

2012 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, 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, highlights of some our accomplishments in 2012, and an accounting of what we have done with the resources provided to us.

If you have any comments about this report, I would appreciate an email to utahcnty@utahcounty.gov or a phone call to (801)851-8026.

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

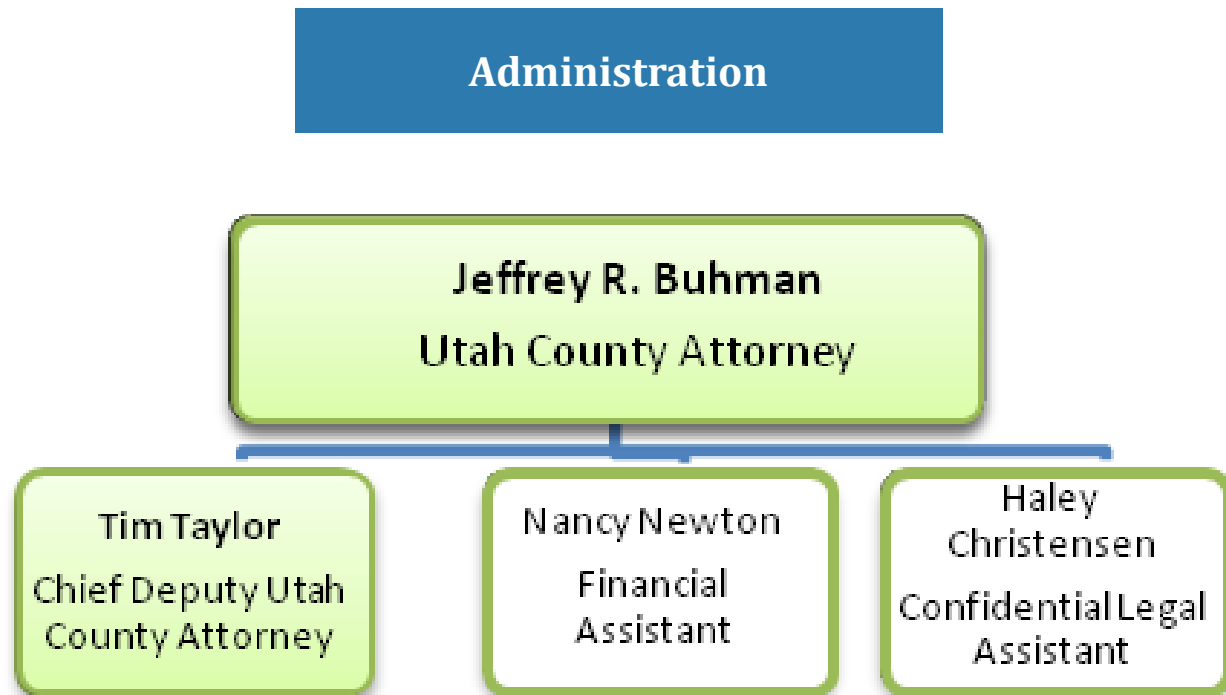
Jeffrey R. Buhman

Utah County Attorney

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 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:

