

2010 Annual Report

Utah County Attorney's Office

Jeffrey R. Buhman, County Attorney



The employees of the Utah County Attorney's Office protect our community by vigorously prosecuting and investigating crime, compassionately assisting crime victims, and by providing the highest quality legal representation to Utah County Government.

Welcome

The Utah County Attorney's Office is a publically funded agency with a mission to protect both its citizenry and the integrity of its governmental institutions. Accordingly, I feel that we have a duty to be as transparent and open as possible, while giving due regard for the very sensitive nature of some of our activities. The purpose of this report is to fulfill—at least in part—that duty of transparency and openness. In the following pages is an explanation of the organization and duties of the Utah County Attorney's Office, a description of how we fulfill those duties, a few highlights of some our accomplishments in 2010, and an accounting of what we have done with the resources provided to us.

This is our first full annual report (we have done abbreviated reports each year I have been in office) and we hope to continue this practice. If you have any comments about this report, I would appreciate an email to ucadm.utahcnty@state.ut.us or a phone call to (801)851-8026.

Jeffrey R. Buhman

Utah County Attorney

Office Objectives

- Make Utah County safer
- Change lives for the better—victims, defendants, their families and friends
- Protect Utah County Government
- Facilitate efficient governmental operations
- Protect police and government integrity
- Serve in a manner that instills public and private confidence in our professionalism and high ethical standards

About Utah County

Utah County is located 44 miles south of Salt Lake City, Utah. The name "Utah" comes from the Native American Ute tribe and means "people of the mountains," which is appropriate for the County as it is bounded by the Wasatch Range to the east and the Oquirrh and Tintic Mountains to the West. The major cities form a 40 mile chain north to south, aligning with Interstate 15. Utah Lake lies in the center of the county and it is the State's largest body of fresh water encompassing over 132 square miles. The county is 2,143 square miles, 2.45% of the State's land area, 16th largest county in area in the state. The average elevation is between 4300-4700 feet above sea level. Utah County is the 2nd most populous county in the state, with an estimated population of over 530,000 people. The county seat is the city of Provo.

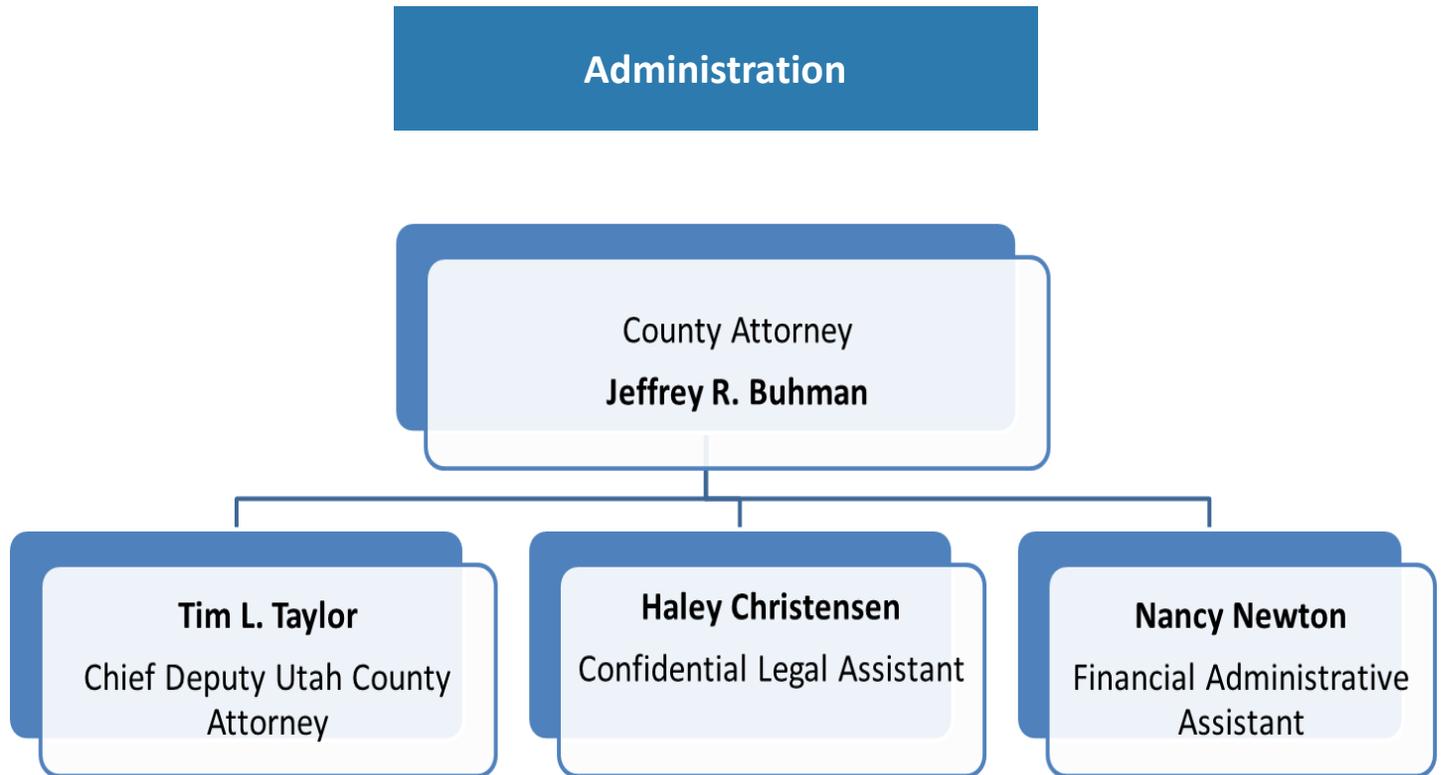
For many years, Geneva Steel, built during World War II to provide steel for the war effort, was one of the county's few major employers outside of agriculture, government and schools. But starting in the 1980s the valley has become one of the entrepreneurial hot spots of the nation and, in particular, has become a center for high-tech, computer-related companies. Utah County now boasts over 10,575 businesses, a young, healthy, well-educated population, a very low crime rate and a solid economy.



ORGANIZATION

The County Attorney's Office is led by the elected County Attorney, Jeffrey R. Buhman. The County Attorney's Chief Deputy is Timothy L. Taylor. The Chief Deputy acts as the County Attorney in the elected County Attorney's absence.

The office is organized into an administrative element, Administration, and three divisions, Criminal, Civil and the Bureau of Investigations. Administration is responsible for the management of the office, including its financial (i.e. budget, payroll, travel, purchasing) and administrative needs. Administration consists of the County Attorney, Chief Deputy, an executive/legal assistant and a financial assistant.



The Criminal Division is responsible for the prosecution or adjudication of crimes that occur in Utah County. The Criminal Division consists of the Chief Deputy and five trial teams. The Chief Deputy oversees the operations and personnel of the Criminal Division and reports to the County Attorney. Trial teams prosecute criminal cases in the Utah County Justice Court, in the district and appellate courts, and prosecute criminal or delinquency matters in the juvenile courts. Trial teams also act as liaisons and provide advice on criminal matters to Utah County law enforcement agencies. A trial team consists of a Supervising Attorney (the Chief Deputy also manages one trial team), prosecutors, legal assistants and may include a paralegal and victim/witness coordinator(s). Supervising Attorneys oversee the operations and personnel of a trial team and report to the Chief Deputy.

