

**IDAHO PERSONNEL COMMISSION**

**STATE OF IDAHO**

IDAHO DEPARTMENT OF CORRECTION,

Petitioner,

vs.

REYNOLD FRENCH,

Respondent.

IPC No. 24-6  
OAH No. 24-194-07

**DECISION AND ORDER ON PETITION  
FOR REVIEW**

This matter is on petition for review from the November 4, 2024, *Amended Order Granting Summary Judgment (“Preliminary Order”)* of Hearing Officer Merrit Dublin (“Hearing Officer”) reversing the Idaho Department of Corrections (“IDOC”) termination of Respondent Reynold Thomas French’s (“French”) employment. The Hearing Officer found IDOC failed to show French’s forced entry into a parolee’s residence violated IDOC policy and IDOC lacked proper cause for taking disciplinary action against French.

IDOC timely appealed the Hearing Officer’s Preliminary Order by filing a Petition for Review on March 4, 2025. The Idaho Personnel Commission (“Commission”) heard oral argument in this matter on August 21, 2025. At oral argument, Deputy Attorney General Rebecca Strauss appeared on behalf of IDOC and Cameron Platt appeared on behalf of French.

**I.**

**INTRODUCTION AND BACKGROUND**

French accepted the position of probation and parole officer with IDOC in 2015. He was a Senior Probation and Parole Officer (“PPO”) at the time of his dismissal on May 31, 2024. In addition to his personal knowledge and experience gained as a PPO, during his employment, IDOC provided French with significant training about searches and seizures, both exigent circumstances and imminent danger in entering a residence, legal issues officers encounter in the scope of their work and education about risks associated with illegal drug use, including overdoses as a result of narcotics laced with fentanyl.

French, IDOC and the Hearing Officer agree that whether French violated IDOC's Standard Operating Procedure ("SOP") 317.04.02.001 *Searches of Offenders* is the crux of IDOC's disciplinary action leading to French's termination.

**A. SOP 317**

Parolees under IDOC supervision are subject to warrantless searches to determine compliance with the terms of parole or probation. Searches of a parolee's person, premises, vehicles or other personal property are all contemplated. Ex. F-10, p. 3 to *Appellant's Motion for Summary Judgment* dated August 16, 2024.<sup>1</sup> SOP 317 provides PPOs with guidance for searches. A PPO seeking to search a parolee's residence is subject to restrictions due to concern for officer safety and the high risk of serious harm or injury involved in forcibly entering a probationer's residence. An excerpt of the SOP 317 includes:

**3. Restrictions**

Unless the offender is the sole occupant, owner or tenant of the location, only those areas occupied by the offender and those areas of common habitation may be searched. PPOs will obtain the property owner's permission or utilize law enforcement and search warrants before searching third-party property.

***Forced Entry***

PPOs are restricted from forcing entry into homes, which includes entering residences through (1) unlocked doors and windows, (2) by obtaining assistance from a landlord, property manager, realtor or janitor, or (3) by using master keys. For exceptions to this rule, see section 5 below.

**5. Pre-search Briefing and Safety**

Due to inherent danger in forcing entry into a residence, PPOs will not enter a residence unless an occupant of the home answers the door, or the well-being of the offender, or others is in imminent danger. The district manager (or designee) must approve any exceptions.

*Id.* pp. 3-4.

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<sup>1</sup> Further citations to exhibits to *Appellant's Motion for Summary Judgment* dated August 16, 2024 will be "Ex. F-1 through F-13."

**B. October 29, 2018 Forced Entry**

The record before the Hearing Officer indicates that French had previous experience with forced entry. On October 29, 2018, along with two other PPOs, French arrived at a parolee's Kimberly, Idaho apartment and found an open front door. The officers heard groaning but saw no one inside. They entered the apartment without permission and discovered the severely intoxicated parolee. After his arrest the parolee was hospitalized. Ex. F-12. According to French he never received coaching about the 2018 forced entry and was never told his actions were contrary to IDOC policy. Ex. F-6, p. 3 (unnumbered).

