



Idaho Sheriffs' Association

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BOD Agenda
Coeur d'Alene September 22-23, 2009

In Attendance: Sheriffs Chris Smith, Wayne Rausch, Paul Wilde, Dave Johnson, Daryl Wheeler and Mitch Alexander. Others attending: Sheriff Giddings, Sheriff Gough, Sheriff Bolen, Sheriff Olsen, Commissioner Christensen, Dan Chadwick, Dave Sasser, Mike Kane, Gary Aman and Vaughn Killeen

1. Approve minutes of 7/30/09 BOD meeting minutes: *Chris Smith*

Meeting began at 3p.m. on September 22. Wayne Rausch made a motion to accept the minutes of the 7/30/09 BOD meeting and Daryl Wheel seconded the motion. Motion passed.

2. Budget Report and action required: *Dan Chadwick*

Dan Chadwick provided a budget report and explained the June Conference financials which included our fund raising event. The June Conference paid for itself and \$856 remained after all expenses were paid. The fund raising event netted \$7,027, twice that of last years.

3. Error and Omissions and liability insurance update: Vaughn Killeen

The ISA currently has no insurance for board members, the jail inspection process or events. Vaughn Killeen researched insurance through Premier Insurance company and the two best quotes and conditions were provided to the board for their consideration. One was for Directors and Officers liability insurance for non-profits and the second was for errors and omissions to cover our jail inspection process. Both policies are limited at \$1,000,000 and the total annual premium for the collective policies is \$4,069.63. In addition, we should purchase a special event rider to cover our June Conference as we sponsor several risk events such as the golf tournament, motorcycle rally and mountain bike ride. The special event policy should cost about \$500 per year. Daryl Wheeler made a motion to accept both policies and Paul Wilde seconded the motion. Motion passed.

4. PSAP Manual, action required: *Chris Smith*

The PSAP manual was explained to the sheriffs during the June Conference but no action was taken. Basically, the manual is an agreed upon training manual that was designed by Idaho public safety dispatchers through committee. Dave Johnson made a motion to support the PSAP manual and Daryl Wheeler seconded the motion. Motion passed.

5. Marijuana Eradication Report and Discussion: *Vaughn Killeen*

A vigorous discussion occurred regarding distribution of reimbursement funds and what the funds pay for. Currently, they have been used to pay for small marijuana street buys, equipment supplies, overtime, helicopter air time and to some degree have been paid on a first come first reimbursement basis. This year, because of the large outdoor grow marijuana project using significant helicopter time, the requests for reimbursement exceed available funds. DEA has been able to provide us \$170,000 for this calendar year and \$111,000 has been paid with \$68,000 in requests pending. Reimbursements have been held since July 1st when it became clear that requests would be greater than the remaining fund amount. The purpose of holding reimbursement requests was to wait until the end of the marijuana grow season, ensuring all reimbursement requests are in so that every sheriff's office will get some portion of their request rather than the last sheriff's offices to report getting nothing.

The board directed Vaughn Killeen to bring a reimbursement plan to the December Conference in Boise for approval, but in the interim we will pay a prorated amount to pending request.

6. New Dues Structure Re: counties without jails, action required: *Vaughn Killeen*

A brief discussion occurred regarding the amount of dues counties without jails should pay to the association. It was felt by the board that they received benefit from the association as they keep their prisoners in adjacent county jails inspected by ISA and they receive equivalent other benefits through the association. No action was taken to change the dues structure.

7. Proposal-Convert Contract Positions to Employee Status, action required: *Vaughn Killeen*

Vaughn Killeen made a proposal to convert the contract position of executive director and jail standards coordinator/inspector to employee status. The employee status would carry no benefits but both positions would be covered under the new insurance policies and neither position would be required to pay their own self-employment tax. The Idaho Association of Counties' employees and the Idaho Prosecuting Attorney's Association positions are employees under their association rather than contract positions.

Vaughn explained that the jail inspection process has been streamlined and the executive director remains involved in the process allowing a reduction in time commitment on behalf of the jail coordinator/inspector, hence a reduction in salary is warranted. Vaughn recommended that the current \$40,000 paid to him and the \$40,000 paid to the jail coordinator/inspector position be reallocated \$55,000 to Vaughn and \$25,000 to the jail coordinator/inspector.

