



## RESOLUTION

on

Potential Federal Encroachment Under  
Special Assistant U.S. Attorney (SAUSA) Program

KC-1416-020

### *Preamble*

The following are some potential reasons why all Idaho County Sheriffs and County Prosecuting Attorney's Offices should be very cautious about entering into the proposed SAUSA Program with the US Attorney's Office.

Whereas, The County Sheriff continues to have the distinction as the highest law enforcement authority in the county. This is by constitutional design and necessary to maintain the separation of powers in our Republic;

Whereas, Accepting SAUSA directly affects Idaho's sovereignty by shifting local jurisdictional authority away from a county sheriff and county prosecuting attorney to the federal government. According to the November 2014 report named SAUSA Project Proposal for Statewide Implementation. 1 These local coalitions would:

a. Participate in the hiring process

b. Participate in setting the prosecutorial priorities for the SAUSA. This means that the county would only participate in this agreement. The US Attorney's office is the authority in the program;

Whereas, The lack of uniform enforcement of entire categories of law: Through the use of prosecutorial discretion the Justice Department currently is selectively not enforcing entire categories of law according to testimony presented by US Representative Trey Goudy – 4th District South Carolina<sup>2</sup>;

Whereas, Risks of the unknown future: What will the federal government's prosecutorial priorities be in the future? Their trend has been to limit the freedoms of the citizens;

Whereas, The loss of local control and power - A SAUSA attorney is not an elected position and therefore not easily removed from office. This attorney may work for a county but is not accountable to that county, only to the federal government. A county sheriff and county prosecuting attorney are elected by and accountable to the citizen. In the qualifying cases the SAUSA program moves jurisdictional authority to the federal prosecutor.



Whereas, Vague language means various loop holes to be exploited by agencies - This SAUSA agreement blurs the lines between federal and state crimes. It states “will work closely with local and federal law enforcement partners to prosecute offenders in federal court rather than in state court, thereby sending those convicted to federal prison, instead of an Idaho Correctional facility.” There is substantial confusion about whether this refers to prosecuting new federal crimes currently not being prosecuted or does this refer to prosecuting state crimes in federal court;

Whereas, The manpower and costs of defending citizens - Our constitution states each person is considered innocent until proven guilty and every person accused of a crime shall be adequately represented by counsel.

a. Can the county public defender adequately represent our Idaho citizen in federal court and at whose expense?

b. If our citizenry is not represented by a public defender, but rather by a private attorney, will it be more difficult for an Idaho citizen to defend himself/herself in federal court?

Whereas, Federal crimes are the responsibility of the federal government. The federal government is already required to provide this legal service without a direct financial burden to the county. Idaho counties are already strapped for income because of actions by other agencies like the US Forest Service, US Fish and Wildlife Service. It cannot and should not be accepted that any county resident and/or property owner should further shoulder the bill for this risky partnership with another federal department; therefore

### ***Main Motion***

*Resolved*, That the Kootenai County Republican Central Committee ask that the Kootenai County Prosecuting Attorney’s Office, Kootenai County Sheriff’s department and the Kootenai County Commissioners to put this decision on hold so that a public hearing can be held.