



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

November 3, 2025

Stanley Mortensen
501 Government Way
Coeur d'Alene, ID 83814

Re: Public Corruption Complaints

Dear Stan,

We received several public corruption complaints earlier this year related to a town hall event hosted by the Kootenai County Republican Central Committee (KCRCC) on February 22, 2025. The complaints asked us to investigate whether Kootenai County Sheriff Robert Norris committed a battery during the event. We are writing to inform you that, for the reasons explained below, we will not file charges against the sheriff.

We reviewed the complaints pursuant to Idaho Code § 31-2002. That statute authorizes the Attorney General to conduct an investigation of "any allegation of a violation of state criminal law, against a county officer occupying an elective office for violation of state criminal law in his official capacity." Idaho Code § 31-2002(1). The complaints stated sufficient allegations to invoke our statutory jurisdiction. We note, however, that our review under Idaho law does not include, for example, whether the sheriff followed his office's policies while providing security at the event or whether the sheriff or the county should be held civilly liable for any of the sheriff's actions.

We reviewed the investigation to determine only whether Sheriff Norris should be charged with the crime of battery. Under Idaho law, a peace officer cannot be charged with battery so long as he is acting within the scope of his duties and in good faith and without malice. Our investigator found two instances where the sheriff made physical contact with attendees: when the sheriff attempted to arrest or remove Teresa Borrenpohl from the event and when he detained the man sitting between Borrenpohl and the aisle. As explained below, the investigation did not uncover any evidence to suggest the sheriff acted in bad faith or with malice, and criminal charges would not be appropriate.

FACTS

On February 22, 2025, the Kootenai County Republican Central Committee (KCRCC), a private entity, held a meeting at Coeur d'Alene High School. The KCRCC signed an agreement with and paid the school district to reserve the space. The application identified the event as a legislative town hall and described the event as local and state leaders meeting with the public about what is going on in the Idaho legislature and in Washington, DC.

The school district's safety and security coordinator contacted the KCRCC and asked what the security would be for the event. The question was routed to the chair of the legislative committee for the KCRCC, and the chair indicated that Sheriff Norris would be at the event.

When the event started, the chair of the KCRCC spoke first. He stated the event was a private event sponsored by the KCRCC, and he told the audience that if they could not maintain decorum they would be escorted out by security. After the pledge of allegiance, the moderator explained the purpose of the meeting was to hear directly from legislators. He asked that everyone give their full attention to the speakers and avoid any disruptions. He then explained that the first part of the meeting would be listening to the legislators introduce themselves.

The first two legislators spoke without interruption. During the third legislator's remarks, members of the audience started heckling the legislator—for example, shouting "that's not true!" After several interruptions, the moderator explained to the audience that "we're here to *listen*." He also said, "you will have a chance," presumably referring to the question-and-answer period scheduled for later in the meeting.

Even after the moderator's request, audience members continued their heckling. For example, one member of the audience shouted, "you're lying!" Another shouted, "yeah right!" After one of the legislators finished speaking, Teresa Borrenpohl, an attendee of the event, shouted, "Phil Hart stole from public lands!" Clearly frustrated by the repeated interruptions, the moderator then called attention to Borrenpohl saying she was just seeking attention.

A few minutes later as the next legislator spoke, another heckler shouted, "that is ridiculous!" The moderator responded, "Ladies and gentlemen, please, let them [the legislators] talk." Less than twenty seconds later, Borrenpohl shouted, "women are dying!" An audience member shouts, "you're not a medical doctor!" to which another audience member yells at the heckler, "I didn't pay to hear you!"

At that point, the moderator stopped the legislator from speaking. He reminded the audience members who were "popping off with stupid remarks" that they were not considering the rest of the audience who had come to hear from the legislators. He also reminded the audience that there was a designated opportunity for the audience to "sound

off”—again, presumably referring to the question-and-answer period—but that it was not right now while the legislators were presenting.

After repeatedly being warned about speaking out of turn, Borrenpohl decided to challenge the moderator and the rules of the meeting as set by the KCRCC. As the moderator was warning Borrenpohl and others about their heckling of the legislators and trying to explain they would have an opportunity to speak later, Borrenpohl shouted over top of the moderator’s explanation, “Is this a lecture or a town hall?!” The moderator tried to ignore Borrenpohl and continued talking, so she shouted over top of him again, “Is this a lecture or a town hall?!” The moderator again continued trying to speak, so Borrenpohl shouted a third time.

