

# **2016 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



## 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

The Utah County Attorney's Office is a publicly 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, in part, that duty of transparency and openness. The following pages contain 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 of our accomplishments in 2016, 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](mailto:utahcnty@utahcounty.gov) or a phone call to (801) 851-8026.

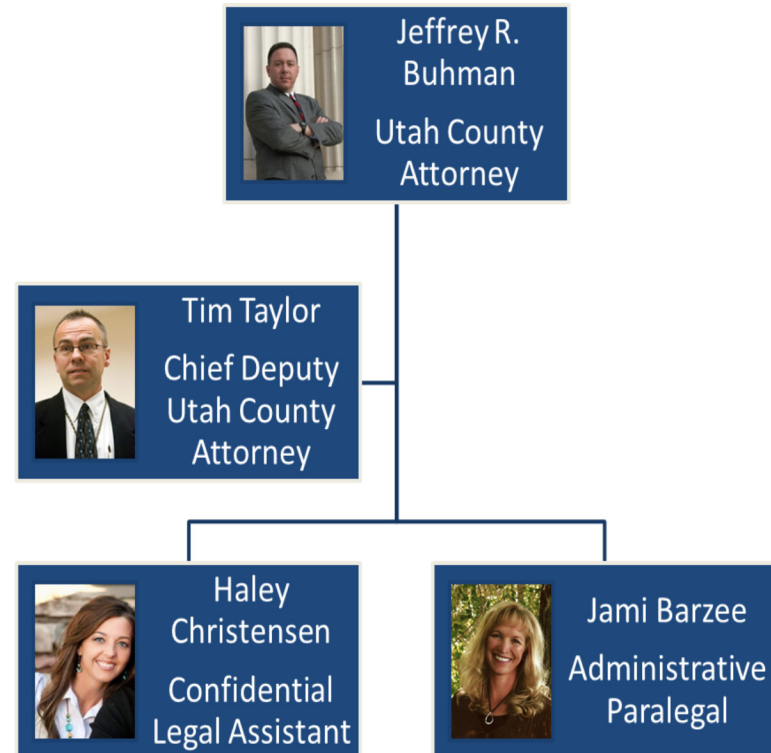
*Jeffrey R. Buhman*  
Utah County Attorney

# ORGANIZATION

The Utah County Attorney's Office is led by 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 financial (i.e. budget, payroll, travel, purchasing) and administrative needs. Administration consists of the County Attorney, Chief Deputy, an Executive Confidential Legal Assistant, and an Administrative Paralegal.

# ADMINISTRATION



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, prosecutors, legal assistants, and may include a paralegal and victim/witness coordinator. Supervising Attorneys oversee the operations and personnel of a trial team and report to the Chief Deputy.

the county in any proceeding involving delinquency. UCA 17-18a-404

- Call attention to any defect in the operation of the laws and suggest amendments to correct the defect. UCA 17-18a-603

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, except 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 17-18a-401
- Prosecute for the state in the juvenile court of