- Prosecute for the state in the juvenile court of the county in any proceeding involving delinquency. UCA 17-18-1
- Prosecute before the court any person charged with abuse, neglect, or contributing to the delinquency or dependency of a juvenile. UCA 17-18-1
- Call attention to any defect in the operation of the laws and suggest amendments to correct the defect. UCA 17-18-1

Stated differently, The Criminal Division has the following duties:

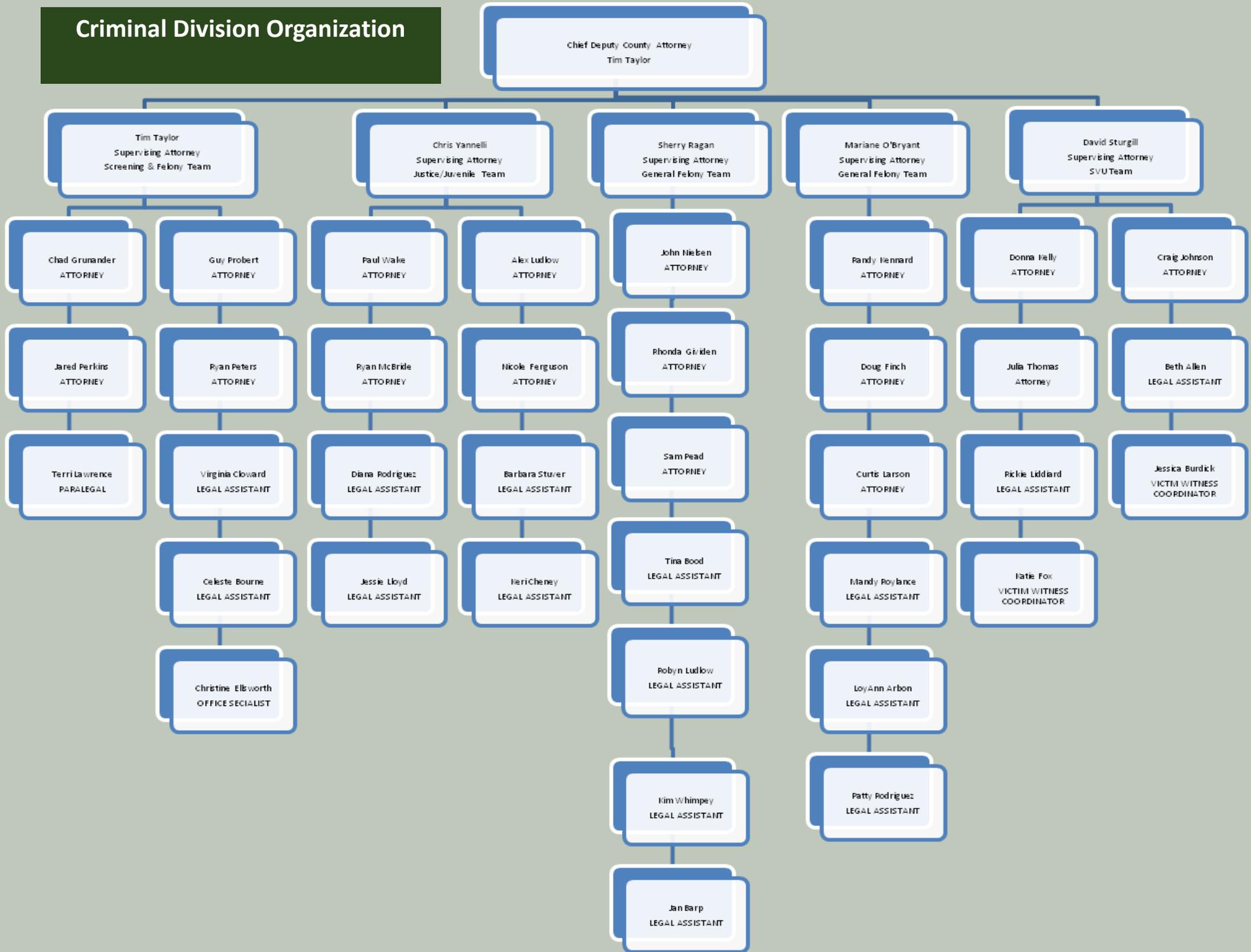
1. Prosecute all felony level crimes that occur in Utah County.
2. Prosecute all misdemeanor crimes that occur within Utah County - but outside the boundaries of any incorporated city.
3. Prosecute all juvenile crimes that occur in Utah County, excepting minor traffic offenses.
4. Provide victim assistance services for cases prosecuted by the office.
5. Advise and assist all Utah County police agencies in their criminal investigations.

The Criminal Division

Statutorily, the County Attorney derives his prosecution authority as follows:

- Prosecute on behalf of the state all public offenses committed within the county, except for prosecutions undertaken by city attorneys. UCA 17-18-1

Criminal Division Organization



The Civil Division provides legal advice and representation to Utah County officials and departments. The Civil Division consists of the Civil Division Chief, Kent Sundberg, attorneys and legal assistants. The Civil Division Chief oversees the operations and personnel of the Civil Division, acts as the County Attorney in the Absence of the County Attorney and Chief Deputy, and reports to the County Attorney.

Stated differently, the Civil Division has the following duties:

1. Provide legal advice and representation to Utah County Government officials and departments.
2. Handle all claims filed against Utah County Government. For matters referred to our insurance carrier, manage the litigation of claims litigated by the insurance carrier's legal counsel.
3. Handle all collection matters for Utah County Government.

The Civil Division

Statutorily, the County Attorney derives his civil legal representation duties as follows:

- Legal adviser of the county. UCA 17-18-2
- Give opinions in writing to county, district, and precinct officers on matters relating to the duties of their respective offices. UCA 17-18-1
- Defend all actions brought against the county. UCA 17-18-1
- Prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the county. UCA 17-18-1
- Appear and prosecute in all civil cases in which the state may be interested. UCA 17-18-1

Civil Division Organization

Kent Sundberg
 Civil Division Chief
 Administration
 Attorney
 Commission
 Claims against County
 Bonds/Tax Anticipation Notes
 Wasatch Mental Health Services SSD
 County Insurance Coordinator
 County Risk Manager
 Benefits Committee
 UCIP Board of Trustees
 UCIP Lit Management Committee
 Provo City/Utah Co. Ice Sheet Authority

Kent Willis
 ATTORNEY
 Clerk/Auditor
 Recorder/Surveyor
 Treasurer
 May Tax Sale
 Bankruptcies
 Public Works
 Community Development
 Sanity Hearings
 Information Systems
 Career Service Council
 Justice Court
 Wasatch Mental Health Services
 Building issues
 Agriculture Inspection

Cort Griffin
 ATTORNEY
 Sheriff
 GRAMA - Sheriff's Office Matters
 Public Works
 Utah County Convention Center
 Utah County Fair
 Claims
 Commission Meetings
 Planning Commission
 Sanity Hearings

David Shawcroft
 ATTORNEY
 Assessor
 Board of Equalization
 Community Development
 Planning Commission
 Property Tax Officer
 Utah County Convention Center
 Cabela's Lehi Condominium Assoc.
 Accident Review Board - Appeals
 Claims
 Commission Meetings
 Wasatch Mental Health Services
 Zoning Enforcement Cases

Rob Moore
 ATTORNEY
 Personnel
 Public Works - Eminent Domain
 Board of Adjustment
 Incorporation of Municipalities
 Annexations/Disconnections
 Provo City/Utah County Ice Authority
 RS 2477 Roads Lawsuits
 Wasatch Mental Health Services
 Zoning Enforcement Cases
 Collections

Dianne Orcutt
 ATTORNEY
 GRAMA Officer
 Health Department
 Substance Abuse Division
 Children's Justice Center
 Public Defender
 Electronic Stored Information - Coordinator
 Utah Valley Visitor's Bureau
 Soldier Summit SSD
 White Hills SSD
 Wasatch Mental Health Services SSD
 Zoning Enforcement Cases
 Senior Services
 Parking Ordinance Hearing Examiner

Karen Fairbanks
 LEGAL ASSISTANT

Terri Eisel
 LEGAL ASSISTANT

Aileen Conder
 LEGAL ASSISTANT

The Bureau of Investigations investigates crimes pursuant to the guidelines and priorities of the County Attorney. The Bureau consists of the Bureau Chief, Jeff Robinson, sworn investigator-sergeants, a paralegal and a legal assistant. The Bureau Chief oversees the operations and personnel of the Bureau and reports to the County Attorney.