Dave Johnson made a motion to go into executive session. Seconded by Mitch Alexander. Motion passed. Executive session lasted 45 minutes and the meeting adjourned to be continued at 8a.m. the following morning.

The board of directors meeting reconvened at 8:23a.m. on September 23rd. Same board members present as on 9/22/09. Vaughn responded to several questions from the board regarding the association's financial status and the candidate for jail standards

coordinator/inspector position who will replace Gary Aman in October. Paul Wilde made a motion to accept the proposal to convert the executive director position and the jail standards coordinator/inspector position to employees of the Idaho Sheriffs' Association with the executive director receiving \$55,000 annually and the jail standards coordinator/inspector receiving \$25,000 annually. Wayne Rausch seconded the motion. Motion passed unanimously.

8. FY09-10 ISA and ISSA Budget, action required: *Vaughn Killeen*

The FY09-10 budget with projections to FY12-13 was submitted for approval FY09-10 only. The projections show that we will draw from reserves for the next two years as we recover from the downturn in the economy and convert to direct mail donations. The third year, FY12-13 we will have a small operating surplus. Included in the budget was a \$100 per head fee to attend conferences. A spirited discussion ensued in which the general feeling prevailed in that the fee for every conference was too much at this time but the ISA should charge something to begin off-setting conference costs. Wayne Rausch made a motion to accept the budget, but amend the conference fee to reflect a \$100 charge at only the December annual conference and this fee will include up to three members from each sheriff's office. Daryl Wheeler seconded the motion. Motion passed.

9. Legislation: *Mike Kane*

Tribal Police Issues: Some legislators want a meeting between tribes and law enforcement to discuss areas of conflicts and potential resolutions. Mike will attend meetings and report.

Off-Road Vehicle Issues: Mike has worked with Parks and Recreation on the rules being established for distribution of the \$1 registration fee enacted last year for enforcement. The fee will be based on federal acres and number of registrations in each county. a 60% value is placed on number of acres and a 40% value on registrations. This should accommodate smaller populated counties with large federal tracks of land where most off-road riding occurs to get their fair share of the funds.

The Innocents Project: In essence, this involves DNA evidence and retention of biological evidence. Currently, defendants cannot request DNA testing after one year regardless of what circumstances present themselves. Members of the Innocents Project have communicated with Mike and are working on legislation to remove the one year restriction and require retention of biological evidence by law enforcement. Mike wants them to provide immunity to law enforcement for losing evidence and they have agreed to his proposal. Prosecutors are opposed to removing the one year cap on DNA testing. Mike will continue to work with the Innocents Project until legislation is finalized and then we will consider a position.

Gas Tax Restoration: Last year the legislature took the gas tax (\$40,000) from the search and rescue fund to balance the budget. Mike is working toward rescuing the funds, however the financial problems facing the state will make this very difficult.

Workman's Compensation Issue: The state Workman's Comp board will not allow payment by counties into the fund for inmates who work outside the jails if they are in an

in-custody status. If they are injured the costs are born by counties. Is this a big issue? We don't know, but will research for our December meeting.

Warrants of Distrainment: Kootenai County Sheriff's Office is proposing that commissioners be able to set a threshold for low cost items so a sheriff's office doesn't spend more time collecting than the value of the item is worth.

Texting While Driving: Senator McGee will introduce legislation during the next session to make this against the law. Mike recommends that we support it.

10. New Jail Inspection Process, action required: *Gary Aman*

The jail standards for inspection have been reduced to 308 and approximately 97 of the standards are recommended and the remaining are mandatory. This work product is the result of two major meetings with jail administrators and sheriffs. The purpose of the review was to update our standards and to differentiate between what we believe are life threatening issues (mandatory) versus good practice (recommended) issues. To pass certification a jail will have to satisfy a certain percentage of recommended standards and will have to satisfy all mandatory standards. The percentage has yet to be decided, but will probably be between 80-90%.

Daryl Wheeler made two recommendations: Standard 152 be changed to require all hygiene supplies be issued to the inmate upon intake, but not require the jail to continue providing these supplies as some jails require purchase of these items from commissary; second recommendation to change inspection standard 191 to require pharmaceuticals be provided an inmate upon release for 14 days rather than 30 days. Motion made by Daryl Wheeler to accept inspection standards and seconded by Paul Wilde. Motion passed.