It was only then, after it was clear Borrenpohl was not going to stop yelling to challenge the rules of the meeting, that Sheriff Norris approached Borrenpohl to attempt to remove her from the event. The sheriff was wearing a hat with the title Kootenai County Sheriff. He informed Borrenpohl that she needed to leave, and Borrenpohl ignored his directive. He then stated that she could either get up or be arrested. Borrenpohl continued to ignore his commands. The sheriff asked the man sitting in the seat between Borrenpohl and the aisle to move, and the man complied with the sheriff’s command. Borrenpohl responded by telling her friend to “get this all on film.”

Borrenpohl continued to ignore the sheriff’s directives and instead asked whether they were in the sheriff’s jurisdiction. He responded that it is his jurisdiction and informed her that it was not a negotiation. Borrenpohl then stated that she had not been asked to leave. The sheriff informed her that he was asking her to leave. Borrenpohl continued to remain seated. She then stated, “this is a town hall.” Borrenpohl continued to refuse to stand or leave with the sheriff as directed.

The sheriff then identified himself by name and position and instructed Borrenpohl that she could either leave or be escorted out. He then grabbed Borrenpohl’s arm to escort her out of the room. Borrenpohl continued to resist and asked the sheriff to please not touch her. The sheriff let go of Borrenpohl, stepped away from her seat, and pointed her out to two individuals standing nearby who were purportedly providing security at the event. The two individuals then physically removed Borrenpohl from the event.

As the two alleged security personnel were removing Borrenpohl from the event, the sheriff attempted to oversee the matter and capture it on video. It appears in the auditorium video that the sheriff had a difficult time observing because other individuals in the audience were blocking his view. In particular, the man who had been seated between Borrenpohl and the aisle, and who had complied with the sheriff’s earlier command, positioned himself between the sheriff and Borrenpohl being detained. The sheriff attempted to move the man out of the way, and the man appears to physically rebuff the sheriff. The sheriff then detains the man.

ANALYSIS

These facts do not support a charge of battery against the sheriff. In Idaho, the sheriff is the top law enforcement officer in his county. See I.C. § 31-2202. He has the authority and responsibility of “enforcing all penal provisions and statutes of the state” and the duty to “[p]reserve the peace” within his county. I.C. § 31-2202(1). As a peace officer, the sheriff cannot be charged with battery for “actions or omissions in the performance of [his] duties” so long as the sheriff “acts in good faith and without malice.” I.C. § 18-921. Idaho law also permits a peace officer to arrest a person who commits a public offense in the officer’s presence. I.C. § 19-603(1).

Most of the debate after this incident focused on whether the town hall was a public or private event. But the answer to that question matters little given the applicable law. Idaho’s trespass statute applies to public property the same as private property, and a private entity who has paid to reserve and use public property has “the authority to set limitations on those who come onto the property.” *Herndon v. City of Sandpoint*, 172 Idaho 228, 234 (2023). Moreover, regardless of whether the town hall was a public or private event, it is well-settled that an attendee of an organized meeting in a reserved space does not have a First Amendment right to shut down the meeting by heckling. See, e.g., *State v. Hardin*, 498 N.W.2d 677, 678, 681 (Iowa 1993) (finding heckler had no First Amendment right to disrupt assembly where the President of the United States was speaking because the “heckling prevented others attending the rally—including the speaker—from enjoying their own first amendment freedoms”).

Considering these legal principles, the facts uncovered during the investigation show criminal charges against the sheriff would not be appropriate. The KCRCC paid to use the high school auditorium, so the KCRCC, or the sheriff on the KCRCC’s behalf, could permissibly ask a member of the public who was violating KCRCC’s rules to leave the event. The KCRCC invited the public to attend its town hall meeting, but it also required attendees to follow rules of decorum, such as refraining from interrupting speakers and waiting until the question-and-answer period to engage with the legislators. Attendees were expressly told by those who had reserved the meeting space that failure to follow the rules could result in being removed from the meeting.

The sheriff’s contact with Borrenpohl did not constitute a criminal act because he could lawfully make physical contact with Borrenpohl to arrest or remove Borrenpohl from the event for violating Idaho law when she refused to leave the event when asked. By Borrenpohl’s own admission, she spoke out of turn violating the rules set by the KCRCC. This provided a legitimate basis for the sheriff to ask her to leave pursuant to the conditions set by the KCRCC to attend the event. Borrenpohl’s refusal to leave after being asked by the sheriff gave the sheriff probable cause to believe Borrenpohl had committed the crime of trespass. See Idaho Code § 18-7008(2). He could then arrest Borrenpohl or physically remove her from the event. Moreover, Borrenpohl’s further refusal to obey the sheriff’s commands and her passive resistance to her removal also gave the sheriff probable cause to believe Borrenpohl had committed the crime of resisting and

obstructing—a separate offense for which he could permissibly arrest her. See Idaho Code § 18-705; see *State v. Bundy*, 566 P.3d 445, 467-68 (Idaho 2025) (affirming conviction for resisting and obstructing where defendant passively resisted law enforcement removing defendant from a public building).