# Criminal Division Organization

**Timothy L. Taylor**  
Chief Deputy

**Mariane O'Bryant**  
Supervising Attorney  
Screening & Felony Team

**Chris Yannelli**  
Supervising Attorney  
Justice/Juvenile Team

**Sherry Ragan**  
Supervising Attorney  
SVU Team

**Dave Sturgill**  
Supervising Attorney  
General Felony Team

**Chad Grunander**  
Supervising Attorney  
General Felony Team

**Tim Taylor**  
Chief Deputy  
Paralegal Team

**Curtis Larson**  
ATTORNEY

**Julia Thomas**  
ATTORNEY

**Paul Wake**  
ATTORNEY

**Sam Pead**  
ATTORNEY

**Ryan McBride**  
ATTORNEY

**Randy Kennard**  
ATTORNEY

**Alex Ludlow**  
ATTORNEY

**Terri Lawrence**  
PARALEGAL

**Craig Johnson**  
ATTORNEY

**Lance Bastian**  
ATTORNEY

**Adam Pomeroy**  
ATTORNEY

**Charlotte Howard-Saguibo**  
ATTORNEY

**Ryan Peters**  
ATTORNEY

**Jared Perkins**  
ATTORNEY

**Doug Finch**  
ATTORNEY

**Jami Barzee**  
PARALEGAL

**Rhonda Gividen**  
ATTORNEY

**Adam Pomeroy**  
ATTORNEY

**Chase Hansen**  
ATTORNEY

**Diana Rodriguez**  
LEGAL ASSISTANT

**Christine Scott**  
ATTORNEY

**Kelsy Young**  
ATTORNEY

**Lauren Hunt**  
ATTORNEY

**Jessie Lloyd**  
PARALEGAL

**Diane Wilkins**  
LEGAL ASSISTANT

**Kim Nielsen**  
LEGAL ASSISTANT

**Keri Cheney**  
LEGAL ASSISTANT

**Tammy Paynter**  
LEGAL ASSISTANT

**Beth Allen**  
LEGAL ASSISTANT

**Tina Bood**  
LEGAL ASSISTANT

**Robyn Ludlow**  
LEGAL ASSISTANT

**Kimberlie Derfler**  
PARALEGAL

**Diane Samudio**  
LEGAL ASSISTANT

**Beth Allen**  
LEGAL ASSISTANT

**Carolyn Howe**  
LEGAL ASSISTANT

**Rickie Liddiard**  
LEGAL ASSISTANT

**LoyAnn Arbon**  
LEGAL ASSISTANT

**Diane Wilkins**  
LEGAL ASSISTANT

**Keri Cheney**  
LEGAL ASSISTANT

**Tina Bood**  
LEGAL ASSISTANT

**Katie Fox**  
VICTIM WITNESS  
COORDINATOR

**Patty Rodriguez**  
LEGAL ASSISTANT

**Diane Samudio**  
LEGAL ASSISTANT

**Celeste Shepherd**  
LEGAL ASSISTANT

**Christine Ellsworth**  
RECEPTIONIST

**Chris Buckley**  
VICTIM WITNESS  
COORDINATOR

**Nancy Brown**  
LEGAL ASSISTANT

The **Civil Division** provides legal advice and representation to Utah County officials and departments. The Civil Division consists of the Civil Division Chief, Dave Shawcroft, 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:

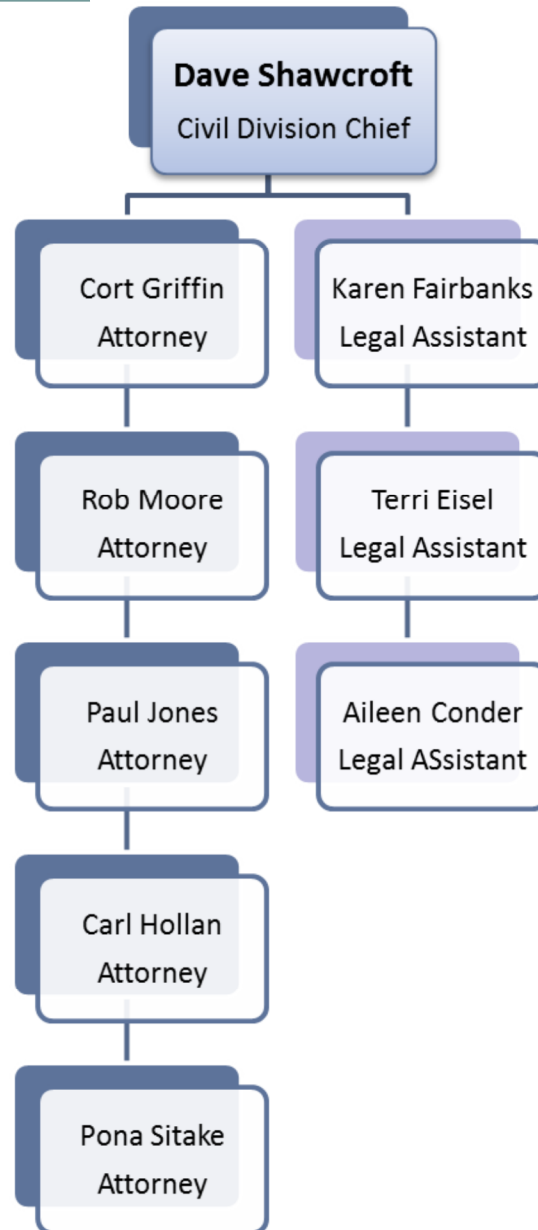
1. Provide legal advice and representation to Utah County Government officials and departments.
2. Handle all claims filed against Utah County Government. For matters referred to our insurance carrier, manage the litigation of claims litigated by the insurance carrier's legal counsel.
3. Handle all collection 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 17-18a-501
- Give opinions in writing to county officers on matters relating to the duties of their respective offices. UCA 17-18a-503
- Defend all actions brought against the county. UCA 17-18a-501
- Prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the county. UCA 17-18a-501
- Enforce and prosecute civil violations of county ordinances. UCA 17-18a-502

# 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 investigating 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:

# 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, 77-22-2. “[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.