IDOC has provided a typed 2018 note from then Section Supervisor Jim Zelenka ("Zelenka"). In Zelenka's note he states he agreed with French that forced entry was appropriate, and that he would have approved the forced entry had French called and asked for prior approval. Zelenka adds he advised French to call and staff "those types of situations as required by the policy" and "to put the liability on the supervisor instead of himself." Ex. IDOC-C-1 to IDOC's *Opposition to Appellant's Motion for Summary Judgment* dated September 6, 2024.<sup>2</sup>

**C. December 10, 2023 Forced Entry**

The events immediately preceding French's forced entry are not in dispute and are summarized as follows. On December 9, 2023, a Twin Falls Sheriff's deputy informed French that SS, a parolee French had recently started supervising, had smashed the windows and taillights of her vehicles with a sledgehammer, attempted to set another vehicle on fire, and admitted to smoking methamphetamine. The deputy assisted a Twin Falls police officer in searching SS's residence, found cocaine and arrested SS's romantic partner after he admitted the drugs were his. *See* Ex. F-1. *See also* Ex. IDOC-D-2 Affidavit in Support of Complaint of Officer Clinton S. Doerr.

The next afternoon, December 10, 2023, French and another PPO, Officer Trevor Hale ("Hale"), drove to SS's residence for a home visit. They arrived to find the front door open on a cold day with unrestrained barking dogs inside and no sign of anyone inside. No one answered

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<sup>2</sup> Further citations to exhibits to IDOC's *Opposition to Appellant's Motion for Summary Judgment* dated September 6, 2024, 2024 will be "Exs. IDOC-A through IDOC-D."

when French identified himself. *See* Ex. F-1. Alcohol bottles<sup>3</sup> were visible from the open front door and Hale noticed several liquor bottles and a trash can of empty beer containers in the back of the duplex as he canvassed the property. Once Hale advised French of this, and further attempts to get a response were unsuccessful, French and Hale entered SS's residence out of concern for her safety. Hale would later describe the forced entry as "urgent and necessary." *See Id. See also* Ex. F-2 and Ex. F-3.

After searching the duplex and failing to find any occupants, French contacted Section Supervisor Kayla Taylor ("Taylor") and asked how to proceed. Taylor suggested French call SS or contact local law enforcement for assistance. Upon contacting local law enforcement, and with their assistance, SS was located at a neighbor's house unharmed. Her subsequent drug test was positive for methamphetamines and cocaine. *See* Ex. F-1.

On December 13, 2023, French, Hale, the District 5 Manager and two Section Supervisors met to discuss the search of SS's residence over the previous weekend. French read his prepared statement and he and Hale both provided additional details about the forced entry. In his Debrief Report, Section Supervisor Patrick Bulzomi mentions that only Hale asked for feedback, and that the District Manager told French and Hale at this meeting that prior to making forced entry, they should contact an on-call supervisor. *See* Ex. IDOC B-1.

### **C. Notice of Contemplated Action**

On January 30, 2024, IDOC served French with a Notice of Contemplated Action ("NOCA") outlining the factual basis for the discipline IDOC was contemplating. IDOC asserts the facts and circumstances on December 10, 2023, did not present objectively reasonable facts to support French's claim the parolee was in imminent danger and did not justify deviation from IDOC policy. An excerpt from the NOCA reads as follows:

On December 10, 2023, you and another probation and parole officer ("PPO") entered a client's residence in an unsafe manner and in violation of IDOC policy. You had heard the day before that the client had used methamphetamine and when

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<sup>3</sup> French had instructed SS not to use alcohol or drugs during her check-in as a term of her release. *See* pg. 2, Ex. F-3.

you arrived the door was ajar, so you entered. An occupant of the home did not answer the door. You did not first contact the district manager (or designee) to approve entering the residence. You also did not contact law enforcement for back up before entering the residence.

In a subsequent written statement, you admitted entering the residence based on exigency as you were concerned for the client's safety. Based on your statements as well as information reviewed during the debrief held December 13, 2023, no one was in imminent danger on December 10. Further, the facts and circumstances did not present objectively reasonable facts to support your claim of exigent circumstances. The facts and circumstances did not justify your deviation from and failure to follow IDOC policy.

*See Ex. F-5, p. 4.*

**E. French's Response to the NOCA**

French prepared a six-page statement in response to the NOCA. French claimed he does not know what led "management authority" from the debrief to conclude he violated policy and suspects IDOC was contemplating discipline because SS was found unharmed and not in imminent danger. He also alludes to personal feelings or bias but does not identify any biased individual at IDOC. *See Ex. F-6, p. 5 (unnumbered).* French asserts that based on the information he had at the time, he believed there was an emergency, that SS could have been dying from a drug overdose and that imminent danger is an exception to IDOC's policy. He references his 2018 forced entry to another parolee's residence and claims no supervisor advised him in 2018 that he had acted contrary to IDOC policy. *See Id. p. 6 (unnumbered).*

