

BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH  
Public Budget Work Session Minutes – Attorney's Office  
October 15, 2020  
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PUBLIC NOTICE IS HEREBY GIVEN THAT THE

**BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH**

WILL HOLD A PUBLIC WORK SESSION  
IN THE COMMISSION CHAMBERS – ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
100 East Center Street, Provo, Utah  
**October 15, 2020 – 9:00 A.M.**

\*Members may participate electronically at will, with the anchor location as stated above.\*

**\*In accordance with the Orange level guidelines instituted by the State Department of Health in the City of Provo, members of the public are strongly encouraged to participate electronically. Physical attendance will be limited to 20 people (including staff) at the anchor location. Once the room has reached capacity the doors will be locked, and additional attendees will be invited to participate online. All individuals in attendance must comply with Provo City Code 9.25 requiring face coverings in indoor spaces where social distancing is not possible with certain exemptions.\***

\*The public may participate electronically by joining via zoom at the following link: <https://zoom.us/j/9938818466> or calling (346) 248-7799 or (669) 900-6833, meeting ID: 9938818466. Comments will be limited to three (3) minutes per individual unless otherwise approved by the Board. Please state your name at the beginning of the comment. Please no foul or abusive language.\*

\*If a member of the public is unable to provide comment electronically then they may contact the commission clerk to submit written comments for the record by emailing [commissionclerk@utahcounty.gov](mailto:commissionclerk@utahcounty.gov) or by calling 801-851-8111\*

**~BUDGET WORK SESSION MINUTES~**

**WORK SESSION**

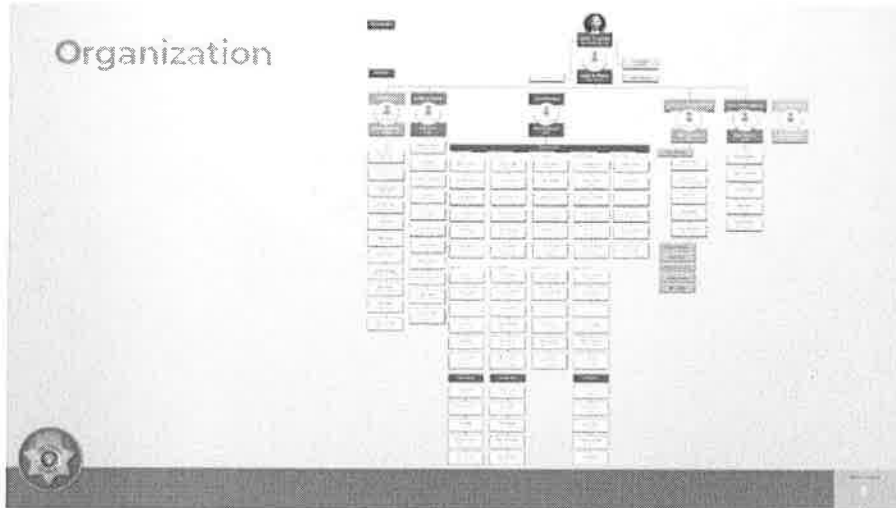
1. WORK SESSION RELATED TO THE 2021 UTAH COUNTY BUDGET

**UTAH COUNTY ATTORNEY'S OFFICE**

David Leavitt, Utah County Attorney –

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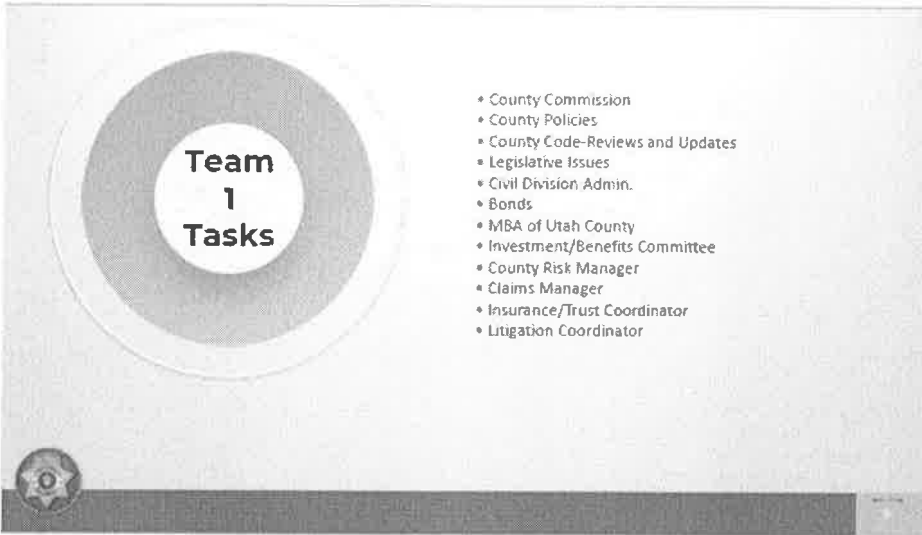


