

Search and Rescue-Chair reminded body to submit reimbursement request within 3 months of incident. Sheriff Collins is retiring however S&R will still be managed by staff at Butte County staff. Chief Deputy Dave Hansen is possibly replacing Sheriff Collins.

Other Business-Sheriff Gough brought up concerns regarding a new Federal Statute that requires anyone hauling a horse in which they may earn money from has to have CDL and log book for travel over 11 hours and vehicles over 11,000 pounds.

Sheriff Sanders brought up use of 911 fees as funding for smaller counties to maintain equipment.

Training Committee- Chair Sheriff Nielsen

Sheriff Nielsen was not present, Sheriff Wolfinger presented information.

POST Update- Rebecca Sarver explained district boundaries and the necessity of adding additional positions of Sheriffs and Chiefs. She did not have information on funding legislation.

Per Sarver, everything is good and POST is on track for all the academies this year. Last year the dispatch academy was added. Nothing is being cancelled. POST will continue to get training on line.

Level 1 Reserve Update- Sheriff Hollinshead was not present to give update on Level 1 Reserve committee.

Other Business- Sheriff Kaczmarek advised Boise County is tracking out of county convictions and continues to explore funding assistance for increased services due to visitors.

Civil School- Director Killeen announced the school is May 1-3, 2017 in Coeur d'Alene. The committee is made up of 5 individuals mainly southeastern Idaho employees. The chair, Barbara Poole, is retiring in June. A new person will be needed to fill that position. Killeen is requesting the person to come from North Idaho to add balance to the committee. This year's school is costing more money due to venue cost increases.

Civil Manual- Director Killeen advised the body that the manual was approved at the board meeting. There has been a difference of opinions in a few areas of the manual. It is important to remember the civil manual is a guide and counties should defer to their legal council for final decisions.

Other Business- Sheriff Wolfinger will become the President of the WSSA next week. The conference is at the Peppermill in Reno, Nevada. Sheriff Wolfinger encouraged membership to attend.

A motion for closed session to discuss ICE detainers was made by Sheriff Gough, seconded by Sheriff Kaczmarek. Motion was approved. General body in closed session.

Following the ICE detainer discussion Vice President Sheriff Wolfinger ended the executive session and continued the general meeting.

Legislation Committee- Chair Sheriff Goetz/Lobbyist Kane
Bills on Idaho Sheriffs' Association website

Detention Legislation- Judge Jim Cawthon spoke on pretrial release and preventable detention legislation. Please see below membership vote under S1238.

“Preventive Detention” legislature will identify dangerous crimes. The Court and/or Prosecutor can motion for a hearing to request a person be held without bail. This would require an amendment to the constitution. The purpose of no bond is to protect the community from that individual based on risk factors rather than the ability to pay a bond for bail. The federal and juvenile systems already practice this.

DUI Diversion Bill- Representative Kirby spoke in favor of the bill which he is sponsoring. Interlock has a 65-75% reduction in recidivism. Thirteen states have diversion programs. The bill provides a diversion option for prosecutors and/or judges to enter into a contract with the

defendant with a BAC under .20. The defendant would agree to the ignition interlock on his/her vehicle(s) for 6 months to a year. There may also be additional contract agreements such as SILD and Education. Defendants would have to waive their right to a speedy trial. If all conditions are met the charges would be dismissed. DUIs already have driving restrictions. Research shows 50-75% people ignore the no driving court order. Interlock has been proven more effective in changing behavior. It is more intrusive and cameras can verify who is driving. Charges can be refiled if the defendant violates the contract. Opposition concern is the person cannot be charged with a second offense to enhance penalties if the first offense cannot be counted due to the offender's diversion. Diversion is a onetime chance for first DUI or first one in 10 years. MADD strongly supports diversion. The Interlock company monitors the individual notifying the agency by email if the device detects alcohol during a blow.