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 investigates. The priorities that govern the County Attorney’s decisions regarding the Bureau’s use of resources when receiving and investigating 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.

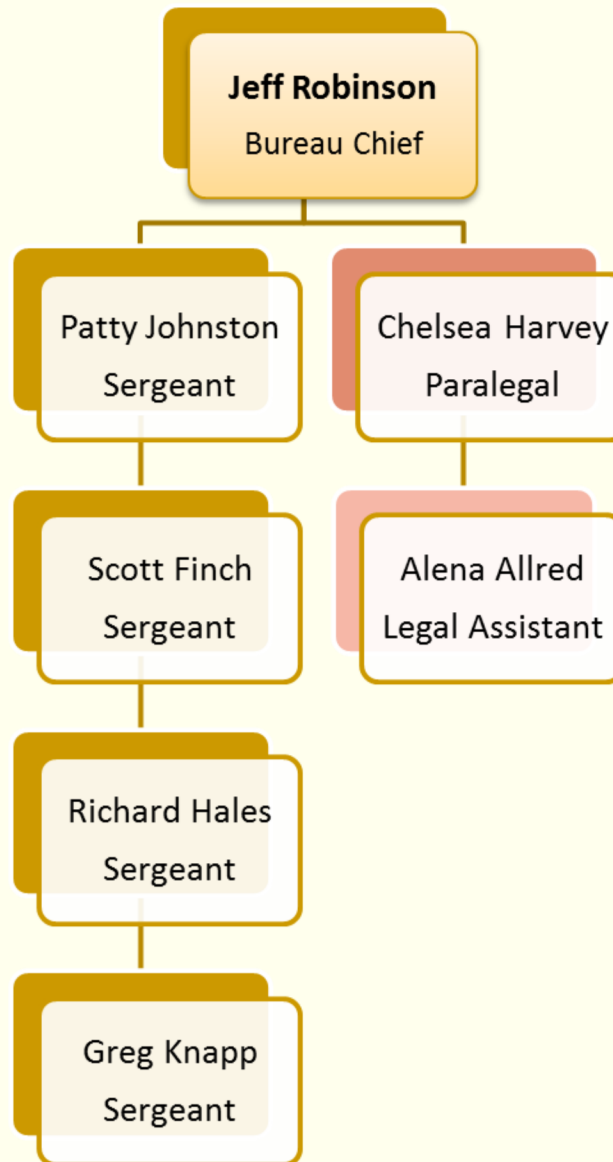
Second, investigations needed to support criminal cases prosecuted by the County Attorney’s Office.

Third, fraud investigations, including those where the Bureau is offering assistance to another police agency that is conducting a fraud investigation.