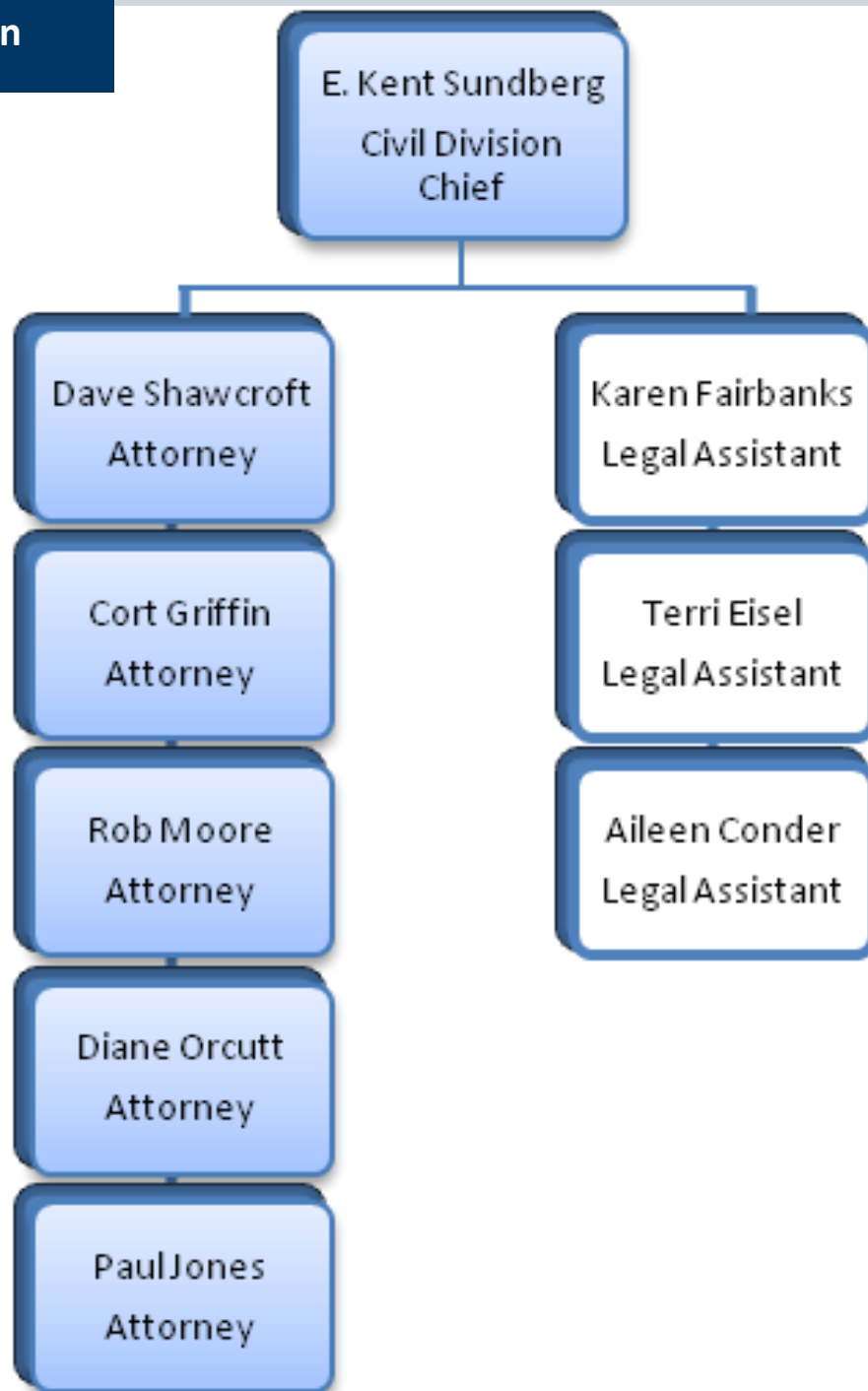
1. Provide legal advice and representation to Utah County Government officials and departments.
2. Handle all claims filed against Utah County Government. For matters referred to our insurance carrier, manage the litigation of claims litigated by the insurance carrier's legal counsel.
3. Handle all collection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



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:

