

INVESTIGATING PUBLIC CORRUPTION IN IDAHO:

Idaho Code § 31-2002

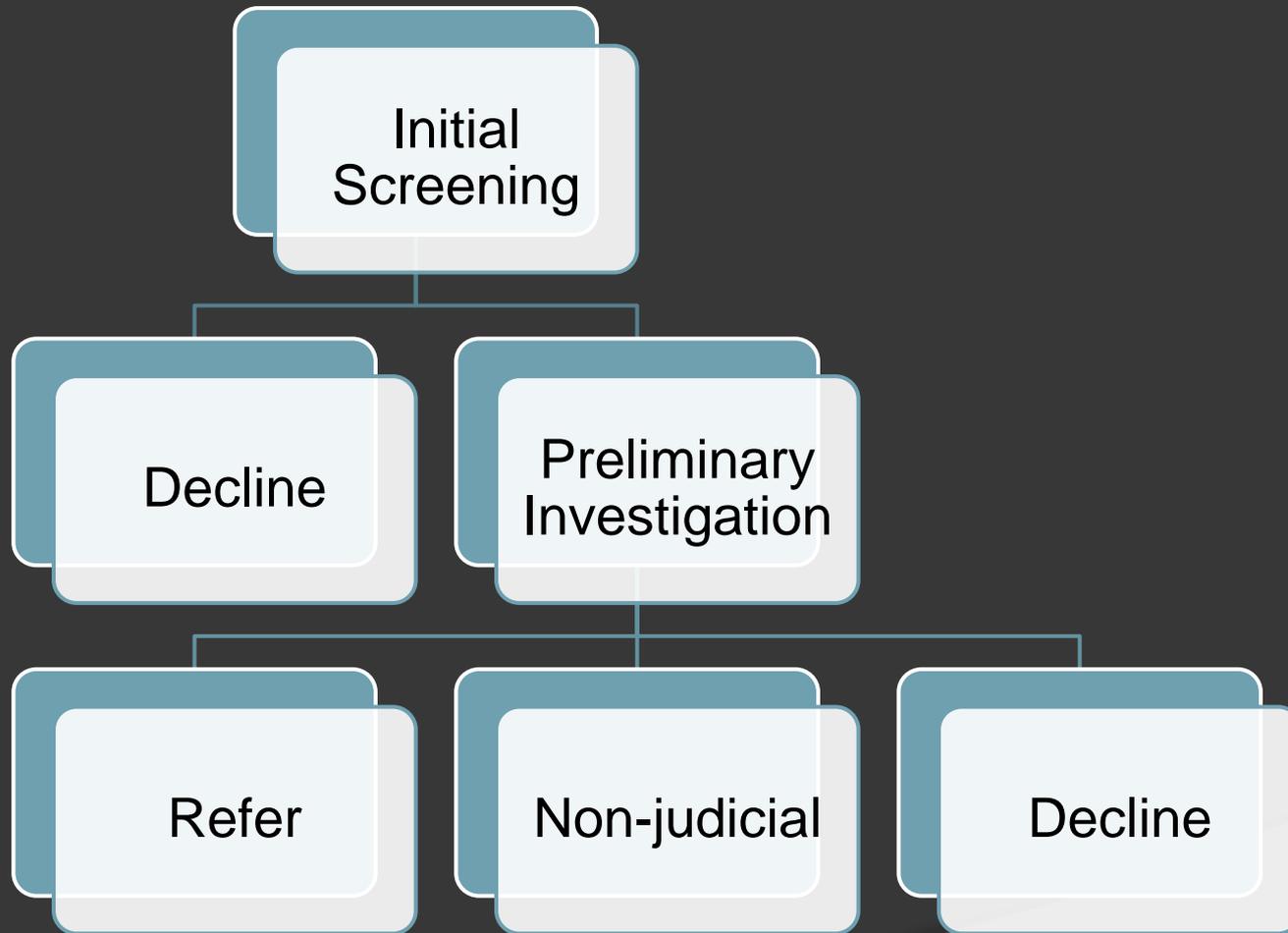
Statutory Language

Notwithstanding any provision of law to the contrary, the attorney general shall conduct a preliminary investigation of any allegation of a violation of state law, civil or criminal, against a county officer occupying an elective office for violation for violation of state law in his official capacity.

Threshold Requirements

- ⦿ Violation of **State** Law
- ⦿ **County** officer
 - I.C. § 31-2001 (sheriff, clerk, assessor, PA, treasurer, coroner, commissioners)
- ⦿ Elected
- ⦿ Official Capacity

Process



Initial Screening

- ⦿ Threshold Requirements
- ⦿ Screening Panel: three attorneys and chief investigator
- ⦿ Decline examples:
 - deputies/city officials
 - discretionary decisions
 - personal/private capacity

Referral

- Issue finding and refer to relevant county PA
- County PA “shall” seek appointment of special prosecutor
- If subject is the county PA, AG “shall” retain matter and act as special prosecutor

Non-Judicial Remedy

- Prosecution not warranted
- Training, specific action, opinion letter, other

Statistics

(updated 08/31/15)

- ◎ 112 complaints received
- ◎ Of 112
 - 82 declined
 - 17 accepted for preliminary investigation
 - 7 pending
 - 8 declined
 - 2 non-judicial remedy
 - 13 initial screening

Violations

- ⦿ **Any** criminal or civil statute
- ⦿ Examples:
 - Title 18, Chapter 13. Examples:
 - 18-1352 – Bribery in official matters
 - 18-1359 – Using public position for personal gain
 - Title 18, Chapter 57. Examples:
 - 18-5701 – Misuse of Public Money



“As so often happens with Washington scandals, it isn’t the original scandal that gets people in the most trouble – it’s the attempted cover-up.”

Tom Petri – Former U.S. Representative

Cover-up: Can be Worse than the Crime

- ⦿ 18-2604 – Intimidating a Witness
- ⦿ 18-3201 – Officer Falsifying Public Records
- ⦿ 18-705 – Obstructing Officers

Questions?

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