

Topic: Why Does the Prosecutor Send a Criminal Case to another County based on a Conflict of Interest?

A common question or concern is asked about conflicts of interest when prosecuting criminal matters and advising the county officials and planning and zoning.

In scenarios where potential conflicts are foreseeable, it is prudent for the prosecutor's office to prioritize its statutory duty to advise the County Commissioners, who hold ultimate decision-making authority. Given the potential for conflicts between the advice provided to the planning and zoning commission and subsequent matters reviewed by the County Commissioners, seeking outside counsel to advise the planning and zoning commission is advisable. Another viable option is to empower the planning and zoning commissioners to navigate the hearing process to the best of their ability, knowing that when the matter reaches the County Commissioners, the prosecutor will be available to offer legal advice.

By adhering to this approach, the prosecutor's office can mitigate conflicts of interest and ensure impartiality in legal advice provided to both bodies. This separation of advisory roles helps maintain the integrity of the legal process and prevents any perception of bias or undue influence in governmental decision-making.

Furthermore, consulting outside counsel for the planning and zoning commission ensures that diverse perspectives are considered and that legal advice is independent and objective. This approach promotes transparency and fairness in the decision-making process, enhancing public trust in governmental institutions and upholding ethical standards outlined in legal ethics rules such as the Idaho Rules of Professional Conduct, Rule 1.11.

Ultimately, by recognizing potential conflicts and taking proactive measures to address them, prosecutors uphold the principles of justice and maintain the public's confidence in the integrity of governmental processes.

Prosecutors, who are lawyers representing the government in criminal cases, sometimes find themselves in situations where they must hand over certain cases to other prosecutors or the Attorney General due to conflicts of interest. These conflicts typically arise when a prosecutor has a personal or professional connection to a case that could compromise their ability to fairly and impartially prosecute it. For instance, if a prosecutor previously worked as a defense attorney for the defendant in a case, it could create a conflict of interest because they might have confidential information about the defendant that could affect their ability to prosecute the case objectively. Similarly, if a prosecutor has a close relationship with a victim or witness involved in a case, it could also create a conflict because their judgment might be influenced by personal feelings or biases.

Another scenario that can lead to conflicts of interest is when a county employee is the defendant in a case. If a prosecutor works for the same county as the defendant, it could create a conflict because their professional duties might conflict with their obligations to prosecute the

case fairly. In such circumstances, it's essential for the integrity of the legal process that the conflicted prosecutor steps aside and allows another prosecutor or the Attorney General's office to handle the case. This ensures that the case is prosecuted impartially and without any undue influence from personal connections or biases. Additionally, it helps maintain public trust in the legal system by demonstrating that cases are being handled fairly and ethically.

In addition to the scenarios outlined previously, another example of a conflict of interest arises when one person is prosecuted for a crime, and subsequently, the individual who is the victim in the same case commits a crime. In such a situation, the prosecutor's office may face a conflict due to its dual role in prosecuting the initial case and potentially having to prosecute the subsequent case involving the victim-turned-offender.

Given this conflict, it becomes necessary for the prosecutor's office to seek outside help or independent counsel to handle the case involving the victim-turned-offender. By doing so, the prosecutor's office ensures that both cases are handled impartially and without bias, maintaining the integrity of the legal process.

Therefore, in scenarios where conflicts of interest arise, such as advising multiple governmental bodies or handling cases involving conflicting parties, seeking outside assistance or independent counsel becomes crucial. This approach helps uphold ethical standards, promote transparency, and preserve public trust in the legal system and governmental institutions.

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