by other agencies (this includes providing assistance to prosecutors in the investigation of active and closed cases): National Prosecution Standard 3-3.1.

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.

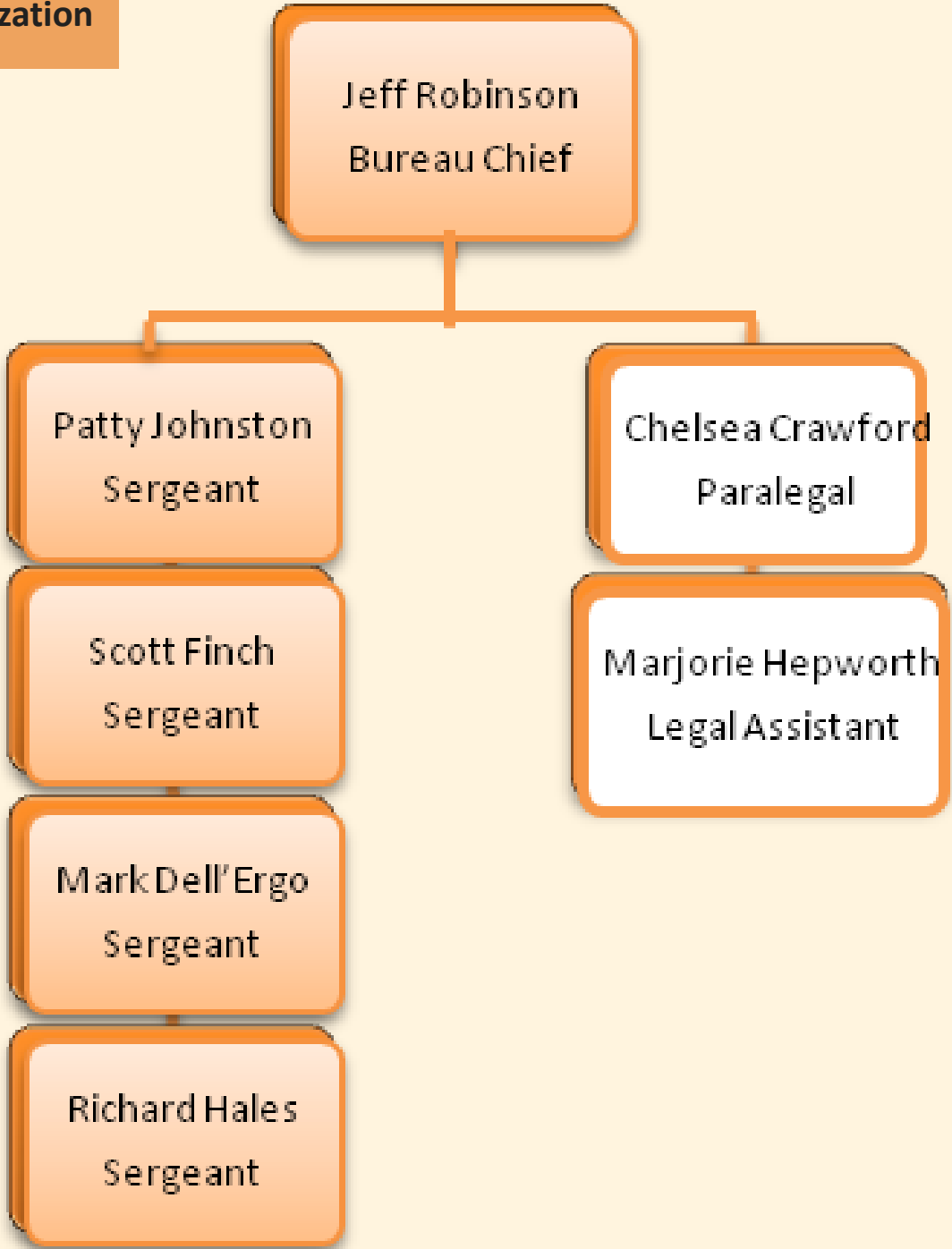
And fourth, the Bureau conducts some investigations that are not criminal in nature when those investigations further the mission of the Office. Normally these are internal investigations for Utah County Government.