The County Attorney derives his investigative duties and authority both from statutes and from national prosecution standards:

Bureau of Investigations

- Investigate Utah County deaths and determine if the decedent died by unlawful means and whether criminal prosecution should be instituted. UCA 26-4-6 and 26-4-7
- Investigate city/county officers and justice court judges for high crimes and misdemeanors or malfeasance in office. UCA 77-6-2, 77-6-3, 77-22-2. “[T]he prosecutor may need to conduct investigations that the police are unable or unwilling to undertake, such as investigations of public officials, including the police themselves.” ABA Standards for Criminal Justice, Standard 3-2.4 Commentary, p. 29
- Investigate pyramid schemes. UCA 76-6a-4
- Investigate cases referred from grand juries. UCA 77-10a-2
- Assist in fire investigations. UCA 53-7-211
- Investigate criminal violations by financial institutions. UCA 7-1-319
- Conduct investigations into criminal conspiracies/activities (joint authority with police). UCA 77-22-2
- Investigate state judges for criminal misconduct (joint authority with police). UCA 78a-11-106
- Investigate crime when not adequately dealt with by other agencies (this includes providing assistance to prosecutors in the investigation of active and closed cases): National Prosecution Standard 3-3.1 Investigative

Function of Prosecutor.

Unlike the Civil and Criminal Divisions, the Bureau does not have sufficient resources to do all it is called upon to accomplish. Accordingly and out of necessity, the County Attorney limits and prioritizes the cases the Bureau works. The County Attorney’s priorities governing the Bureau’s use of resources when receiving and investigating the above cases are:

First, sensitive investigations, including officer involved incidents (these are normally incidents where an officer has discharged a weapon at another person), internal investigations on behalf of police agencies and investigations involving public offices and officials.

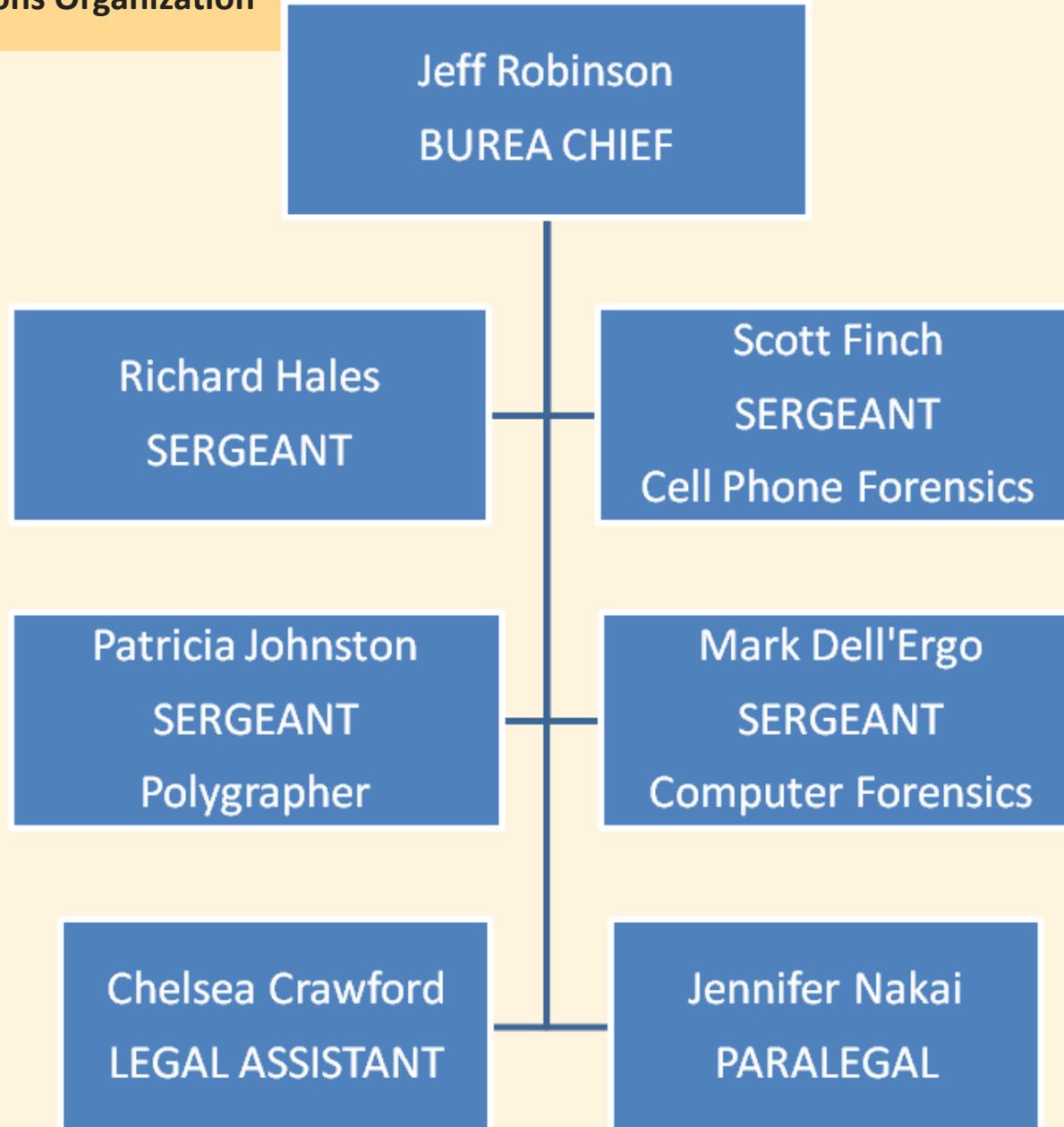
Second, investigations needed to support criminal cases prosecuted by the County Attorney’s Office.

Third, fraud investigations, including those where the Bureau is assisting another police agency conduct a fraud investigation.

And fourth, the Bureau conducts some investigations that are not criminal in nature when those investigations further the mission of the Office. Normally these are internal investigations for Utah County Government.

Additionally, within these priorities, and recognizing that city and county police agencies have the primary duty to investigate crimes occurring within their jurisdictions, the County Attorney has established guidelines (available on our web site) to control the number and type of cases the Bureau investigates.