Borrenpohl refused to follow the sheriff's orders and passively resisted her removal presumably because she believed that the sheriff was acting improperly. Her belief that the sheriff was acting improperly did not transform his actions into a crime. Passive resistance is a defense to a charge of resisting and obstructing when the defendant can show the public officer's actions were unlawful. See *Bundy*, 566 P.3d at 467. The question here, however, is not whether Borrenpohl committed a crime—a question over which our office has no jurisdiction—but whether the sheriff committed a crime. And the sheriff cannot be charged with battery under Idaho law so long as he acted “in good faith and without malice.” I.C. § 18-921.

Borrenpohl suggested two reasons why she believed the sheriff's actions were unlawful: (1) he did not have jurisdiction and (2) his removal of Borrenpohl from the event violated the First Amendment because the event was a public town hall. The state would not be able to use either basis to show the sheriff did not act in good faith or acted with malice.

The sheriff indisputably had law enforcement jurisdiction at the event held in a high school in Kootenai County. As the sheriff of Kootenai County, he has jurisdiction anywhere in the county. See I.C. § 31-2201. In fact, it is the policy of the state of Idaho that the sheriff had the “primary” duty of enforcing the law. See I.C. § 31-2201. Borrenpohl's mistaken belief that the sheriff lacked jurisdiction did not justify her refusal to leave when asked or her passive resistance to the sheriff's attempt to remove her.

Borrenpohl's allegation that the sheriff's actions violated the First Amendment are equally unconvincing as a basis to claim the sheriff did not act in good faith or acted with malice. The video shows Borrenpohl was *not* removed when she made negative comments to or about the legislators as she initially claimed to the media. Borrenpohl's negative comments to the legislators drew the same type of reprimand and warning from the moderator as everyone else's untimely comments during the meeting. The moderator reminded attendees not to speak out of turn and to save their commentary until the question-and-answer session. The moderator gave those warnings when audience members, including Borrenpohl, heckled legislators. He gave those same warnings when an audience member, presumably with a different viewpoint, heckled the hecklers. The sheriff only attempted to remove Borrenpohl when she directly challenged the moderator and it became clear that she was going to continue disrupting the meeting unless the moderator stopped trying to enforce the rules.

At the very least, the sheriff had a good faith basis to believe he could remove Borrenpohl from the event without violating the First Amendment. The First Amendment does not give Borrenpohl, or anyone else, the right to attend an event held by a private entity in the reserved space of a public building and shout down the meeting organizers until they

change the format of the meeting. Borrenpohl's repeated and ongoing attempts to shout down the moderator immediately before the sheriff attempted to remove her from the event were sufficient for the sheriff to ask her to leave pursuant to the rules established by the KCRCC. When Borrenpohl refused the sheriff's request, the sheriff had probable cause and a good faith basis to arrest and remove Borrenpohl from the event.

The sheriff's apparent use of the two alleged security personnel to detain Borrenpohl and remove her from the event does not change the result. Idaho law allows the sheriff to "[c]ommand the aid of as many inhabitants of the county as he may think necessary in the execution" of his duties. I.C. § 31-2202(5). The sheriff had a good faith basis to command the two individuals to assist him in removing Borrenpohl given that she had already refused his orders and resisted his physical attempts to remove her and that he apparently did not have any sworn deputies nearby.

Similarly, the sheriff did not commit the crime of battery against the man who was seated between Borrenpohl and the aisle. The man complied with the sheriff's request to move from his seat but then positioned himself between the sheriff and the alleged security personnel who were detaining Borrenpohl. In fact, the man went so far as to physically resist the sheriff moving him out of the way. The man's conduct gave the sheriff probable cause and a good faith basis to believe the man had resisted, delayed, or obstructed the sheriff, and the sheriff could lawfully detain him. Notably, after the detention, the sheriff concluded that the man's contact with the sheriff was probably unintentional and allowed the man to leave without formal arrest. Based on these facts, the state would be unable to prove that the sheriff acted in bad faith or with malice with respect to the detained man.

In sum, the investigation into the town hall that occurred in Kootenai County on February 22, 2025, did not uncover any evidence that the sheriff acted in bad faith or with malice. Thus, the sheriff cannot be charged with battery under Idaho law.

Finally, as you are aware, our jurisdiction is limited to the sheriff himself. See I.C. § 31-2002(1). Our office does not have jurisdiction over the alleged security personnel, Borrenpohl, or the man who was detained, and we have not been involved in any of the charging decisions as to those individuals.

Sincerely,



Jeff Nye
Deputy Attorney General
Chief, Criminal Law Division

cc: Members of the public who submitted complaints.