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.

The 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

Bureau of Investigations Organization

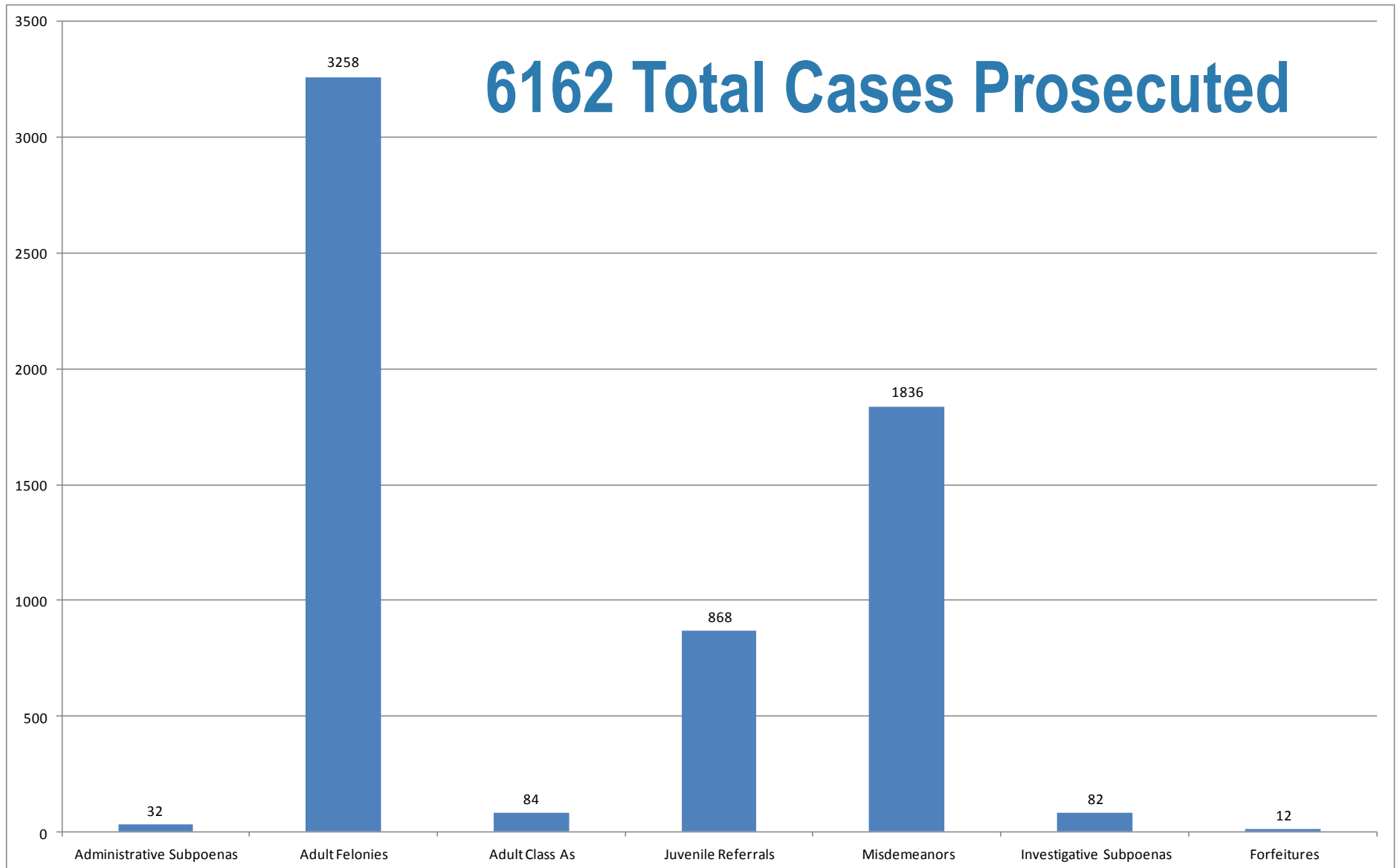


2012 Office Accomplishments

The Criminal Division

- In 2012 the Utah County Attorney's Office prosecuted 6162 cases. This included 3258 felony cases, 868 juvenile cases, 1836 misdemeanor cases in the Utah County Justice Court and 84 adult class A misdemeanor cases.*
- In April of 2012 we conducted a training event for over 300 officers and deputies. Training topics included the Fourth, Fifth and Sixth Amendments, testifying in court, report writing and conducting drivers license hearings.*
- In an effort to improve the investigation and prosecution of domestic violence offenses, we developed and published a standardized domestic violence investigation form for all police agencies.*

Criminal Division Cases



Noteworthy Homicide Case

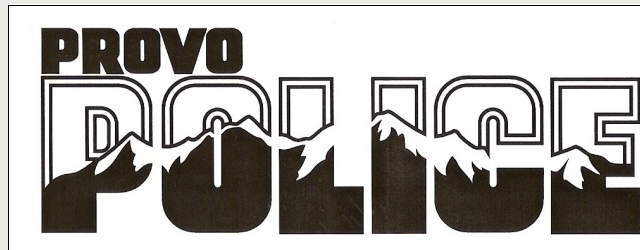
State v. Yuri Lara



On May 16, 2011, at about 7:00 a.m. Provo Police dispatch received a phone call concerning a unresponsive male who was on the front porch of the residence located 541 South 300 East in Provo. Police officers and medical personnel responded and found Andy Purcell unresponsive with a bullet wound to his head. The medical examiner's autopsy indicated that Mr. Purcell died as the result of the gun shot wound to his head.

Family Members of Andy Purcell identified Yuri F. Lara as a possible suspect in the shooting death of Mr. Purcell. They stated that Mr. Lara and Mr. Purcell have been known to deal drugs together and that they had an ongoing dispute concerning payment for a vehicle that Purcell sold to Lara. Also, it appeared that Mr. Lara believed (falsely) that Mr. Purcell had provided information to Orem police officers concerning various illegal activities Mr. Lara.

After an intensive investigation, police officers determined that Mr. Lara was in fact so angry with Mr. Purcell that he had sought to hire someone to assault Mr. Purcell. The officers found that Mr. Lara had agreed to pay another person approximately one ounce of methamphetamine to beat up Mr. Purcell. The officers eventually found that Mr. Purcell was in fact shot as a result of Mr. Lara's agreement to pay someone to assault Mr. Purcell. (Two other people, Danny Logue and Darrell Morris, are presently being prosecuted for their involvement in this murder.)



On May 17, 2011, during the investigation, police officers contacted Mr. Lara and found he was in possession of Heroin, Cocaine, Methamphetamine, and Ecstasy, in quantities and varieties indicative of an intent to distribute the drugs. And on May 24, 2011, police officers arrested Mr. Lara and found various drugs in his possession in quantities indicating his intent to distribute the drugs. Also, when searching him at the Utah County Jail, jail deputies found amphetamine, cocaine and oxycodone in Mr. Lara's anus.

Mr. Lara was charged with a number of drug and weapon offenses, as well as conspiracy to commit murder.

On October 2, 2012, Mr. Lara pleaded guilty to second degree felony Manslaughter, to four counts of first degree felony Possession of a Controlled Substance with Intent to Distribute in a Drug Free Zone, and to a third degree Possession of a Firearm by a Restricted Person. Mr. Lara is now serving a long sentence at the Utah State Prison.