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



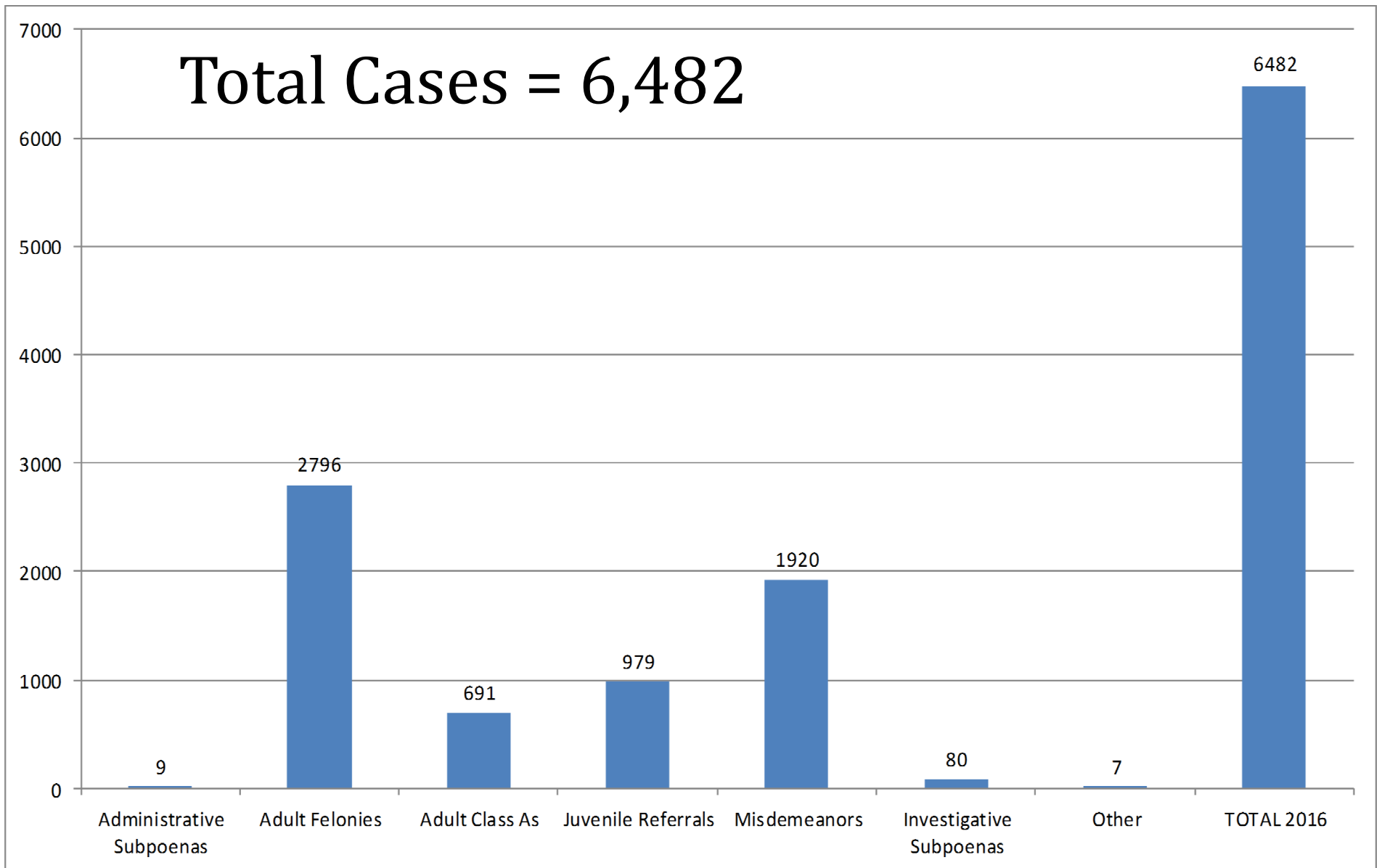


# 2016 Office Accomplishments

# The Criminal Division

- ◆ *In 2016, the Utah County Attorney's Office (UCAO) prosecuted 6,482 cases. This included 2,796 felony cases, 2,611 misdemeanor cases, and 979 juvenile cases.*
- ◆ *Throughout 2016, the Utah County Attorney's Office received cases from 55 different agencies, including the Division of Wildlife Resources, Utah Department of Workforce Services, and the Utah County Major Crimes Taskforce.*
- ◆ *In 2016, the UCAO prosecuted 800 theft cases; 502 cases involving sexual/physical abuse, including domestic violence and elderly abuse; 196 aggravated burglary cases; 201 DUI cases; and 271 cases involving fraud and forgery. Every year the majority of cases prosecuted by the UCAO are drug cases and 2016 was no exception with 2,330.*

# Criminal Division 2016 Cases



# Noteworthy Criminal Convictions 2016

*To further its goal of protecting the citizens of Utah County, the County Attorney's Office pays particular attention to persons who present themselves as extremely dangerous and/or who have extensive criminal histories. The following defendant's were a few prosecuted by the Utah County Attorney's Office Criminal Division in the year 2016.*



**KENNETH LEE DREW**

**Kenneth Lee Drew** was sentenced to the Utah State Prison for an indeterminate term of 1-15 years for the death of Ashleigh Holloway Best (age 35). Drew worked as a "repo" man and shortly after midnight on May 17, 2016, Drew pursued Best in her 2002 Navigator. Driving at a high rate of speed, Drew boxed the Navigator in at the S-curve on 100 East in Pleasant Grove and it crashed into a tree. Best died at the scene. Drew pleaded guilty as charged to Manslaughter, a 2<sup>nd</sup> degree felony, on November 28, 2016.