**OUR OFFICE IS RESPONSIBLE, BY STATUE, FOR TWO PRIMARY AREAS:**

**FIRST, I AM THE ELECTED PROSECUTOR WHICH MEANS THAT EVERY CRIMINAL CASE OF A SERIOUS NATURE, EVERY FELONY CASE AND VIRTUALLY ALL CLASS A MISDEMEANORS THAT OCCUR IN UTAH COUNTY FLOW TO MY OFFICE.**

**SECOND, IS I'M THE CIVIL ADVISOR TO ALL OF COUNTY GOVERNMENT.**





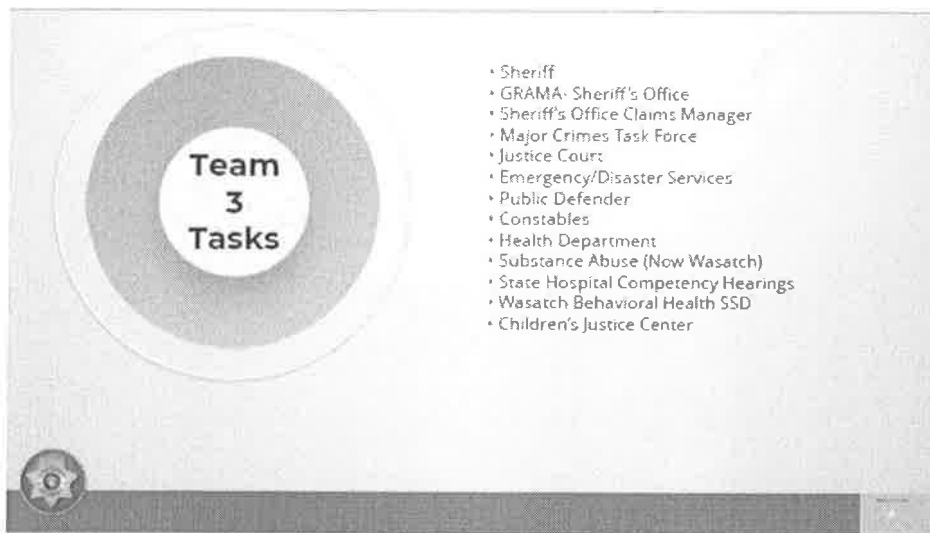
A slide titled "Team 1 Tasks" featuring a large circular graphic on the left with the text "Team 1 Tasks" inside. To the right is a bulleted list of tasks. A small Utah County seal is in the bottom left corner.

- County Commission
- County Policies
- County Code-Reviews and Updates
- Legislative Issues
- Civil Division Admin.
- Bonds
- MBA of Utah County
- Investment/Benefits Committee
- County Risk Manager
- Claims Manager
- Insurance/Trust Coordinator
- Litigation Coordinator



A slide titled "Team 2 Tasks" featuring a large circular graphic on the left with the text "Team 2 Tasks" inside. To the right is a bulleted list of tasks. A small Utah County seal is in the bottom left corner.

- Public Works
- Community Development
- Planning Commission
- Board of Adjustment
- Surveyor
- Recorder
- Annexations/Incorporations
- Zoning Enforcement
- GRAMA
- Ag Protection Adv. Board
- Weed Control Board
- County Fair
- Convention Center
- Extension
- Historic Preservation Commission
- Career Service Council
- Special Service Districts
- Economic Development




A slide titled "Team 3 Tasks" featuring a large circular graphic on the left with the text "Team 3 Tasks" inside. To the right is a bulleted list of tasks. A small Utah County seal is in the bottom left corner.