Andy Purcell

Criminal Division's 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 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

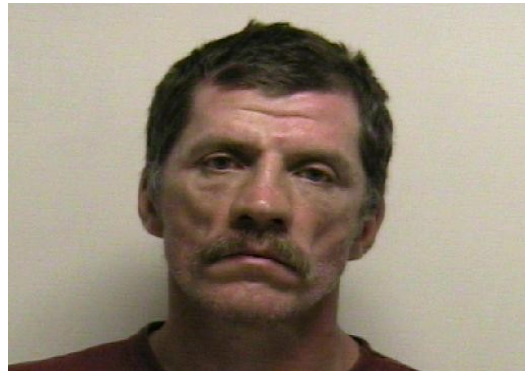
PNG list who has earned that distinction through a long track record of breaking the law. Once we place someone on our PNG list we severely limit their cases' plea bargaining and the assigned prosecutor puts their cases right onto a trial track.

In 2012 the following from our PNG list were prosecuted and convicted:



Colter Vest

Mr. Vest has been arrested 19 times from February 2003 to November 2012. Colter has been convicted of burglary, assault, possession of drug paraphernalia and obstructing justice. In December 2012 Colter was sentenced to an indeterminate term of 0-5 years in the Utah State Prison.



James Mack Pettus

Mr. Pettus has been arrested 20 times from November 1982 to July 2012. James has been convicted of burglary, aggravated robbery, assault, possession with a weapon and possession of a dangerous drug. In September 2012 James was sentenced to an indeterminate term of 1-15 years in the Utah State Prison.



Traci Price

Ms. Price has been arrested 35 times from August 1986 to February 2012. She has been convicted of child abuse and multiple drug and forgery charges. In May of 2012 Traci was sentenced to an indeterminate term of 0-5 years in the Utah State Prison.

Persona Non Grata List - Continued



Gabriel Charles Topchi

Mr. Topchi has been arrested 21 times from December 2004 to April 2012 and is a multi-state offender. He has been convicted of child abuse, multiple counts of driving under the influence and theft. In September 2012 Gabriel was sentenced to an indeterminate term of 0-5 years in the Utah State Prison.



Michael William Klein

(Aka: Charles Anthony Martinez)

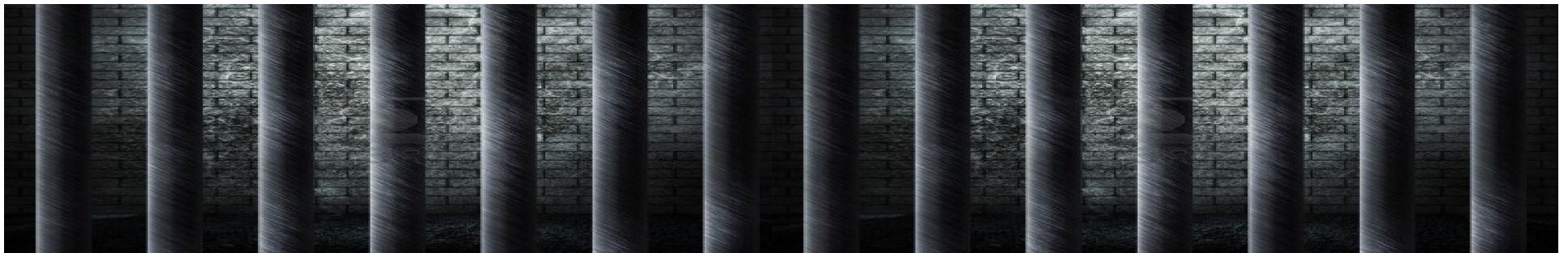
Mr. Klein has been arrested 22 times from February 1995 to September 2012. Michael has been convicted of aggravated assault, theft, burglary, possession of a weapon and possession of a dangerous drug. In November 2012 Michael was sentenced to an indeterminate term of 0-5 years in the Utah State Prison.



Jennifer Marie Sanchez

(Aka: Jennifer Barney, Jennifer Gonzalez & Jennifer Olson)

Ms. Sanchez has been arrested 22 times from August 2003 to December 2012. Jennifer has been convicted of possession of a controlled substance, forgery, theft and carrying a concealed weapon. In November 2012 Jennifer was sentenced to an indeterminate term of 0-5 years in the Utah State Prison.



Civil Division Accomplishments

The Civil Division provides legal services not only to traditional County departments, but also to entities created by and functioning for County government.

