



IDAHO

FRATERNAL ORDER

OF POLICE

Bryan Lovell
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TO: Idaho Farm Bureau

RE: Government Agent Trespass Bill

The Idaho State Fraternal Order of Police has reviewed the most recent draft addressing trespassing on private property. Based on our professional experience and an extensive review of the draft, we have serious concerns regarding unintended consequences that would result should this legislation being passed into law.

We do appreciate the Farm's Bureau's desire to collaborate with law enforcement regarding your concerns over government agents trespassing on private lands. Many of our officers throughout the state are also property owners and as such appreciate the desire for privacy. This desire must be balanced, however, with our broader mission of tending to public safety, criminal interdiction, and the equitable management of wildlife resources.

This draft will have far reaching negative effects on all law enforcement operations throughout the state, in both urban and rural environments, and will negatively affect the pursuit of justice for victims of crime:

- It creates a new standard of evidence that subverts the normal judicial process of evidence suppression by the court, and instead summarily voids an arrest or property seizure in a criminal case.
- It applies a civil remedy for a violation of this act, thereby sidestepping the Idaho Tort Claims Act and creating a separate court process that duplicates the current system.
- It ignores the responsibility of wildlife management officers to preserve Idaho Wildlife through compliance checks, which the Idaho constitution deems the property of All Idahoans.



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Idaho law enforcement officers throughout the state are well trained and deeply steeped in 4th amendment constitutional provisions, exceptions, and case law. Every day, in response to crimes both large and small, we properly and equitably apply the rights of search and seizure.

Criminal activity knows no boundaries and it takes partnerships between communities and police to prevent it. This draft builds unnecessary barriers that will create a weak spot for criminals to exploit, at the expense of law-abiding Idahoans and property owners alike. No one wants that.

We appreciate the Farm Bureau sharing its ideas and look forward to being a resource for each other that is mutually beneficial. Unfortunately, we cannot in good conscience support a bill of this nature that would prevent us from protecting our communities.

Bryan Lovell
President, Idaho FOP

The Idaho Fraternal Order of Police consists of over 2800 Law Enforcement Professionals in 30 local lodges across the state. Its members range from rank-and-file officers to administrative leaders, working at the city, county, state, and federal level. Building on a proud tradition, the Idaho FOP is the largest voice of Law Enforcement.