Grant Lobes of the Idaho Prosecuting Attorneys' Association argued against DUI diversion interlock. IPAA board voted to oppose it. It gives person a free DUI. He stated statistics show by the time a drunk driver is caught s/he has driven 100 times under the influence. IPAA has concerns about not being able to charge as a second offense if the defendant reoffends. Lobes said more people are killed by DUI drivers than murdered. In addition, Lobes advised IPAA is also opposed to getting rid of mandatory minimums and asked for support in opposing.

Mark Manweiler of the Idaho Association Criminal Defense lawyers spoke about bail reform. Currently juveniles have no cash bail just detained or released. The Federal system is the same. Release is contingent on risk requirements. Next year his association will be going forward with legislation to eliminate cash bail. New Jersey uses this system and has found 40% of the time offenders are detained and 60% released. Under the current system offenders committing minor crimes are often those who cannot pay so remain in custody while those committing serious offenses bond out. 80-90% of those in custody are represented by public defenders. Bail reform would utilize evaluations to determine whether a person is released or not. Five states have moved to this process verses bail.

Liz Woodruff of Idaho Voice for Children spoke to membership about Healthy Idaho Plan HO464 coordinated by the Governor's Office. The legislation is focused on poor working families unable to get health care. Without health care citizens are unable to access mental health and substance abuse treatment, ending up in county jails.

The bill moves those with high cost medical needs onto Medicaid, which will reduce insurance costs to all Idahoans by 20%. It also allows those below 100% federal poverty level to receive tax credits to make their insurance payments more affordable.

Legislative positions taken by members:

- DUI Diversion-Motion to support made by Sheriff Kaczmarek, seconded by Sheriff Huff. Motion approved unanimously.
- Reducing Minimum Mandatory Sentencing- Motion to oppose made by Sheriff Bartlett, seconded by Sheriff Huff, motion passes unanimously.

- Idaho Health Care Plan- Motion to support made by Sheriff Kaczmarek, seconded by Grant. Sheriff Giddings opposes bill. Vote fails to obtain a super majority and fails. A No Position vote is noted.
- State Incarceration Rate Fee- Legislation increases housing state inmates to \$55 then to \$75 after 7 days. Counties can agree to independent contracts with State for more. The pay is for existing beds. State, in their short term out of state contract will be paying \$70/day.
- County Justice Fund Levy is up on Monday morning for print hearing. Legislators are willing to print but no further commitment. This is IACs number one priority and it will be brought back next year if it does not pass. We are in support of this bill.
- DUI Interlock- AAA also has legislation to required interlock in all cases of first time offenders. The device costs \$1,100/year. Any car operated by the defendant has to have an interlock. Motion to support made by Sheriff Wheeler, seconded by Sheriff Giddings, motion approved.
- Distracted Driver- Kane's other client is bringing this forward. Law enforcement/emergency response are exempt. It is for moving only not sitting at stop light or parked. Motion to support made by Sheriff Gough, seconded by Sheriff Huff, motion approved.
- Marsy's Law victim has to be a person/individual. Membership originally tabled this until the latest version was available. The association supported previous versions. At that time a motion to withdraw support and remain neutral until the latest version was made available. Motion made by Sheriff Wheeler, seconded by Sheriff Kramer, motion passed. Later in the meeting the latest version was distributed on the association listserv. After review and discussion, Sheriff Goetz motioned to support, Sheriff Gough seconded, motion to support passed.
- School Threat Law Amendment. Membership took no position without language to review.
- Trespass bill removes posting requirements. Motion by Sheriff Sanders seconded by Sheriff Giddings to oppose, motion passed.
- Firearms Safety Education in Primary and secondary schools to be taught by LE and/or specific training criteria. Motion to support made by Sheriff Wheeler, seconded by Sheriff Wells, motion approved.
- Battery against a health care worker. No draft available for review so no position was taken.
- HO377 Prostitution- first offense felony. No position was taken as a modified bill making second offense a felony is planned. No position at this time.
- HO399 Juvenile Correction and Misdemeanor Probation Officers PERSI Rule of 80. Motion to oppose made by Sheriff Gough, seconded by Sheriff Thomas. Motion approved.
- HO410 CBD Oil Motion to oppose made by Sheriff Wilde, seconded by Sheriff Wheeler, motion approved.
- HO429 Sexual Assault Kit billing CVCP. Motion to support made by Sheriff Wheeler, seconded by Sheriff Bartlett, motion approved.
- HO444 Castle Doctrine. Lobbyist Kane discussed concerns with bill allowing for use of deadly force, an alternative bill is being drafted. Motion to oppose made by Sheriff