2012 Statistics

Dismissed Claims or lawsuits against County	19
Total dollar amount of bonds issued by County	\$307,000,000
Ordinances drafted and adopted by the County	35
Resolutions drafted and adopted by the County.....	142
Resolutions drafted and adopted by Wasatch Mental Health Services SSD	3
Contracts reviewed and approved by the County	893
Contracts reviewed and approved by Wasatch Mental Health Services SSD	82
Board of Equalization matters	140
Planning Commission matters.....	51
Board of Adjustment cases.....	10
GRAMA requests processed	533
Bankruptcy cases opened.....	160
Bankruptcy cases closed.....	162
Sanity hearings conducted	316

Accomplishments—Continued



Completed the Utah County Convention Center



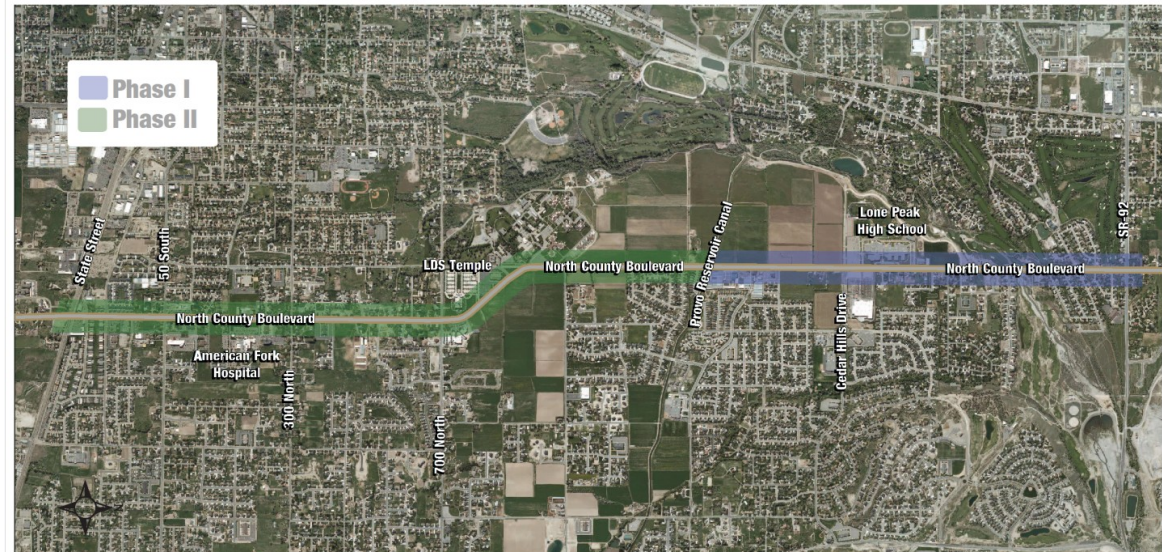
We obtained summary judgment for the County in lawsuit over County Restaurant Taxes



We received 100% score on the Utah Counties Insurance Pool's Risk Management Program.

We also facilitated the transfer of the County's insurance, saving \$318,000 for 2013.

NORTH COUNTY BOULEVARD



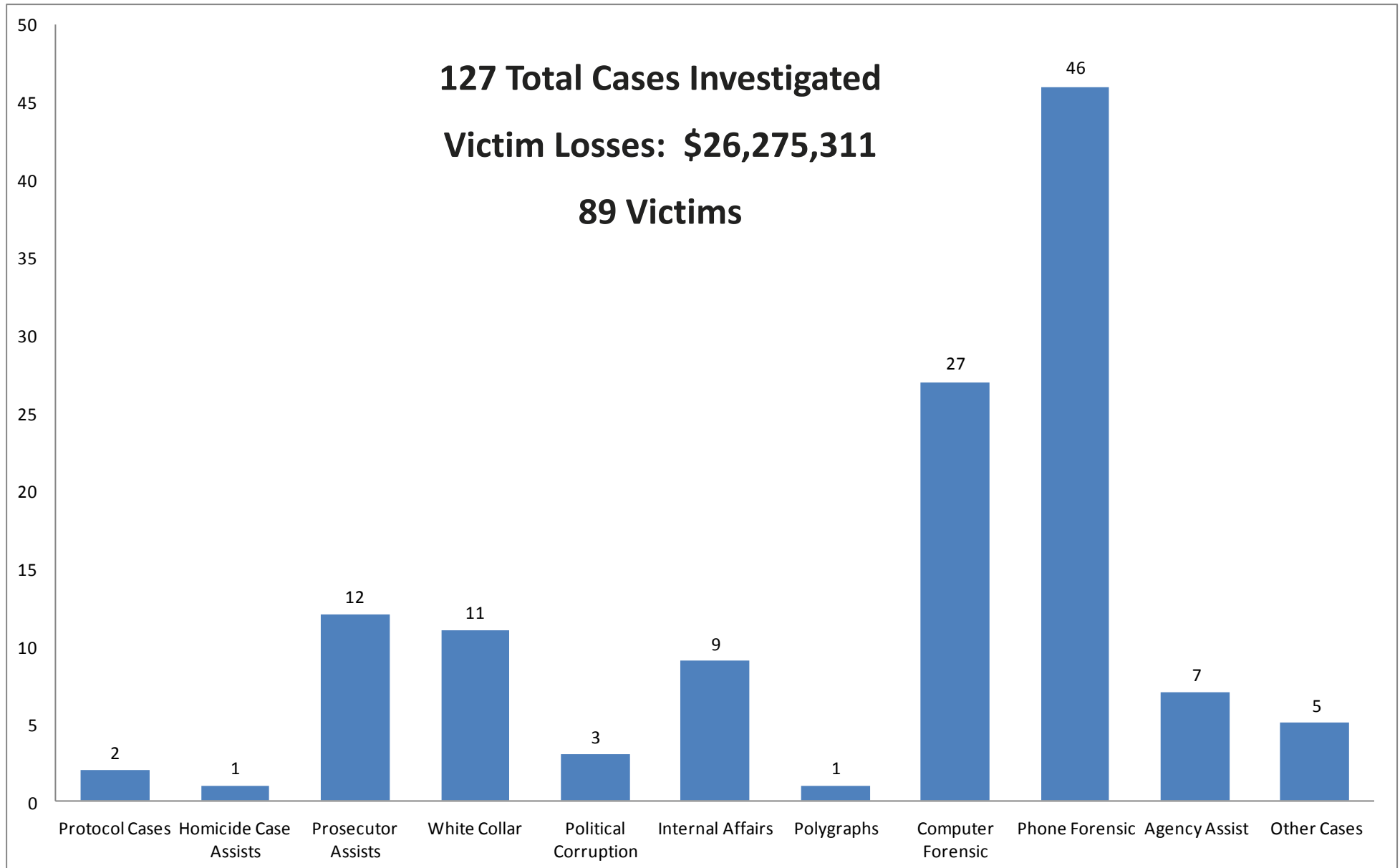
Completed North County Boulevard Construction and Land Acquisitions