Bureau of Investigations Organization



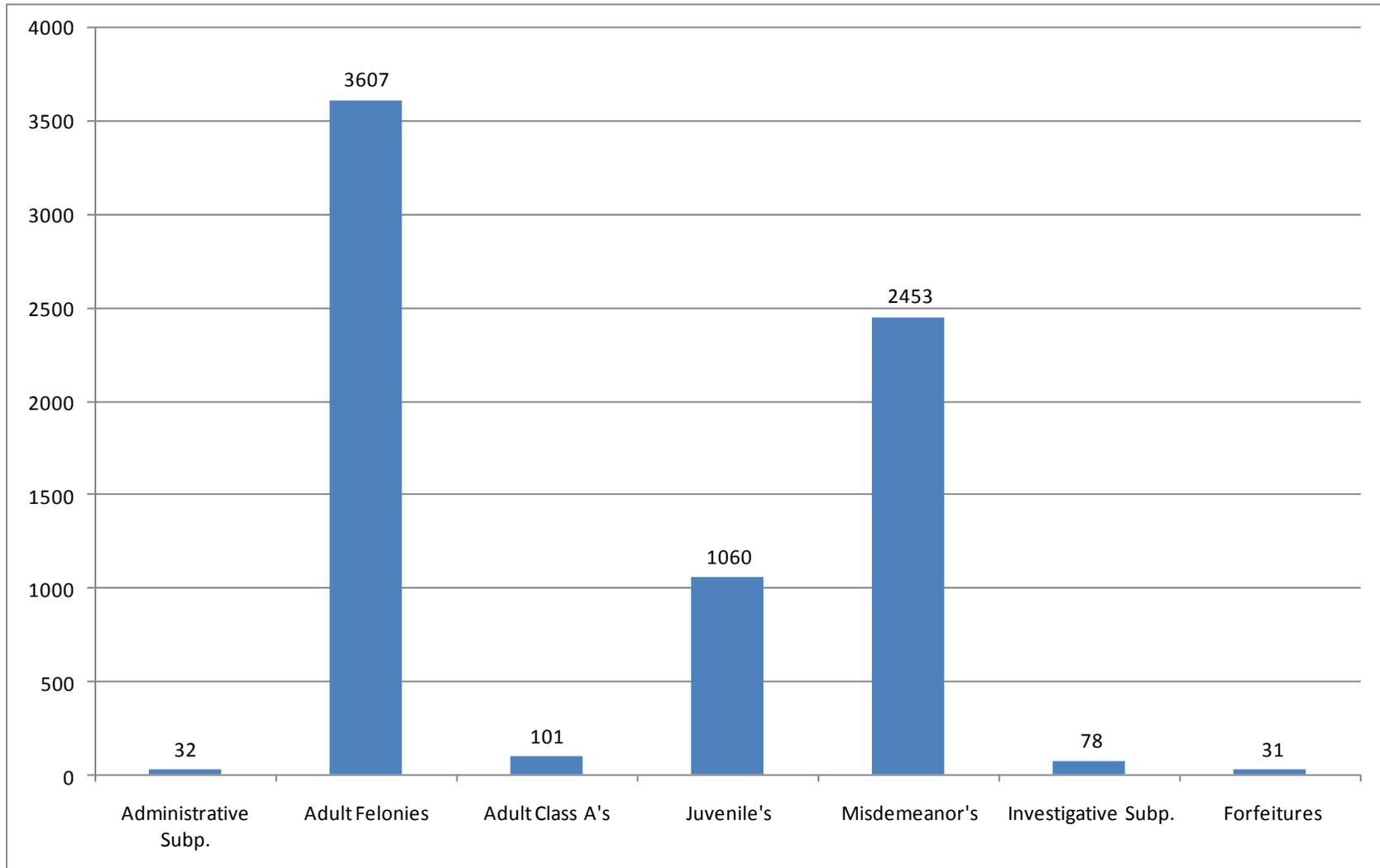
2010 Major Accomplishments

In 2010 the Utah County Attorney's Office had numerous successes, more than we can include in this report. You should note that many details into our successes in crime prosecution and investigation cannot be included in this report in order to protect the integrity of our investigations (some of which are ongoing) and the privacy of victims.

Probably one of our biggest successes is that, despite budget cuts, we were able to stay within our budget and maintain the high quality of legal representation expected of our office.

The Criminal Division

In 2010 the County Attorney's Office prosecuted 7362 total cases. This included 3607 felony cases, 1060 juvenile cases, 2453 cases in the Utah County Justice Court and 101 adult class A misdemeanors. These cases break down as follows:



Homicides

In 2010 we completed the following homicide cases:

State v. Cameron Nielsen:

Jason Nielsen was born a perfectly healthy, happy boy in early April, 2008. At three weeks old, his mother took him to Primary Children's Medical Center because he would not stop crying.



Jason's grandmother noticed a change in his behavior and appearance around this time -- he seemed "fussier" than he had been before, and she noticed some bruising on Jason's head. Another three weeks later, on Mother's Day, his grandmother saw Jason was "limp" and nonresponsive. She urged his mother to take him back up to Primary Children's. His father, Cameron Nielsen, had been out of work and sulking, and when the grandmother asked Cameron what he had done to the baby, he said nothing -- he just "smirked" at her.

Once at Primary Children's, doctors determined that Jason had suffered multiple blunt force trauma injuries to the head (at least three) and had multiple bone fractures in various stages of healing, and a liver abrasion. When police con-

fronted Cameron, he initially claimed that Jason had fallen from a blanket, but eventually admitted to twice throwing Jason in his crib, causing Jason's head to crash into the side railing each time.

The State placed Jason in medical foster care, where he remained in a basically vegetative state until dying in October, 2008 from a stroke brought on by his global brain trauma caused by the injuries his father inflicted on him.

The State charged Mr. Nielsen with aggravated murder. In May of 2010 he pled guilty as charged and in May was sentenced to 20 years to life in prison with the possibility of parole.

State v. Colton Louder:

On February 27, 2009, Colton Louder shot and killed his uncle, Jeffrey Ackerman, with a handgun. Mr. Louder was suffering paranoid psychosis induced by a two- to three-day methamphetamine binge when he



walked from American Fork to his grandparents' home in Pleasant Grove. Mr. Ackerman was at the home loading an all-terrain vehicle into the bed of his truck and was under the influence of methamphetamine also. For unknown reasons, Mr. Ackerman shouted at and threatened Mr. Louder and then chased him immediately upon Mr. Louder's arrival to the backyard of the home. Although Mr. Ackerman was unarmed, Mr. Louder later claimed that he was afraid. After being chased for a little over a city block, Mr. Louder turned and fired his handgun at Mr. Ackerman five times from about 25-35 feet away. All five bullets struck Mr. Ackerman, four in his torso and one in his arm. Resuscitation efforts by police and emergency medical personnel failed and Mr. Ackerman was pronounced dead shortly after arriving at the American Fork Hospital.

The State charged Mr. Louder with Murder, a first degree felony. Mr. Louder pled guilty to the amended charge of Manslaughter (Use of a Dangerous Weapon on or About School Premises), a first degree felony, on October 6, 2009. He was sentenced to prison for five years to life on November 17, 2009.

State v. Eryk Drej:

On the evening of June 1, 2005, in the backyard of their home in American Fork, the defendant, Eryk Drej, shot and killed his younger brother, Lukasz, with a 9mm handgun 12-13 times. The defendant shot Lukasz 12-13 times, then dragged him out of his truck where he had been sitting, down their outside cement basement stairs, took a shotgun and butt stroked him twice in the head, and then left his brother for dead at the bottom of those stairs.



When American Fork police officers arrived they found the defendant walking on the driveway toward the street with a loaded shotgun slung over his shoulder and the 9mm handgun in his waistband, still loaded. After the officers tackled and arrested the defendant, they found that he was going across the street with his guns to possibly kill someone else. They also found Lukasz deceased at the bottom of the outside basement stairs.

After an extensive investigation and evaluations at the State Hospital, the court found that the defendant was mentally ill and not competent to proceed to trial. The defendant spent many months undergoing treatment at the State Hos-

pital, and spent many more months at the Utah County Jail awaiting results from the Utah Supreme Court of his unsuccessful pre-trial appeal of a section of the Utah Code regarding mentally ill persons charged with murder.

In 2010, with the agreement of the victim's family and the police officers, the defendant pleaded guilty to murder but was permitted to serve a reduced prison term of up to 15 years. However, he did not receive credit for the five years he had already spent in custody.

State v. Aguirre-Ramirez:

On January 4, 2010, Mr. Ramirez and his wife, the victim, were fighting in their home in Orem. During the fight, the victim was stabbed in the chest and the knife blade entered her heart. Mr. Ramirez was also stabbed and received over 20 stab wounds which he claimed were caused by the victim, but witnesses claimed that at least some of those stab wounds were self-inflicted.