**KATIE ANN NIELSON**

**Katie Ann Nielson** pleaded guilty to Negligent Automobile Homicide-DUI (3rd degree felony) and Use of a Controlled Substance (3rd degree felony) for the death of Lillian Colleen Strickland (age 62). Nielson was sentenced to the Utah State Prison for 0-5 years with charges to run consecutively. On September 28, 2015, approximately 45 minutes prior to the head-on collision at Crossroads Boulevard in Saratoga Springs which took the life of Strickland, Nielson smoked methamphetamine. At the time of the accident, Nielson had two prior convictions for Possession of a Controlled Substance with Intent to Distribute as well as a DUI conviction from 2012.

# Civil Division 2016 Accomplishments

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

## 2016 Statistics

Dismissed claims or lawsuits against County .....	16
Ordinances and resolutions drafted .....	170
Contracts reviewed .....	968
Board of Equalization and Planning Commission .....	169
GRAMA requests processed .....	712
GRAMA appeals processed.....	4
Bankruptcy cases closed .....	109
Sanity hearings conducted.....	360

# Civil Division Highlights—2016



Facilitated the construction of the new Wasatch Mental Health facility in Payson

Assisted with EPA agreements resulting in an increase in value of Utah County's Wetlands Bank by approximately \$10,000,000



Received \$9,357 plus \$37,482 in awards from Utah Local Government Trust



Assisted with the formation of the Utah County Environmental Task Force

Dealt with multiple issues related to the shut down of Utah Lake due to algae blooms





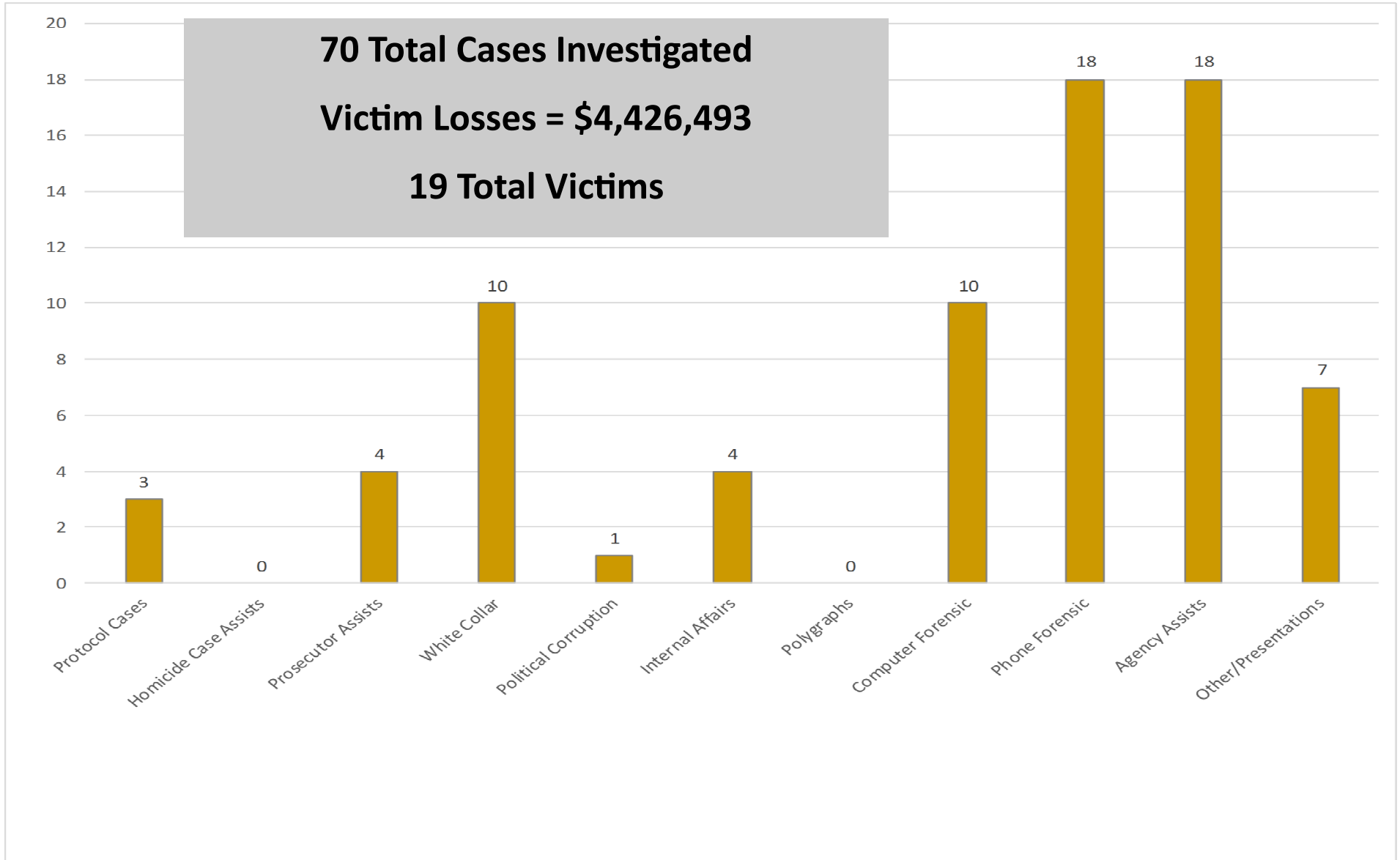
# Bureau of Investigations **2016** Accomplishments