Bureau of Investigations Accomplishments

- *Certified all five investigators as Force Science Analysts and experts in police officer use of force.*
- *Trained Utah County police chiefs regarding officer involved shootings and the legal issues surrounding interviewing officers suspected of committing a crime.*
- *Conducted training for approximately 50 police officers on interviewing techniques and use of force.*
- *Through grant funding (at no cost to Utah County Government) equipped the forensic computer lab with the most up-to-date computer and cell phone forensic data extraction and analysis hardware and software.*

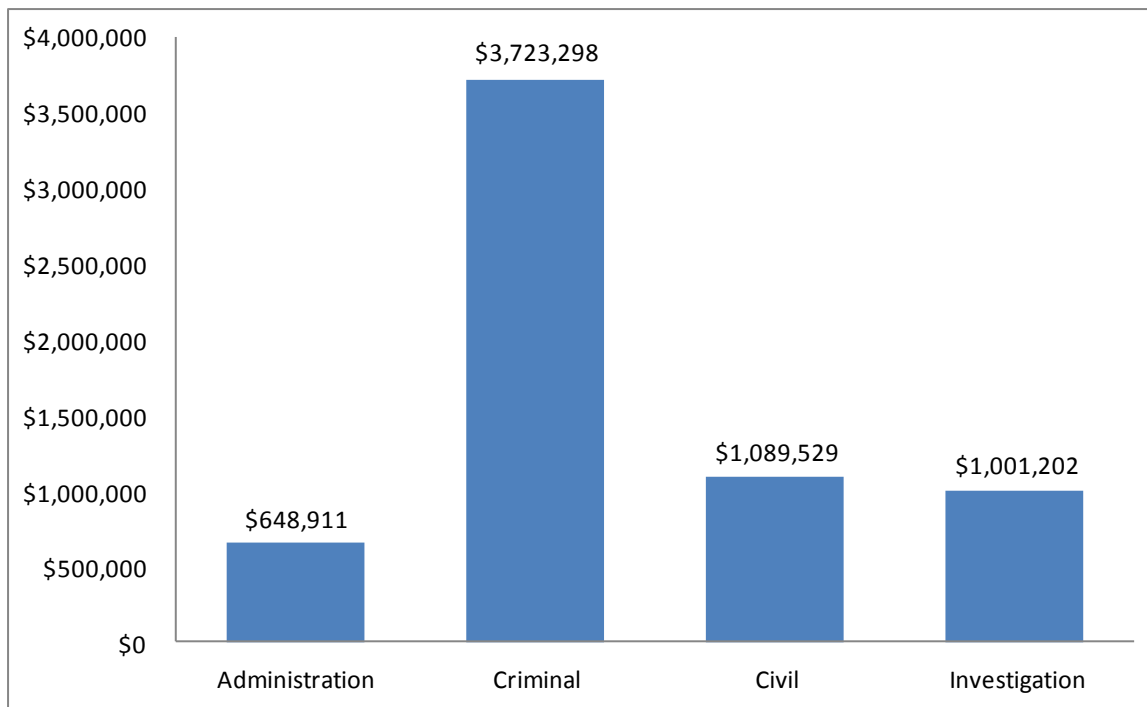


Bureau Statistics



2012 Office Financial Highlights

Fiscal Year 2012 Budget . . . \$6,462,940



The Utah County Attorney's Office is funded through the general funds of Utah County Government, as well as some state and federal grant monies. The Office also receives funding through fines and fees paid by defendants convicted in the Utah County Justice Court and the Fourth Judicial District Court.