Gary introduced a quarterly commissioner's inspection form which was borrowed from ICRMP and expanded to include specific inspection items for each quarter. ISA's purpose is to provide guidance to commissioners on what items we believe are important in the inspection process and assist our inspections with a more thorough inspection procedure that will enhance the entire process. The completed quarterly inspection forms will be kept with our records that will be web based and maintained on a server under the supervision of ICRMP. A motion was made by Dave Johnson to accept the commissioner's inspection form and the motion was seconded by Wayne Rausch. Motion passed.

Ada County is establishing remote video visiting and requested an amendment to the jail standards to allow this procedure. A motion was made by Daryl Wheeler and seconded by Mitch Alexander to amend the jail standards to allow secure remote video visiting.

11. Selection of New Jail Inspector, action required: *Chris Smith*

The board discussed this issue at length and during yesterday's executive session. Wayne Rausch made a motion to hire Cindy Malm at a salary of \$25,000 per year and Mitch Alexander seconded the motion. Motion passed unanimously.

12. VINE (Victim Information Notification Everyday) Report: *Vaughn Killeen*

ISA submitted for a federal grant under the Rural Grant Program back in April, 09 and awards should be announced soon. No further info reported.

13. Scholarship Awards Discussion: *Vaughn Killeen*

Only continuing scholarships were awarded students this year. Vaughn reported that all available data on students has been collected and archived so we have a record of past and present scholarship recipients. Numerous records were unable to be located due to transfer of files and written documents during staff changes. All information is now available digitally. Recipients for this year are: Austin Kaufman, Bree Van Leeuwen, Chance Wilding, Justin Aman and Kacie Femling.

14. ISA Conversion to 501c3 status update, action required: *Mike Kane*

The conversion process is moving smoothly and will eventually result in higher levels of donations to ISA. A Boise law firm and CPA firm are assisting in the conversion. We must create a new 501c3 before we disband the current 501c4(association) and 501c3 (scholarship). We can't use our current name until the old 501c4 is disbanded so the new 501c3 combining the association and the scholarship association will be called the Idaho State Sheriffs' Association. We can amend it later with the IRS.

Mike submitted his next year's contract for services for approval. The contract was broken down to account for his lobbying services and his consulting/legal services. In addition, Mike graciously waived the \$5,000 office fee for the executive director for next year. Mike understands that the downturn in the economy is effecting all of us so he wanted to make a contribution to assist us. The fee will resume the following year.

15. ROMC (Regional Offender Management Centers) Report: *Dan Chadwick*

A federal grant was awarded to IAC, ISA and IDOC to explore the concept of shared incarceration facilities, jointly funded and operated. The issue is complex and controversial, but hopefully will yield useful information to assist both the state and counties in how we approach offenders in the criminal justice system. IAC will handle financials and reporting to the grant authority. ISA will act as project manager and IDOC will participate through advise and collaboration.

Dr. Bob Marsh of the Criminal Justice Department at BSU will be hired as the project consultant. Work should begin November 1st at completed by September next year.

16. Review of June Conference Fund Raising: *Kristin Cundiff*

Reviewed in item #2.

17. Civil School Review: *Daryl Wheeler*

The discussion included whether we need to have one civil school per year or two. We also need to recruit more instructors rather than rely on one or two who become quickly over-burdened. Daryl Wheeler will research the issue and come to the December meeting with recommendations on how to proceed and hopefully have new instructors to add to our small cadre.

18. Fee to Attend Conferences

Discussed in item #8.

19. Other Business: *Chris Smith*

Wayne brought up the issue of concealed weapons licenses. He would like a change in the law to allow some discretion for sheriffs to deny concealed carry licenses based on intelligence information that doesn't currently qualify as a reason for denial. Mike Kane advised that providing any discretion for sheriffs would be very difficult and one of the main reasons for implementing the law in the first place was to take sheriff's discretion away. Mike asked Wayne if he could provide a specific case or example that may have merit, he will take a look at it.

Adjourned at 11:45a.m.