When Orem City police officers arrived they found both Mr. Ramirez and the victim in their bedroom. Mr. Ramirez was unconscious and laying on the floor. The victim was laying on the bed and

spoke with officers. The victim first told officers that the landlord stabbed her but later changed her story to two unknown males who she claimed entered the house and made Mr. Ramirez stab her. The victim was taken to Utah Valley Regional for emergency treatment but she died on the operating table.

Orem police officers conducted an extensive investigation into the couples' relationship and determined the Mr. Ramirez and his wife had a mutually volatile marriage. They also found that even after Mr. Ramirez and the victim had stabbed each other, they left their bedroom while covered in blood and spoke civilly with each other in the presence of a witness.

In January of 2010, the State charged Mr. Ramirez with Murder and three other felony charges. In August the defendant pleaded guilty to Manslaughter and to two other felony charges. On November 17, 2010 Judge Laycock sentenced the defendant to 1-15 years in the state prison, as well as two 0-5 year terms also at the state prison. Because Mr. Ramirez has been previously convicted of a felony drug offense and deported to Mexico, we anticipate he will be prosecuted by the federal government for aggravated reentry and, after release from state prison, sent to federal prison for up to an additional seven years, and will then be deported again to Mexico.

Persona Non Grata List

To further its goal of protecting Utah County, the County Attorney's Office pays particular attention to persons who singlehandedly endeavor to increase the County's crime rate. Our "PNG" list, begun in 2007, is populated by persons who are not only repeat offenders, but the criminal justice system has never been able to get their attention, and (a) they are repeat, repeat offenders, or (b) their current crime spree is particularly egregious. In

other words, the PNG List is for persons who should have already gone to prison, but keep getting off of their charges or getting sentences that are too light with regard to their criminal history.

Recognizing that our duty is not merely to obtain convictions--but to "do justice," we are careful to only place someone on our PNG list who has earned that distinction through a long track record of breaking the

law. Once we place someone on our PNG list we severely limit their cases' plea bargaining and the assigned prosecutor puts their cases right onto a trial track.

In 2010 the following from our PNG list were prosecuted and convicted:



Ira Jay Walker

Mr. Walker has been arrested 25 times, from May 1996 to November 2010.

In June of 2010 Ira was sentenced to serve an indeterminate term of 6 1/2 years federal prison and 30 years in the Utah State Prison, which will run concurrent.



Gary Lynn Groves

Mr. Groves has been arrested 16 times from 2002 to 2010

In March 2010 Gary was sentenced to an indeterminate term of 1-15 years in the Utah State Prison, on multiple felony cases.



Bradlee D Kalkbrenner

Mr Kalkbrenner has been arrested 15 times, from September 2003 to January 2010.

In January 2010 Bradlee was sentenced to an indeterminate term of 2x 0-5 year terms for multiple felony cases.

Forfeitures



Asset forfeitures are used by the County Attorney's Office to enhance public safety and security by removing the proceeds of crime and other assets relied upon by criminals and their associates to perpetuate their criminal activity. Asset forfeiture has the power to disrupt or dismantle criminal organizations that would continue to function if we only convicted and incarcerated specific individuals.

The County Attorney's Office exercises great care to ensure the property rights of innocent parties are not violated, but is also aggressive in its pursuit of the "instrumentalities and proceeds of criminal conduct." Once forfeited, assets are not given to the police agency initiating the forfeiture; rather,

the assets are deposited with the Utah Commission on Criminal and Juvenile Justice (other than approximately 20% which goes toward legal fees).

In 2010, the County Attorney's Office assisted police agencies in the forfeiture of

over \$33,000 in value of cash and other property. This amount is in addition to forfeitures by the federal government from Utah County law enforcement cases.



Criminal Justice Symposium

In 2010, Utah County Attorney Jeff Buhman and Utah County Commissioner Gary Anderson had a series of discussions about the criminal justice system in Utah County. They recognized the need to proactively conduct long-range planning for the criminal justice system in Utah County and to bring critical analysis and creative thinking into restructuring our system for improved efficiencies and effectiveness.

They also recognized that County government has the duty to efficiently use the resources provided to it by our tax paying citizens. A significant proportion of county government general fund tax dollars—approximately 80%—is historically allocated toward the criminal justice system. However, over the past few years, as tax revenues decreased, county government made necessary budget cuts to departments and programs operating in the criminal justice system, and did not implement programs it previously identified as beneficial to the criminal justice system and economical of tax dollars.

They were hopeful that the current recession would abate within the next year or two, but rather than allocating any additional revenues to areas where cuts were previously made or to

programs previously identified, they thought they had a relatively unique opportunity to comprehensively examine the criminal justice system in Utah County and, using evidence based research and the expertise of our partners in the criminal justice system, to prioritize the allocation of future resources toward programs and initiatives that would be most effective in lowering crime and recidivism.

Accordingly, they sponsored a “Criminal Justice Symposium” with the intent of identifying where procedural improvements to the system might be made and what types of programs the County should explore further. For the first symposium, they decided to tackle the adult criminal justice system—leaving the juvenile system for another day. They did this because the vast majority of state and county resources are put into the adult (rather than juvenile) system.

In October of 2010, participants from the Utah



The Springville museum of art was the location of the 2010 Symposium.

County Attorney’s Office, the Utah County Commission, the Utah County Public Defender, the Utah County Department of Substance Abuse, the Utah County Sheriff, the Utah Department of Corrections, the Fourth Judicial District Court, the Utah Sentencing Commission, Wasatch Mental Health, and the BYU Department of Sociology met at the Springville Museum of Art to:

1. Train Symposium attendees about the state of crime in Utah County and what current research indicates about lowering adult crime and recidivism. This training was conducted by Professor Stephen Bahr, an expert in criminology from BYU.
2. Bring critical analysis and creative thinking into restructuring the Utah County adult criminal system for improved efficiencies and effectiveness.
3. Using evidence based research and the expertise of symposium attendees, prioritize the allocation of future Utah County resources.

The participants agreed that their goals were to:

1. Identify programs and initiatives most effective (including cost effectiveness) in lowering adult crime and recidivism.
2. Identify procedural improvements to the adult criminal justice process.
3. Make assignments for development of programs, initiatives and improvements identified in the Symposium.

The Symposium participants identified four improvements or programs they believed most beneficial and cost effective to further develop:

1. Improve the integration of mental health and substance abuse services with incarcerated inmates at the Jail and with offenders on felony probation.
2. Establish a pretrial services program.
3. Provide for seamless coordination or hand-off from the Jail to AP&P, private probation providers, mental health services and substance abuse services.
4. Shorten length of time from arrest/

summons to disposition.

The Symposium participants took assignments to start the development process of the above programs. Their intent is to make some improvements within currently available resources, and to develop the “shell” of programs that will allow them to “plug and play” the program when funding becomes available.



The Civil Division

The Civil Division of the County Attorney's Office provides legal services not only to traditional County departments, but also to entities created by and functioning for County government.



In 2010 the Civil Division facilitated the County's issuance of \$19 million in Recovery Zone Economic Development Bonds for construction of the County Convention Center and \$24 million in Recovery Zone Facility Bonds for three private entities for facilities construction.



We also, with County Community Development, rewrote the County's Land Use Ordinance.

We received 100% score on the Utah Counties Insurance Pool's "2010 Best Practices" risk management program, giving the County the maximum insurance premium discount.



We completed multiple agreements with the BLM, the Provo River Water Users and eight other parties for the development of a public trail system in conjunction with the enclosure of the Murdock Canal.