Cost Comparison of Counties

The office budget 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

* This is derived from 2010 budget information from the respective county offices; population figures are from US Census Bureau estimates for 2010

New Project: Electronic Discovery

As part of our duty to ensure “the rights of all participants in the criminal justice process are respected,” beginning in 2009 the Utah County Attorney’s Office developed and implemented a state-of-the-art electronic discovery program.

Electronic Discovery

The goals of our electronic discovery project were to:

1. Provide discovery in the most cost effective manner possible
2. Provide discovery in the fastest manner possible
3. Decrease staff time required to provide discovery
4. Improve protection of sensitive victim and witness personal identifying information
5. Ensure defendants had access to all information needed for their defense

Prior to 2009, the discovery process required us to photocopy all police reports, photos, and other documents and mail copies to each defendant's attorney. This process consumed a great deal of time, staff effort, paper, toner and postage.

Beginning in 2009, with the support of the County's Information Systems Department, our office has fully converted to electronic or "E" discovery. Now we receive all police reports, photos and other evidentiary documents in an electronic format (normally a pdf file) and we store those documents in an internal, se-

ecure network. When a defendant hires or is appointed an attorney, we simply copy the pertinent files to our secure "discovery" network and the assigned legal assistant grants the defense attorney access to the files. Additionally and prior to making files available for discovery, the legal assistant can use a software program to redact all victim and witness personal identifying information that may be in any documents.

After the legal assistant copies files to the "discovery" network, the defense attorney receives an email notifying him/her that access is available. The attorney, via the Internet, is able to access the files securely and at any time and from any location.

The benefits realized from our E discovery project are the following:

1. So long as an attorney is willing to receive discovery electronically, there is no charge to the attorney or the defendant for discovery (many prosecutor offices charge significant fees).
2. In almost all cases, we provide discovery to the defendant's attorney within 1-2 days of when the attorney enters his/her case ap-

pearance.

3. Compared to our pre-2009 discovery process, each year we save hundreds of staff hours of effort. Legal assistants no longer have to hand stamp each page of, and then photocopy large files, they no longer have to prepare mailings, and they no longer have to repeat this process each time a defendant switches to a new attorney.
4. Legal assistants can now easily and efficiently redact from reports the personal identifying information of victims and witnesses.
5. Legal assistants can now easily and quickly send to defense attorneys any new information received after initial discovery has been sent. Similarly, defense attorneys have almost immediate notice of and access to all new information received by the prosecution.
6. We have a verifiable record of what documents the office sent to an attorney and when—thereby protecting (at least in part) the County Attorney's Office from specious attacks related to discovery.

Looking to the Future

In March of 2013 I will be deploying in support of Operation Enduring Freedom (Afghanistan) as part of my duties as an Engineer Officer with the Utah Army National Guard. The Utah County Republican Party and the Utah County Commission have chosen Tim Taylor, our current Chief Deputy County Attorney, to be the County Attorney during my absence. Tim has a great deal of experience as a criminal prosecutor, manager, and civil attorney. He also has the trust and confidence of the office's employees. Accordingly, this next year should be as productive or more than any in the past.

In 2013, in addition to our continued refining of our "paperless" systems and our continuing effort to focus our limited resources on habitual criminals, we are seeking to improve our services to crime victims. Our office currently has three part-time Victim and Witness Coordinators. These Coordinators spend a great deal of time and effort with victims of sexual abuse and domestic violence. They provide critical support, information and guidance to vulner-

able crime victims who are faced with the sometimes intimidating and frightening process of prosecuting their perpetrator.

Because our Victim and Witness Coordinators are so occupied with victims of sexual abuse and domestic violence, we have found that in many of our property crime cases we need to improve our communication with and services to those victims. In 2013, we will improve our process of notifying those victims of court hearings, and we will improve upon the performance of our duty to obtain restitution for aggrieved victims.

Last year we implemented a new internal system to help prosecutors focus their time and attention on habitual criminals. This year we will continue to "tweak" that system to ensure that the office's prosecutorial resources are applied in a manner most benefitting our goal of reducing crime.

Finally, we continue to work on bringing a pretrial services program to Utah

County. In 2013 we (through the BYU Department of Sociology) will be conducting a study to determine the financial benefits of a Utah County pretrial services program.

Jeffrey R. Buhman
Utah County Attorney