- Sheriff
- GRAMA- Sheriff's Office
- Sheriff's Office Claims Manager
- Major Crimes Task Force
- Justice Court
- Emergency/Disaster Services
- Public Defender
- Constables
- Health Department
- Substance Abuse (Now Wasatch)
- State Hospital Competency Hearings
- Wasatch Behavioral Health SSD
- Children's Justice Center




**Team  
4  
Tasks**

- Human Resources
- Information Systems
- Clerk/Auditor w/o Tax Admin
- GRAMA Appeals
- Accident Review Board – Appeals
- Parking Appeals
- Health Department Appeals
- Assessor
- Treasurer
- Standardized Agreements
- Community Development Block Grants
- Purchasing Agent
- Property Tax Officer
- Board of Equalization
- Bankruptcies
- Centrally Assessed Properties
- May Tax Sale
- TRCC/TRT-Tourism Tax Advice
- Utah Valley Convention Visitors' Bureau
- Clerk/Auditor-Tax Admin




**The Civil  
Division is an  
essential  
element of  
every aspect of  
county  
government**




**2020 Civil  
Division  
Budget:  
\$1,881,439**





County Agreements  
(drafted, reviewed  
and approved: 747




Ordinances:  
Researched,  
discussed, debated,  
approved and  
published: 22




Resolutions  
researched,  
discussed, debated,  
approved and  
published: 162



Mental Health/Civil  
Commitment  
Hearings : 751



Bankruptcy case  
appearances: 115

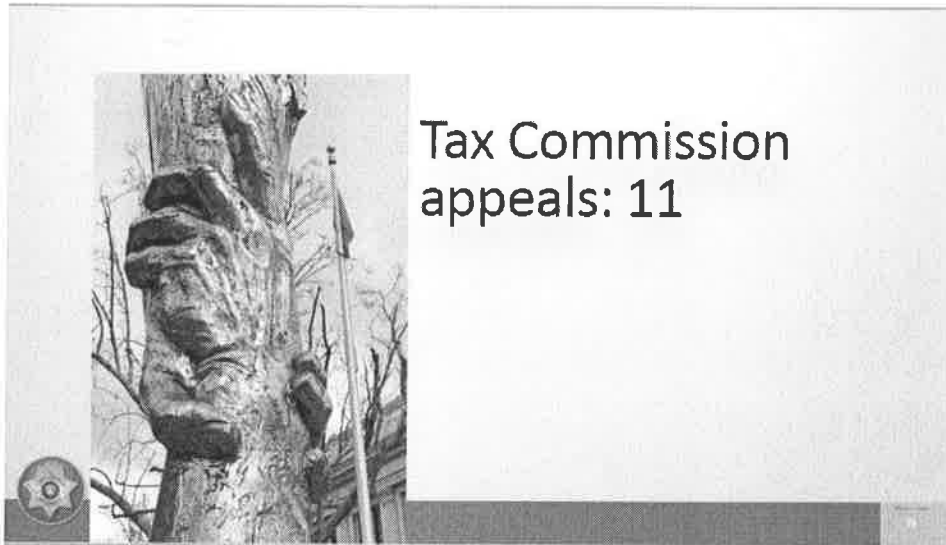
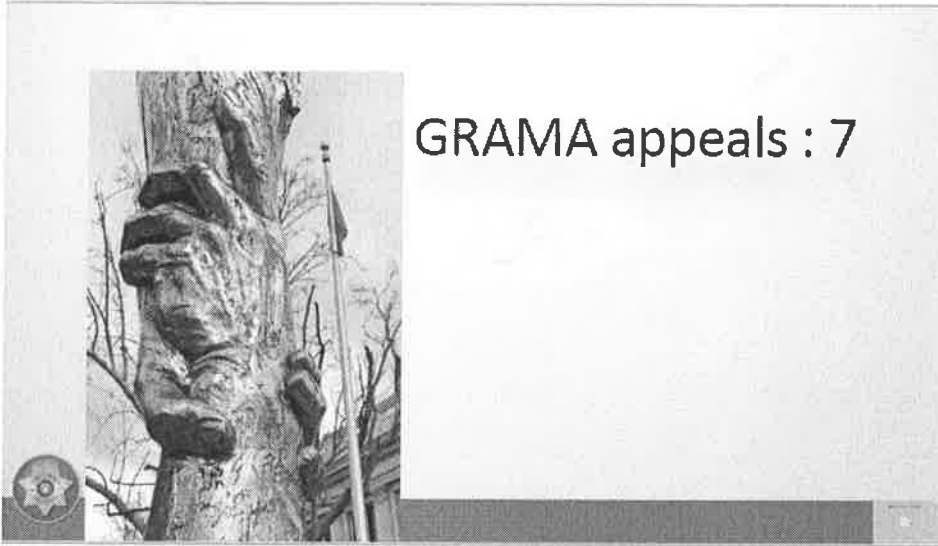