**F. November 8, 2023 Email**

In his NOCA response, French also alluded to a November 8, 2023 email from District 5 Manager Collin Widmier ("Widmier") to all District 5 staff as a mitigating factor and a "green light" on searches. *See Id. p. 3 (unnumbered).* A few months prior to the Twin Falls home visit, Widmier and IDOC Chief Brian Underwood ("Underwood") met and discussed a variation in the search SOP. Underwood informed all district managers that if an officer was invited into a client's residence and saw illegal drugs, the officer could search the residence without calling a supervisor for prior approval. Widmier conveyed this information at a District 5 staff meeting on October 25,

2023, and followed up with an email on November 8, 2023. Ex. IDOC-A-2. An excerpt reads as follows:

From the last staff meeting I mentioned some of the items we are looking at to provide more ownership and simplicity to our job. Chief Underwood has given the green light to move forward on the searches and LSU process.

For searches this will allow PPOs to make those decisions in the field instead of stopping what they are doing to call a supervisor to approve a search if there is reasonable suspicion to search a residence or vehicle. If a PPO is out in the field and there is a reasonable suspicion of illegal activity in their presence on a client under our supervision the PPO can continue to search without contacting a supervisor to get approval to search. We are trusting the PPO to make those decisions and if they are conflicted about the search, they need to be contacting a supervisor or lead for guidance. For planned searches, nothing changes as they are required to be staffed with a supervisor if they are not available the [sic] go to the lead in your team....

This is just another way showing that upper leadership is hearing you and finding ways to provide more ownership and simplifying our jobs. Any question please get with your supervisors or me.

*See* Ex. F-11.

In his Motion for Summary Judgment, French argued the email modified SOP 317 and permitted PPOs to conduct searches in the field without contacting a District Manager or designee. IDOC argues that the expanded authority for a search was only applicable if a resident invited the PPO to enter, illegal drugs were visible to the PPO and the PPO determined there was probable cause for illegal activity. The Hearing Officer found the scope of the email modification of SOP 317 is a question of fact that is inappropriate for summary judgment. Instead, she considered SOP 317 unchanged based on the circumstances and in a light favorable to IDOC.

In its May 31, 2024, Letter of Disciplinary Action (“LODA”) IDOC asserted termination was warranted because French violated IDOC Policies 217 and 317 as well as DHR Rule 190.01(a), (b) and (e) by entering a parolee’s residence without getting prior approval from a supervisor and without contacting local law enforcement for backup. *See* Ex. F-7. French appealed to the Idaho Personnel Commission (“Commission”), a hearing officer was duly appointed to oversee the appeal, and French moved for summary judgment. IDOC opposed summary judgment.

After both parties waived oral argument on the motion, the Hearing Officer considered the parties' written submissions and ultimately granted French's motion and ordered his termination reversed.

In granting summary judgment, the Hearing Officer considered the written statements of French, PPO Trevor Hale, District 5 Manager Colin Widmier and other IDOC supervisors and law enforcement officers as well as various IDOC records, reports, emails and SOP 317.

## II.

### ISSUE

The issue for the Commission's review is whether the Hearing Officer's decision granting French's motion for summary judgment is correct.

## III.

### STANDARD OF REVIEW

The standard of review in disciplinary appeals to the Commission is as follows:

A classified employee may appeal a disciplinary dismissal, demotion or suspension to the Idaho Personnel Commission. I.C. § 67-5316(1)(a). When a matter is appealed to the Idaho Personnel Commission it is initially assigned to a Hearing Officer. I.C. § 67-5316(3). The Hearing Officer conducts a full evidentiary hearing and may allow motion and discovery practice before entering a decision containing findings of fact and conclusions of law. In cases involving IDAPA 15.04.01.190.01 discipline ("Rule 190"), the state agency has the burden of proving cause for the discipline by a preponderance of the evidence. That is, the burden of proof is on the appointing authority to show that at least one of the proper cause reasons for dismissal, as listed in I.C. § 67-5309(n) and Rule 190, exist by a preponderance of the evidence. *Idaho Dep't of Correction v. Campa*, IPC No. 10-13 (August 19, 2011) *McClure v. Idaho Dep't of Correction*, IPC Case No. 21-6 (July 5, 2023).

On a petition for review to the Idaho Personnel Commission, the Commission reviews the record of the proceeding before the hearing officer, any transcript, and briefs submitted by the parties. Findings of fact must be supported by substantial, competent evidence. *Hansen v. Idaho Dep't of Correction*, IPC No. 94-42 (December 15, 1995). The Commission may affirm, reverse

or modify the decision of the Hearing Officer, may remand the matter, or may dismiss it for lack of jurisdiction. I.C. § 67-5317(1). When a Personnel Commission hearing officer decides a matter and it is subsequently appealed to the Commission, the Commission conducts a de novo review of the record and renders an independent decision that effectively displaces the proposed decisions of the hearing officer. *Idaho Dep't of Correction v. Anderson*, 134 Idaho 680, 680 (Ct. App. 2000).

