


Idaho Department of Correction 	Policy	Title: Opinions: Attorney General		Page: 1 of 3
		Control Number: 107	Version: 3.0	Adopted: 08/01/1992

Christine Starr, Chief of Staff, approved this document on 09/24/2023.

Open to the public: ☒ Yes ☐ No

Revision Summary
Revision date (09/24/2023) version 3.0: This policy has been reformatted with minor word changes.

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A. STATUTORY AUTHORITY

1. Idaho Code § 20-244, *Government and Discipline of the Correctional Facility – Rules and Regulations*
2. Idaho Code § 67-1401, *Duties of Attorney General*

B. BOARD OF CORRECTION IDAPA RULE

None

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C. POLICY STATEMENT

It is the policy of the Idaho Department of Correction (IDOC) that:

1. The IDOC will seek the attorney general's opinion regarding any issue or question of law relating to IDOC business and/or employees.
2. The director of the IDOC or his/her designee, will handle all formal requests for the attorney general's opinion including all correspondence and files associated with the requests.
3. IDOC managers (e.g., division chiefs, deputy division chiefs, facility heads, wardens, district managers) must submit, in writing, to the director or his/her designee, the issue(s) or question(s) of law for which the attorney general's opinion is needed.
4. The director and/or managers shall not be bound to follow the attorney general's opinion.

D. PURPOSE

The purpose of this policy is to communicate the Board's philosophy regarding attorney general opinions.

E. SCOPE

This policy applies to all IDOC employees, the deputy attorneys general (DAGs) who represent the IDOC, and any procedures created under IDOC's authority.

F. RESPONSIBILITY

1. Attorney General and Deputy Attorneys General (DAG)

The attorney general and DAGs who represent the IDOC are required by law to provide a written opinion to the IDOC upon request, without a fee being imposed.

2. Director

- a. The director of the IDOC or his/her designee, is responsible for handling all formal requests for opinions from the attorney general including all correspondence and files associated with the requests.
- b. The director or his/her designee, and lead DAG representing the IDOC are responsible for overseeing the development, implementation, and monitoring of standard operating procedures (SOPs) that address:
 - i. Any issue or question of law relating to IDOC business and/or employees; and
 - ii. Private or court appointed attorneys and any misconduct they engage in while providing legal services to residents/clients who are under the jurisdiction of the IDOC.

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G. POLICY

No additional information

H. REFERENCES

None

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