- Investigated 70 cases involving 19 victims and over \$4,000,000 in losses
- Investigated three officer involved critical incidents requiring more than 1,100 hours of investigation
- Provided assistance to other law enforcement agencies on 18 cases
- Spent 351 hours investigating Environmental Crimes in Utah County
- 10 White Collar crimes involving more than 2,100 hours of investigation
- 28 Computer and Cell Phone Forensic cases totaling 398 hours of investigation
- Devoted over 100 hours of investigation to a Political Corruption case

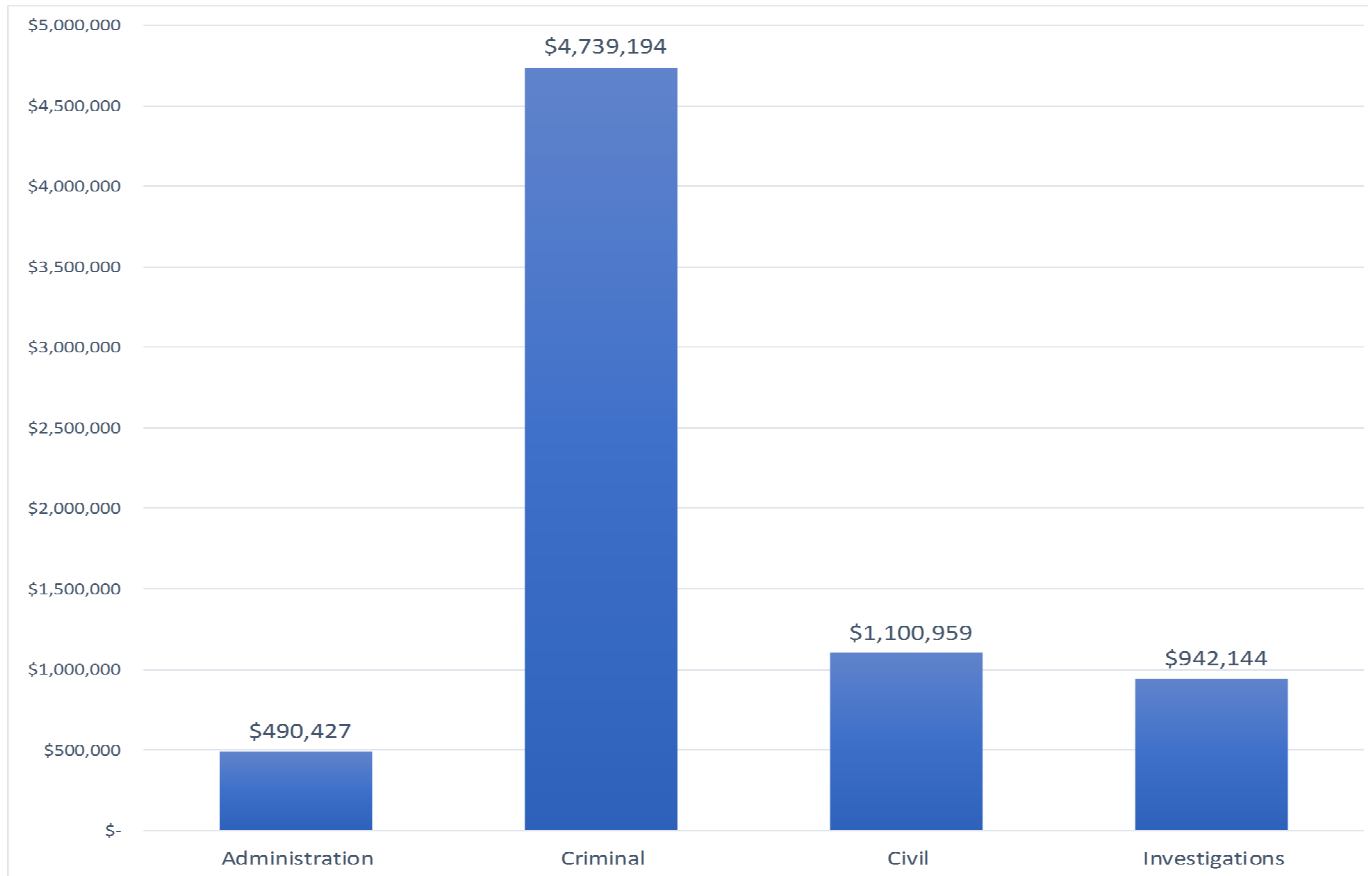


# Bureau 2016 Statistics



# 2016 Office Financial Highlights

## Fiscal Year 2016 Budget . . . \$7,272,724



*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.*

# A Year of Changes

2016 has been a year of significant change for the County Attorney's Office. The Utah State Legislature's 2015 passage of the Justice Reinvestment Act (House Bill 348) without passage of Medicaid expansion has resulted in a criminal justice system focusing more on treatment than incarceration—but without all of the additional funding required to fully treat and supervise offenders in need. Additionally, changes to drug crime classifications and to criminal sentencing guidelines have resulted in more offenders being incarcerated in the County Jail and more offenders not on probation with Adult Probation and Parole.

It is too early to determine the long-term effects of these changes on crime, but it appears that an immediate consequence is an increase in misdemeanants incarcerated in the County Jail and an increase of offenders not under a probation officer's supervision.

In an effort to "plug the gap" (only one small gap), the County Commission authorized and funded a small team of two Sheriff deputies and one office staff to provide supervision for class A misdemeanants who have a substance abuse violation. This program, called Utah County Alternative Probation, will help 50-100 people per year obtain treatment through Wasatch Mental Health and Utah County Substance Abuse and will work to en-