Bureau of Investigations

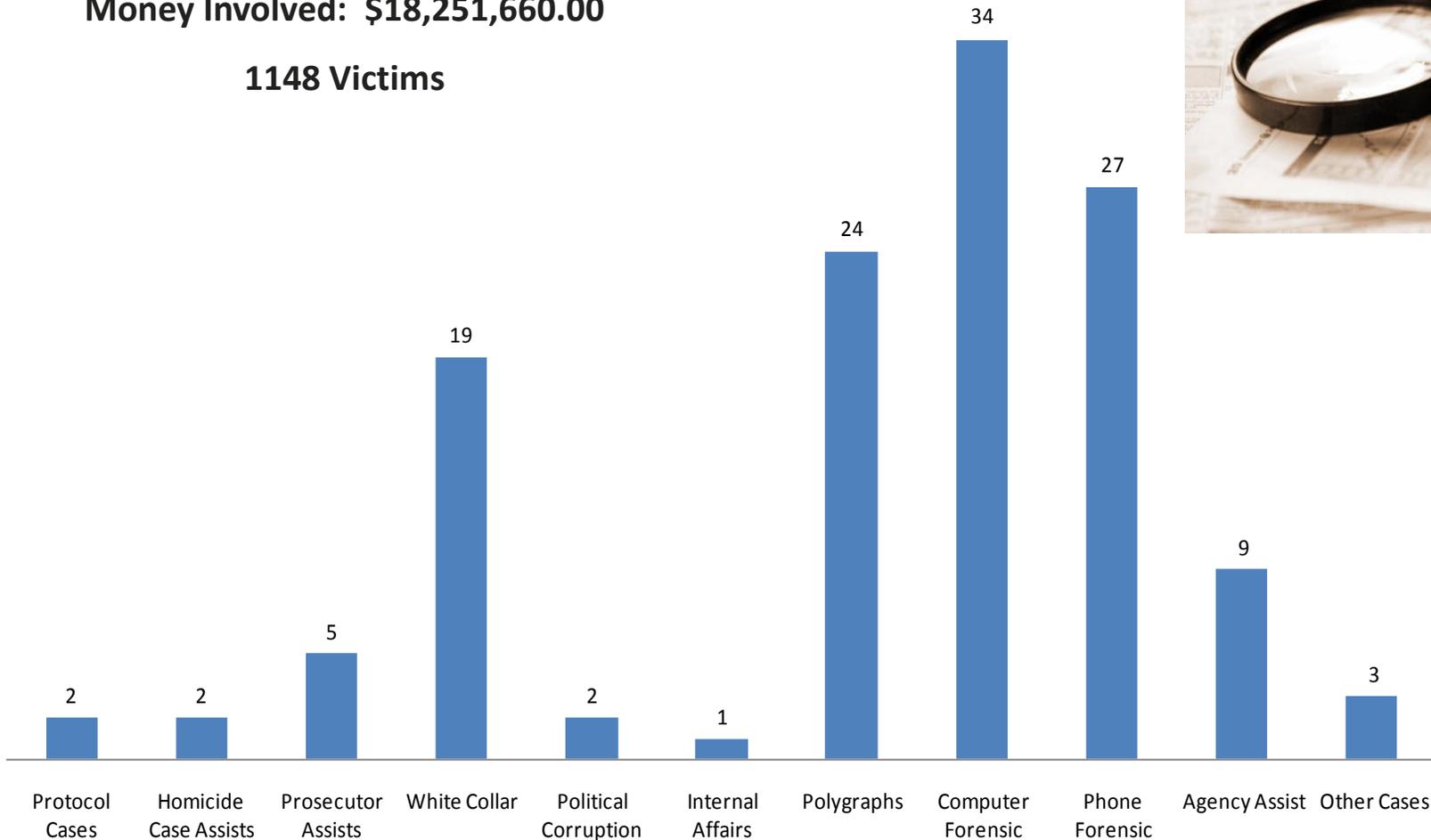
In addition to the many crimes the Bureau investigated, it was able to purchase hardware to enable an investigator to conduct forensic examinations of cell phones, and that investigator also obtained training and certification to conduct those examinations.



128 Total Cases

Money Involved: \$18,251,660.00

1148 Victims



2010 Financial Highlights

The Utah County Attorney's Office is funded through the general fund of the Utah County budget, as well as some state and federal grant monies

Fiscal Year 2010 Budget . . . \$6,078.994



Comparison of Counties

The budget office covers salaries and operating expenses. Our budget provides for 29 attorneys, five investigators, three victim advocates, and 24 support staff. In comparison to other counties in Utah of relative size, we run a very efficient office.

County	Population	Total Attorneys	Budget	Population Served Per Attorney	Amount Spent Per Resident
Salt Lake	1,029,655	101	\$23,328,000	10,195	\$22.65
Washington	138,115	11.5	\$2,093,000	12,010	\$15.15
Davis	306,479	15	\$3,741,819	20,432	\$12.20
Utah	516,564	29	\$6,175,522	17,813	\$11.95
Weber	231,236	10.5	\$2,630,647	22,022	\$11.38

* Budget Information sources through respective county offices; population figures are from US Census Bureau estimates for 2010.

Grant Funding

Grant funding comes from a variety of sources to support the activities of Utah County Attorney's Office.

- VOCA (Victims of Crime Act) is a federally funded and state administered program which funds the salaries and activities for two part-time victim advocates to handle cases with victims of personal and property crime.
- VAWA (Violence Against Women Act) funds a part-time prosecutor to prosecute acts such as sexual assault, rape, stalking, protective order violations, child sexual and physical abuse, and domestic assault.
- JAG: The Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program (Byrne Formula Grant Program) is a partnership among federal, state, and local governments to create safer communities. BJA is authorized to award grants to states for use by states and units of local government to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Grants may be used to provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate such state and local laws.
- COVERDELL: The Paul Coverdell Forensic Science Improvement Grants Program (the Coverdell Program) awards grants to States and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Among other things, we have received funds to eliminate a backlog in the analysis of electronic forensic evidence and to train and employ forensic laboratory personnel.

Crime Prevention

Public safety is our top priority in the Utah County Attorney's Office. Unlike in times past, we recognize that we cannot enhance public safety simply by prosecuting crimes and sending offenders to jail or prison. We increase public safety, within available resources, with innovative crime prevention programs.

Programs for Adults

Probation Reform

In 2009, the Sentencing Reform Committee of the Board of Utah District Court Judges held a conference to discuss ways to improve sentencing and probation supervision practices in Utah courts. After that conference, stakeholders in the Fourth District met and formed a subcommittee of the Sentencing Reform Committee in order to discuss improvements it could implement in the Fourth District.

Over many months of research, discussion and planning, the subcommittee decided to first look at making improvements to the felony probation process and it developed project goals and outcome measures, identified problems and weaknesses to the current probation sanction process, identified evidence based solutions and improvements to the probation sanction process, developed a probation violation sanction matrix, and developed a probation compliance reward matrix.

Beginning March of 2010, Adult Probation and Parole began implementing the new probation process developed by the subcommittee. Spe-

cifically, AP&P began using a Sanctions Matrix and a Rewards Matrix in its supervision of offenders in Utah, County. Practically, this means that AP&P imposes sanctions swiftly, fairly and the sanctions are certain, and that probationers will not be referred to the court until AP&P is unable to effectively supervise them or they have committed a new criminal offense. It also means that AP&P and the court will use rewards to recognize and motivate probationers who are complying with probation.

We anticipate that these reforms will result in fewer hearings in court, fewer probationers in jail and shorter jail terms. We also anticipate that AP&P will be empowered to hold probationers more strictly to the terms and conditions of probation and will have a greater number of “tools” to work more effectively with probationers. Ultimately, we believe these reforms will result in a greater number of

probationers successfully completing probation, remaining crime free and becoming productive members of our community.

The initial data indicates that these reforms seem to be successful, though we will not know for certain until a thorough study is conducted by the Department of Corrections sometime in 2011.



