

**Minutes of Meeting**  
**Background Ordinance**  
**April 6, 2016**  
**2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Dan Green, Commissioner Marc Eberlein, and Commissioner David Stewart met to discuss the following agenda item. Also present were Sheriff Ben Wolfinger, Treasurer Steve Matheson, Prosecutor Barry McHugh, Civil Deputy Prosecuting Attorney Darrin Murphey, Clerk Jim Brannon, Chief Deputy Clerk Pat Raffee, Director of Human Resources (HR) Skye Reynolds, Juvenile Detention Director JT Taylor, Juvenile Probation (JPRO) Director Debbie Nadeau, Adult Misdemeanor Probation Administrative Supervisor Lori Dahmer and Deputy Clerk Cecilia Sweet. Also present was Coeur d'Alene Press staff writer Brian Walker and citizen Russ McLain.

- A. Call to Order:** Chairman Dan Green called the meeting to order at 2:00 p.m.
- B. Changes to the Agenda:** There were no changes to the agenda.
- C. Business:**

**Review and provide input on proposed County personnel background check ordinance**

Chairman Green opened the meeting with a brief history of the continuing criminal background checks discussion and the progress of a draft ordinance. He added that criminal background checks could be left to the discretion of the Elected Officials or a County-wide policy could be developed. He noted that there were employees who handled cash and had access to the County's financial information thus developing appropriate criminal background checks policies would be prudent. He commented that a fair amount of infrastructure would be needed before implementation, such as policies, procedures and record-keeping.

Sherriff Ben Wolfinger said that in the draft ordinance, the policies and procedures of the infrastructure were not addressed and he felt that this was vital information to be included. He recommended that safeguards be in place, and to limit who had access to the employees' background check information.

Commissioner Marc Eberlein offered that the Prosecutors' Office (PO) did have the proper storage facility to securely handle and store confidential records.

Chairman Green stated that there were County departments already conducting criminal background checks due to the level of security needed for the job, and their policies and procedures were currently established. He added that the County's goal was not to conduct criminal background checks on all employees, but to focus on positions which carried a greater risk to the County.

Prosecutor Barry McHugh acknowledged that the PO did have the security and infrastructure to handle employees' background check records. He offered that, separate from the Sheriff's office, the PO could generate and maintain the employees'

criminal background checks and the subsequent records disposal. He added that the Prosecutor's part-time Investigator, who had a law enforcement background, would be an appropriate staff choice for conducting criminal background checks.

Juvenile Probation (JPRO) Director Debbie Nadeau stated that for her department, all Probation Officers and all support staff must have a full criminal background clearance to be employed.

Adult Misdemeanor Probation (AMP) Administrative Supervisor Lori Dahmer said that in addition to the criminal background clearance, their employees must complete and pass a polygraph exam.

Clerk Jim Brannon said that the Sheriff's department does criminal background checks for the District Court Clerks.

Civil Deputy Prosecuting Attorney Darrin Murphey advised that the Federal Bureau of Investigation (FBI) had not approved the draft ordinance thus far. He added that he also contacted the Idaho State Police (ISP) for clarity and guidance regarding the Idaho Law Enforcement Teletypewriter System (ILETS) and he was waiting for ISP's response. Mr. Murphey said that the PO managing the employees' criminal background checks would be an efficient and fiscally responsible approach. He stated that with the Board's approval, the PO would have to adopt significant record keeping policies that met with FBI standards and their approval of the ordinance. He explained that the County could use and adopt the ILETS guidelines, but the implementation and infrastructure will be an arduous task. Mr. Murphey added that the part-time investigator might require assistance from a second Investigator.

Chairman Green said that he would not anticipate a large number of employees needing a criminal background check.

Commissioner Eberlein noted that AMP and JPRO did not report to the Sheriff's office due to statute, so those departments could benefit from the PO generating criminal background checks.

Treasurer Steve Matheson mentioned that by allowing the County's access to the criminal history data for non-justice related activity, the County could be subject to the ISP audits for both non-criminal and justice related criminal history information.

Commissioner Eberlein asked how many criminal background checks were done by the Sheriff's department each year.

Sheriff Wolfinger replied that the number of background checks could vary from 40 to 80 a year since all KCSO staff were required to recertify every five years. He offered the department's assistance to the PO during the implementation process.

Juvenile Detention Director JT Taylor stated that, at this time, his department would only need criminal background checks and he offered that the PO could start with his department.

Director of Human Resources (HR) Skye Reynolds advised that the County needed to be cautious and consistent especially with notification to employees and getting signed waivers from employees. She added that it was important to be consistent with the types of positions the County was selecting for criminal background checks, and to be consistent with handling disqualifying results from those checks.

Treasurer Matheson said that this was not a pre-employment screening, but was a measure related to assigning certain responsibilities within the County. He added that in his department, positions were responsible for the collection, safekeeping or disbursement of taxpayer money. He noted that the County was assigning permissions, duties and responsibilities, and that he was not sure if waivers were needed.

Ms. Reynolds replied that if the employee's job was contingent upon the background check results, and the criminal background check exposed an egregious act unrelated to finance, the County could need to take action regarding the employee's duties. She added that whether the criminal background check was pre-employment or transferring to another position, the employment contingency was based upon the background check results.

Treasurer Matheson said that if an employee was honest and forthright about their criminal background when initially applying, the County would make their employment determination at that time. He explained that if an applicant had not disclosed their criminal background at the time of application, then it would be appropriate to take action against their employment when the criminal history was discovered.

Clerk Brannon agreed with Treasurer Matheson. He said that millions of dollars flows through the Treasurer's and Auditor's departments; and the intention of the criminal background checks was to ensure employment of trustworthy individuals in these positions.

Sheriff Wolfinger said that all Sheriff's personnel were required to have pre-employment criminal background checks and to recertify every five years due to their access to ILETS.

Ms. Reynolds reiterated the importance of consistency in implementation of policies and procedures. She added that the Sheriff's department was well-vetted with specific criteria and forms.

- D. Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no public comments.

Chairman Green adjourned the meeting at 2:36 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

DANIEL H. GREEN, CHAIRMAN

BY: \_\_\_\_\_  
Cecilia Sweet, Deputy Clerk

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