sure they successfully comply with court orders. Hopefully, most or all of these people will be able to acquire and maintain the skills needed to address their addiction or mental illness to never return to the criminal justice system.

Another long-increasing issue for Utah County Government has been the number and complexity of open records requests (called "GRAMA" requests). Because Utah County Government believes in transparency, it attempts to comply with all GRAMA requests quickly and accurately. However, with an increasing number of requests, coupled with the fairly recent advent of police body cameras, fulfilling GRAMA requests requires significant time and resources. In 2016 the County Commission attempted to ensure its continued timely compliance with GRAMA by funding an additional paralegal in the County Attorney's Office.

Finally, this year the Utah County Attorney's Office and the Utah County Health Department formed a task force comprised of federal, state, city, and county agencies with the goal of protecting the environment of Utah County and the safety of its citizens. The Utah County Environmental Task Force was formed to address problems such as illegal dumping of oil and chemicals into our streams and lakes; illegal disposal of sewage, biohazard materials, construction materials, trash, and tires; re-

tail food safety; methamphetamine contamination of hotels and houses; hoarding (i.e., 75 cats in one house), and more. The task force was specifically formed to address and combat the impacts of environmental contaminants that, if left unchecked, would threaten the health and safety of Utah County citizens.

Overall, 2016 has been a year of great change and progress for the Utah County Attorney's Office.

**Jeffrey R. Buhman**

**Utah County Attorney**