Mental Health Court

Mental Health Courts are a recent innovation in the integration of mental health and criminal justice services and are based on the model of therapeutic justice exemplified by the drug courts. The Council of State Government's Criminal Justice/ Mental Health Consensus Project XII (June 2002), found that "people with mental illness are falling through the cracks of this country's social safety net and are landing in the criminal justice system at an alarming rate." Often, these individuals are overlooked, "turned away or intimidated by the mental health system" and "end up disconnected from community supports." Id. This disconnection leads to increased recidivism and eventual criminalization of individuals with mental illnesses. In fact, one report found that over one-quarter of the inmates with mental illnesses in local jails were incarcerated for mi-

nor offenses. Bureau of Justice Statistics, US Dept. of Justice, Pub., No. N U 174463, Mental Health Treatment of Inmates and Probationers 1 (July 1999).

Consequently, a disproportionate number of individuals with mental illnesses are incarcer-

ated for minor offenses, contributing to the overcrowding of county jails. Based on available data, the outcomes of these incarcerations and associated costs have been the opposite of what was intended; rather than leading to

remediation, the data shows that incarceration of mentally ill individuals increases recidivism and criminal acting out.

Mental Health Courts address this issue by integrating the criminal justice and mental health world, requiring collaboration and consideration from both sides for the benefit of all involved. Based on the premise that these individuals act out criminally secondary to their

mental illness, mental health courts embrace a "therapeutic justice" stance geared toward enforcing mental health treatment and medication compliance.

Extrapolation of national data suggests that of the more than 13,000 bookings annually in Utah County, about 1,000 individuals booked suffer from a mental illness. Thus, at any given time, about 88 inmates in the Utah

County jail would have a mental illness and approximately half of those would report at least one admission to a hospital for psychiatric reasons.



Wasatch Mental Health
Embracing Wellness



In Utah County, Wasatch Mental Health (our county community health center), in collaboration with the Fourth District Court, the Utah County Attorney's Office, city prosecutors, and the defense bar launched a Mental Health Court in early 2004. The Mental Health Court focuses on the following goals:

1. Divert participants from the Criminal Justice System

2. Keep the community safe (through decreased recidivism)
3. Avoid the revolving door at inpatient facilities and jails
4. Enhance the participants' quality of life
5. Use limited available funds in the most effective way
6. Increase treatment compliance with difficult to treat clients

Admission into the Mental Health Court Program is a two-step process. First, the individual's mental health status and the charged offenses are reviewed by the prosecutor's office to insure appropriate candidates are referred. The second step occurs when a referred individual is screened by a therapist at Wasatch Mental Health.

If accepted into the program, the individual is assigned a case manager, and a therapist and medical doctor as appropriate. Participants are then monitored on a weekly basis by both Wasatch Mental Health and the Court to help ensure compliance with the treatment plan that has been developed for each individual. A typical treatment program is designed to be completed within one year, but may be adjusted

based upon the individual's responsiveness to their treatment and therapy.

After more than six years of operation, the Mental Health Court has been a huge success. 90% of the participants successfully complete and graduate from the program. The number of jail days saved (as compared to a similar population not in Mental Health Court) accounts for a cost reduction of more than \$600.00 per client per year, saving the Utah County Jail (and our tax dollars) approximately \$62,000 per year in jail bed days. Additionally, a recent study indicates that the likelihood of mental health court graduates recidivating was approximately 22% lower than mentally ill persons who received treatment alone, and their likelihood to commit a violent offense was approximately 50% lower.

Dale E. McNiel and Renée L. Binder, Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence, *Am J Psychiatry* 164:1395-1403, September 2007.



Felony Drug Court

Drug courts offer an alternative to incarceration, which, by itself, has not been effective in breaking the cycle of drugs and crime. Treatment has been shown to work—if substance abusers stick with it; however, between 80 and 90 percent of conventional drug treatment clients drop out before 12 months of treatment, the period generally found to be the minimum effective duration. Drug Courts provide a structure that links supervision and treatment, and exert legal pressure on defendants to enter and remain in treatment long enough to realize benefits.

More than two-thirds of participants who begin treatment through a drug court complete it in a year or more—a sixfold increase in retention compared with programs outside the justice system. According to the National Institute of Drug Abuse, involuntary treatment can be effective. Of the thousands of offenders who have participated in Drug Courts throughout the country since 1989, it is fair to say that most would not have entered treatment by choice. Drug courts have coerced an impressive number of substance involved offenders—many of whom have concurring mental, emotional, and physical health problems— to re-

ceive treatment, counseling, and other services that they need if they are to lead productive and law abiding lives.

In Utah County, the Felony Drug Court program has been operating since 1998, and serves about 72 clients at any given time. For some clients, Drug Court is operated on a plea in abeyance model where clients plead guilty to a drug related felony charge or probation violation, and their plea is held in abeyance until they complete the program and graduate. If they do not complete the program, they are convicted and sentenced. For other clients, usually those who have an extensive criminal history, Drug Court is operated on post-conviction model, where clients do not enter Drug Court until after a guilty plea and Drug Court is part of the sentence—the “last chance” before prison.

Admission criteria to Drug Court are: an offender must (a) have a drug related felony charge or be on felony probation for a drug related charge, (b) be a Utah County resident, (c) have no history of violent offenses, (d) have no more than \$1000.00 owing in restitution and must pay off restitution during drug court, (e) have no charges relating to drug distribution,

and (f) have not been to prison previously. Also, if there is a crime victim, the victim must be in agreement with the offender entering into drug court. The program is designed to be 12 months in length; however, some clients have taken up to 18 months to graduate.

Graduation criteria include completion of treatment and no positive drug tests during the final six months of participation in the program. The program encourages and assists participants to obtain employment and schooling, improve their day-to-day choices of friends and living circumstances, and to become productive members of our community. The incentive for some participants is that upon successful completion of Drug Court their felony charge does not appear on their record. For participants already on probation, the incentive for successful completion of Drug Court is they avoid a prison sentence.

Participants must pay Drug Court fees which include the costs of regular, random drug testing, but most funding for Drug Court comes from federal, state, and county funds, and a drug court grant provided by the Utah State Department of Human Services, Division of Substance Abuse and Mental Health.



SAILR

In 2009, after state funding cuts eliminated our first offender felony drug court, in conjunction with Adult Probation and Parole, we established the STOP Program (Supervised Treatment On Probation), a program mimicking drug court for first time felony drug offenders—but without direct state funding and at no additional expense to the County. In 2010, after some organizational changes at Adult Probation and Parole, we made substantial changes to the STOP Program and created a new program

called SAILR (Substance Abuse Intervention Low Risk). Similar to the STOP Program, SAILR is intended for first time felony drug offenders.

In a nutshell, if a person charged with a felony drug crime meets the eligibility requirements, that person will enter a guilty plea which will be held in abeyance for one to two years. If the person completes the program requirements successfully, their charges will be dismissed. If the person does not successfully complete the program requirements, they are convicted of

their offense and sentenced accordingly.