Bartlett, seconded by Gough. Motion approved. Alternative doctrine bill will be considered when available.

- HO491 Marijuana an infraction if no priors. There was a brief discussion on how it impedes the ability to apply for student loans or the military as misdemeanor. Sheriff Wilde opposed the bill, Sheriff May seconded the motion, motion approved.
- HO500 Allows child abuse to be reported anonymously. Reporting party name would be exempt until court. Motion to support by Sheriff Kaczmarek, seconded by Sheriff Huff. Motion approved.
- S1238 Pretrial release program. Authorizes \$30/month for fees to support supervision. Motion made by Sheriff Wilde, seconded by Sheriff Huff to oppose, motion approved. Bill will be revisited if an amended version allowing for \$75/month is introduced.
- S1247 Adds Additional Sheriff and Chief to POST council. Motion was made to support by Sheriff Gough, second by Sheriff Wilde. Motion passed.
- S1259 \$2 Million to POST from State Insurance suspense account. Motion to support made by Sheriff Gough, seconded by Sheriff Wilde, motion passed.
- HO423 Retired law enforcement's ability to carry a concealed weapon on school grounds. Motion to support by Sheriff Gough, seconded by Sheriff Wheeler. Motion passed.
- Concealed carry by retired LE on college campuses. Motion to support made by Sheriff Wheeler, seconded by Sheriff Giddings. Motion passes.
- S1269 Aggravated Sexual Battery sexual "gratification" committed the crime. Motion to support by Sheriff Wilde, seconded by Sheriff Gough. Motion passed.
- S1270 Forcible penetration by a foreign object. Motion to support by Sheriff Wilde, second by Sheriff Snarr. Motion passed.
- HO509 OHV Stickers Motion made by Sheriff Sander to support, seconded by Sheriff Snarr. Motion to support passes.
- HO510 Over Snow vehicles. No position
- HO497 Tow vehicle. Sheriff Bartlett motioned to support, Sheriff Gough seconded the motion. motion to support passes.
- Idaho Liquor license for \$5k no bill yet so no position.
- RAP Back bill will be printed to tomorrow. Membership has support bill previously.

Matthew Gammett, Idaho state Police presentation on laboratory. There is a notice section, all notices since 2008, are on the website along with a power point and organization chart first.last@isp.idaho.gov. Turnaround times are also on the website. Times are getting better taking some time, trends are positive. There are 528 sexual assault kit tracking available on the website. ISP has been asking for 68 kits to get into the lab. H146 Retention of kits soft wear alerts agency when anything is supposed to happen. Still need DNA collection from 972 sex offenders. DNA sent to Matthew, registration sent to Dawn Peck. The Draeger 9510 implementation issues lets Matthew know immediately if there are problems. They want to offer additional forensic services such as handwriting etc., currently unavailable, will send out once they are able to process in Idaho.

Rural Counties Assistance Committee: Sheriff Kaczmarek advised there is no new information, still gathering options.

Russ Fulcher Congressional Candidate replacing Raul Labrador spoke to the body regarding his campaign.

Gough/Snarr Motion to adjourn made by Sheriff Gough, seconded by Sheriff Snarr. Meeting adjourned.