

## EXPLANATION OF DUTIES AND RESPONSIBILITIES

Before filling out the form, please read the following sections carefully.

### **Idaho Code § 31-2002:**

County prosecuting attorneys and county sheriffs have primary responsibility for enforcing Idaho's criminal laws. As a rule, the Attorney General may investigate and prosecute cases at the county level only when a statute grants the Attorney General concurrent jurisdiction or when local authorities request assistance for a specific case.

However, Idaho Code § 31-2002 gives the Attorney General the authority to investigate alleged violations of state criminal law by elected county officials and who are acting in their official capacity. **A complaint must meet all three of these criteria for the Office of the Attorney General to investigate.**

Upon completion of an investigation into such allegations, the Attorney General may (a) Issue a finding that no further action is necessary; (b) Prescribe training or other non-judicial remedies not involving the filing of criminal charges; or, (c) Conduct further investigation and retain the matter for prosecution.

**What violations does the statute cover?** Idaho Code § 31-2002 authorizes the Attorney General to investigate alleged violations of state criminal law by county officers holding elective office. This does not include: (1) Violations of city or county ordinances; (2) Acts with which the complaining party merely disagrees; (3) Inadequate performance of duties; (4) Policy violations; and (5) Acts performed in obedience to or permitted by a court order. The statute specifically excludes investigations into open meeting violations.

**Who can be investigated?** Idaho Code § 31-2002 applies to allegations involving "a county officer occupying an elective office." This includes only the following officers: (1) County Commissioners; (2) County Prosecutor; (3) County Sheriff; (4) County Clerk; (5) County Assessor; (6) County Treasurer; and (7) County Coroner. It does not include deputies or any other county, state or municipal employee.

## **Defining Official Capacity**

A county officer acts in his/her "official capacity" when the action takes place "while the officer is working or claims to be working on behalf of his employer at his workplace or elsewhere, while the officer is at his workplace whether or not he is working at the time, involves the use of public property or equipment of any kind or involves the expenditure of public funds." Idaho Code § 31-2002(5).

If you believe a violation of the law has occurred that does not meet all three of these criteria, you should report it to your local law enforcement authorities.

## **Process for Reporting Violations**

Please complete the online reporting form. Make sure to provide your name, address, phone number and email, since we may have to contact you for additional information. Provide as much information as you can regarding the violation(s) you believe have been committed.

Each complaint is reviewed by Office of the Attorney General staff. If we determine no further action is necessary, you will be informed in as timely a manner as possible. If further action is necessary, a response may be delayed. In order to maintain the integrity and fairness of the legal process, our office does not comment on pending investigations, and we are unable to provide any information until an investigation and related legal proceedings are completed.

## **Public Records**

Pursuant to Idaho's public records law, any complaint form or associated documents become public records when submitted to this office. This office may be required to disclose such documents if requested. All documents submitted become the property of this office. Original submissions will not be returned, so please send only copies of documents if you desire to retain the original.