Summary judgment is appropriate before IPC when there is no genuine issue of material fact. *Fry v. Idaho Dep't of Correction*, IPC NO. 94-38. Summary judgment should be rendered when the pleadings on file, together with any affidavits, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. *Kaufield v. Idaho Personnel Commission*, IPC No. 96-06 (Order Granting Summary Judgment, November 6, 1996). All disputed facts must be construed liberally in favor of the nonmoving party. *Fry v. Idaho Dep't of Correction*, 131 Idaho 169 (1998).

A mere scintilla of evidence or only slight doubt as to the facts is not sufficient to create a genuine issue for purposes of summary judgment. *Stafford v. Weaver*, 136 Idaho 223, 225, 31 P.3d 245, 247 (2001).

The moving party bears the initial burden of proving the absence of a genuine issue of material fact, and then the burden shifts to the nonmoving party to come forward with sufficient evidence to create a genuine issue of material fact. *See Sanders v. Kuna Joint School Dist.*, 125 Idaho 872, 874, 876 P. 2d 154, 156 (1994). A party opposing a motion for summary judgment “may not rest upon mere allegations in the pleadings but must set forth by affidavit specific facts showing there is a genuine issue for trial.” *Gagon v. W. Bldg. Maint., Inc.*, 155 Idaho 112, 114, 306 P. 3d 197, 199 (2013).

#### IV.

#### DISCUSSION

French has argued that his belief SS was in imminent danger was objectively reasonable for an officer in similar circumstances, and he was not required to seek supervisor approval before making forced entry into her residence.

In challenging French's entry into the parolee's residence, IDOC asserts that French lacked an objectively reasonable belief of imminent danger when he forced his way into SS residence. As the Hearing Officer points out, SOP 317 does not expressly define or explain what circumstances constitute "imminent danger" and IDOC has not offered any evidence expanding or clarifying the definition. IDOC has pointed to the Merriam-Webster Dictionary definition of "imminent: meaning ready to take place; happening soon." With respect to the dictionary definition of "danger" it is exposure or liability to injury, pain, harm or loss. The Hearing Officer considered "objectively reasonable" to mean as perceived by a reasonable officer in similar circumstances. *See* Order at page 12. The Hearing Officer was correct in finding French's belief SS was in imminent danger was reasonable for an officer in similar circumstances.

This was based on the following undisputed facts:

1. The previous day, SS admitted to using methamphetamines, engaging in out of control and risky behavior by smashing windows and lighting a fire under a vehicle.
2. French knew SS was on supervised probation for substance abuse and had been out of jail for less than a week and recognized the reported behavior as risky.
3. The door to her residence was open on a cold December day.
4. While French continued to attempt to get a response from someone inside SS's residence, Hale canvassed the property and found no one but did discover liquor bottles and beer cans outside the residence.
5. French identified himself and announced that SS needed to answer and explained he was concerned for her safety but still did not get a response.
6. Although their view was obstructed, Hale and French could see evidence of alcohol inside the residence.
7. The uncontained barking dogs made it difficult to hear anyone in the home.
8. French and Hale had training and personal experience that methamphetamine could be laced with fentanyl and fatal overdose of the drugs in combination is common.

9. The officers determined it was both urgent and necessary to enter the residence to ensure SS was not experiencing a fatal overdose requiring an immediate response.

*See Preliminary Order*, pp. 12-13.

**A. Absence of Other Facts Does Not Negate French's Reasonable Belief**

IDOC argued that because French and Hale did not visualize a body, illegal drugs, broken glass or blood, and because the officers were not aware if her car was parked in front of the residence, that French's belief in SS's imminent danger was not reasonable.

The Hearing Officer is correct that the absence of blood, broken glass or a body do not negate a reasonable belief SS may be in danger. To impose these requirements would create a higher standard than what is stated in the plain language of SOP 317. As the Hearing Officer also points out, IDOC has not offered any evidence of more extensive guidance or clarification being provided to French or any other PPOs related to SOP 317. *See Preliminary Order* p. 15.

**B. The Prior 2018 Forced Entry is Not Dispositive as to the 2023 Forced Entry**

Both parties reference the 2018 forced entry as supporting their respective positions. French claims because he was not coached, disciplined or corrected after making forced entry into a parolee's residence in 2018, it was reasonable for him to believe five years later when faced with a similar situation, that he could enter the parolee's residence without prior approval from a District Manager. *See Ex. F-6*, p. 3 (unnumbered). *See Appellant's Motion for Summary Judgment*, p. 8, ¶ 41.