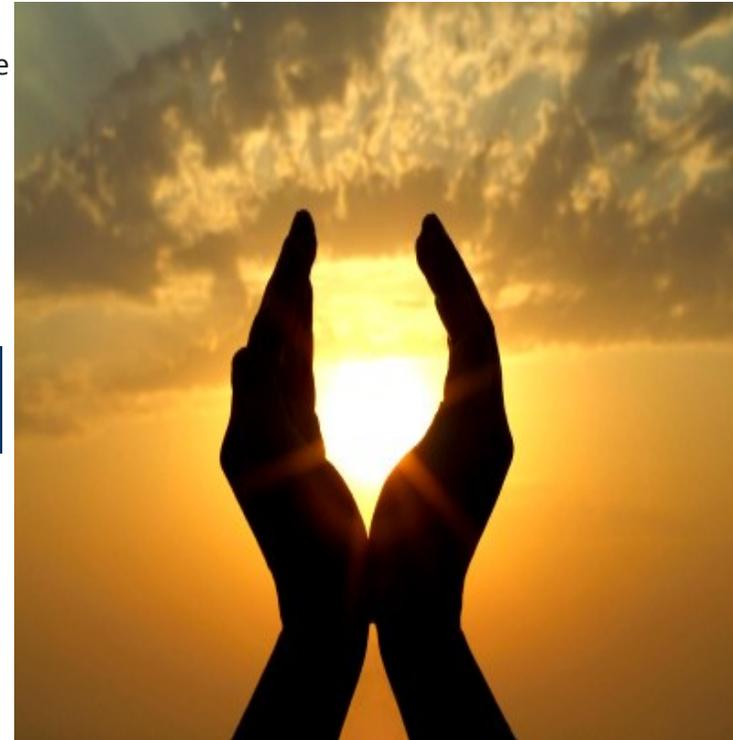
The program is intended only for what are considered “low risk” offenders, and it provides the participants with intensive supervision and substance abuse treatment.

DORA

Approximately 85% of Utah's prison population has a substance abuse problem related to their criminal behavior and the prison is at capacity. Unfortunately, many of these offenders have not been identified as needing substance abuse treatment before they get to prison, so we miss out on opportunities to provide treatment, break the criminal cycle and save prison beds for other offenders who pose a greater risk to our county. The Drug Offender Reform Act (DORA), was implemented statewide starting in 2007 to target for treatment those offenders

who have a drug-related problem and are on track to fill a prison bed.

In Utah County, DORA is a collaboration between the Utah County Division of Substance Abuse, the Department of Corrections, the courts, the Utah County Attorney's Office and the Utah County Sheriff's Office. Offenders are identified by their risk to recidivate and, if their risk is moderate or high, they may be accepted into DORA where they are able to access more substance abuse treatment resources and options than offenders not in DORA.



Programs for Juveniles

In addition to the above programs which are targeted mainly at adults charged with felony offenses, we have a number of programs intended to reduce juvenile crime and, more importantly, to help juveniles not become adult criminals.

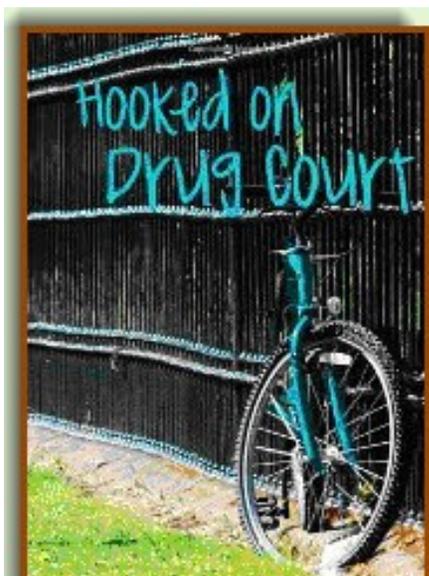
Truancy Court

. The juvenile court runs a truancy court which is similar to drug court, mental health court, or a domestic violence court. Students who are truant are identified by the school districts and charges referred to the juvenile court. The ultimate goal is getting the child to school on time, every day. Through Truancy Court family needs can be assessed, services can be accessed, and special needs of the children can be identified and addressed.



Youth Drug Court

Utah County's Youth Drug Court is a collaborative effort among the 4th District Juvenile Court, Juvenile Parole Authority, the Utah County Attorney's Office, the Utah County Public Defender Association, Youth Corrections, all three Utah County School Districts, and the



Utah County Division of Substance Abuse. Utah County's Drug Court has been operating since 1999 and its current capacity is 26 juveniles.

Adolescents are less likely than adults to acknowledge adverse consequences of their drug use, thus incentives and sanctions have been integrated into the program in order to provide external motivation. Overall, the process is designed to facilitate prompt multi-system responses to youth involved in drug and alcohol offenses. The process is non-adversarial, emphasizing the support of the youth and family.

Potential clients are identified early by juvenile court probation officers. Admission criteria include: an arrest involving drugs or alcohol; an evaluation resulting in a determination of a substance abuse or dependence problem; motivation for treatment, parental involvement and support of the program, and voluntary par-

ticipation.

The juveniles participate in an intensive drug and alcohol treatment program, have court hearings every other week, are regularly drug tested, and their school performance and treatment is monitored regularly. The average length of stay in drug court is 12 months and the minimum is 9 months. Juveniles who need intensive substance abuse treatment can access residential treatment through drug court. Graduation criteria include: completion of all drug court requirements, clean drug tests during the entire fourth phase of the program, attend and pass school classes or work 40 hours per week. Juveniles who graduate from this program have a lower rate of recidivism, and have a much lower rate of relapse as adults.

Citation Diversion Unit(CDU)

Approximately 85% of juveniles referred to juvenile court will never be referred again. Since most juveniles do not reoffend, the juvenile court, in 1997, started the CDU to deal primarily with low level misdemeanor offenses. The intent of this program is to educate juveniles and their parents as to the laws of the State of Utah, provide a consequence for juveniles who

commit minor offenses, and to ensure a fast turnaround from arrest/citation to consequence. This program seems to have a significant impact on the juveniles that come through the Juvenile Court system as well as other juveniles within the community.

The CDU's basic purposes are to provide early intervention and establish immediate conse-

quences, help the juvenile accept responsibility for his or her own behavior, provide education for both the juvenile and the parent, and provide support for the parent.

The main focus of CDU is the Accelerated Misdemeanor Program. This is a process by which Class 'B' and 'C' misdemeanor offenders are cited and directed to appear at a citation class within two weeks of the offense date. The referring officer gives the juvenile and parent a specific date and time to appear to address the delinquent behavior. This enhances the court's ability to impact the offender while deterring further delinquent behavior. This program has improved court response time by eliminating what commonly had been months between the juvenile's arrest and appearance in Court.



Looking to the Future

Utah County, like most private and public entities, continues to experience budgetary challenges. The County Attorney's Office has experienced no decrease in workload and, before the country entered into the current recession, we were already understaffed. Our primary challenge for 2011 is to maintain our high quality of our work without the resources we need to meet our current responsibilities.

One of the ways that we are attempting to "do more with less," is by preparing to move the office (largely) paperless over the next one to two years. We believe that by going paperless we will be able to handle our current caseload and, possibly, a small increase, without the necessity of adding more attorneys or staff. However, going paperless is no panacea for budget problems. We are already minimally staffed for our work load and going paperless will only provide a short reprieve before we will need to add staff or decrease services.



In fact, the real benefit of going paperless will likely be an improvement in our internal efficiencies and processes rather than actually reducing staff.

With the resources we have, we continue to reallocate or focus them to combat the issues we believe most affect our community. One area that we have been working on extensively is to focus our attention and resources to aggressively prosecute habitual criminals. A small proportion of criminals commit a disproportionate amount of our crime, yet they seem to revolve through the doors of the criminal justice system.

We are building upon our "Persona Non Grata" program to ensure that the system does not keep opening the door. We are also in the process of implementing an internal system to help prosecutors focus their time and attention on habitual criminals.

In addition to aggressive prosecution, we must rehabilitate those we prosecute so they do not recidivate. As mentioned above, we have recently implemented a major reform of our felony probation system and we implemented our SAILR program. We are currently awaiting the results of data analysis to evaluate the efficacy of those changes. In 2011 we also hope to implement a domestic violence program in our Justice Court and with the intent of reducing recidivism among our misdemeanants who abuse their cohabitants.

Finally, we are working to improve our legal services to our in-house clients—the departments of Utah County Government. We are modeling our delivery of legal services on corporate in house legal departments, and have begun by improving our communication and conducting annual legal updates with the various department administrations we represent.

Jeffrey R. Buhman

Utah County Attorney