Conversely, IDOC points to the typed note from a conversation with his then supervisor as evidence French was informed he should have contacted a District Manager prior to making forced entry and argues this represents a disputed material fact that makes summary judgment improper. *See Ex. IDOC-C-1*. In construing the facts in a light most favorable to IDOC, the Hearing Officer found that French was told he had violated the policy by failing to call a district manager, but that French's actions should be evaluated based on his objective and not subjective knowledge at the time of the 2023 forced entry. *See Preliminary Order* p. 16.

IDOC claims that the Hearing Officer misapplied the objective reasonable officer standard and that French's knowledge, training, as well as experience from the previous 2018 forced entry put him on notice that he must seek prior approval. IDOC's reliance on French's subjective knowledge at the time of forced entry is erroneous because it seeks to include French's experience and not what is objectively reasonable for a reasonable probation and parole officer in similar circumstances. As French has pointed out, his entry was not a violation of state or federal law and meets the exigent circumstances exception to search and seizure laws under the Fourth Amendment. French can also meet the imminent danger requirements of IDOC's own policy and has shown his belief that SS was in imminent danger was objectively reasonable. IDOC has not come forth with any controverting evidence to prove otherwise, and summary judgment is appropriate as a matter of law.

**C. IDOC Put Forth No Evidence of Disputed Facts Regarding French's Statements that Put His Credibility at Issue**

Finally, IDOC claims French's credibility is at issue because he offered additional facts and emphasized the importance of other details between his initial written statement, the NOCA response, his affidavit and his Motion for Summary Judgment briefing. Although IDOC does not dispute the facts and circumstances of the forced entry, IDOC claims French was in a hurry and any imminence was created by French's own conduct. IDOC offered no evidence to support this assertion but instead asked the Hearing Officer to agree with IDOC's own inferences from the undisputed facts without coming forward with controverting evidence that puts French's credibility at issue nor requires the Hearing Officer to evaluate his credibility. As the Hearing Officer concluded, this is insufficient to raise a genuine issue of material fact to defeat a motion for summary judgment. *See Preliminary Order*, pp. 16-17. The Hearing Officer's granting of summary judgment in French's favor is appropriate and is affirmed.

**IV.**

**CONCLUSION**

Based on the foregoing, the Hearing Officer's decision is affirmed. IDOC has failed to demonstrate there was proper cause for discipline by a preponderance of the evidence and French's termination is reversed. Mr. French shall be reinstated in the same position or a position of like status and pay, with backpay for the period since discharge. Idaho Code § 67-5316(4).

Each party shall bear its own attorneys' fees and costs.

IT IS SO ORDERED.

**V.**

**STATEMENT OF APPEAL RIGHTS**

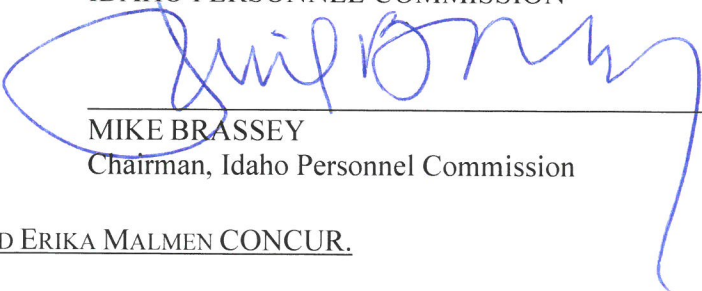
Either party may appeal this decision to the District Court. A notice of appeal must be filed in the District Court within forty-two (42) days of the filing of this decision. Idaho Code § 67-5317(3). The District Court has the power to affirm, or set aside, and remand the matter to the Commission upon the following grounds, and shall not set the same aside on any other grounds:

- (1) That the findings of fact are not based on any substantial, competent evidence;
- (2) That the commission has acted without jurisdiction or in excess of its powers;
- (3) That the findings of fact by the commission do not as a matter of law support the decision.

Idaho Code § 67-5318.

DATED THIS 17th day of November, 2025.

BY ORDER OF THE  
IDAHO PERSONNEL COMMISSION



MIKE BRASSEY  
Chairman, Idaho Personnel Commission

COMMISSIONERS NANCY MERRILL AND ERIKA MALMEN CONCUR.

## CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2025, I forwarded a true and correct copy of the foregoing to the following via electronic mail:

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Secretary to the  
Idaho Personnel Commission