GRAMA requests  
processed: 848

**COMMISSIONER IVIE – IS THAT NUMBER UP FROM LAST YEAR**

**DAVE SHAWCROFT, COUNTY ATTORNEY – IT IS CLOSE TO THE SAME.**


**DAVID LEAVITT – (CONTINUED PRESENTATION)**







Property tax  
adjustment cases  
reviewed for county  
commission: 54




Industrial Revenue  
Bonds: 4



2021 Civil  
Division  
Budget:  
**\$1,536,381**



**2021 Civil  
Division Budget  
request is a  
\$345,058  
DECREASE  
from 2020  
budget**



**2020 COVID  
Factor:**

**1,166 hours  
were COVID  
related as of  
August 31, 2020**

**Utah County  
Attorney's Office  
Criminal Duties**



**Purpose Vision**

**Guiding Principles**

So much of our criminal justice system is caught in frustrating patterns of wash, rinse, repeat. We know that we can be more effective in providing more effective ways to manage cases by remembering these guiding principles and manage our cases.

- ✓ **10% of the criminal population requires incarceration**  
These are the violent criminals that pose threats to society and require incarceration to protect the public.
- ✓ For **90%** our focus should be directed to changing behavior  
Focus on change, not the past. It is best to society and financial interests to be productive members of society.
- ✓ **The Criminal Justice System is misnamed.**  
Complete justice is NOT something we can provide. We provide community protection and punishment should be focused toward change.
- ✓ **Evaluate and lead out on alternatives**  
Develop the tools that support our mission to protect communities, divert opportunities for change and influence policy development that are more effective.

**GOAL:**  
Change the model.

Our model currently focuses on punishment. Only 10% of offenders represent a danger to our society. 90% are non-violent offenders. It is our goal to change the model from **PUNISHMENT to COMMUNITY PROTECTION.**

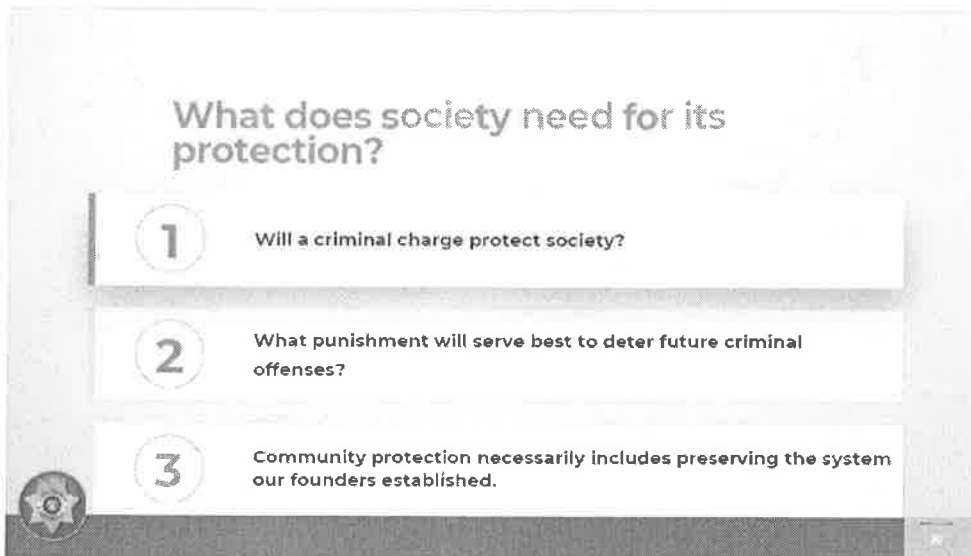
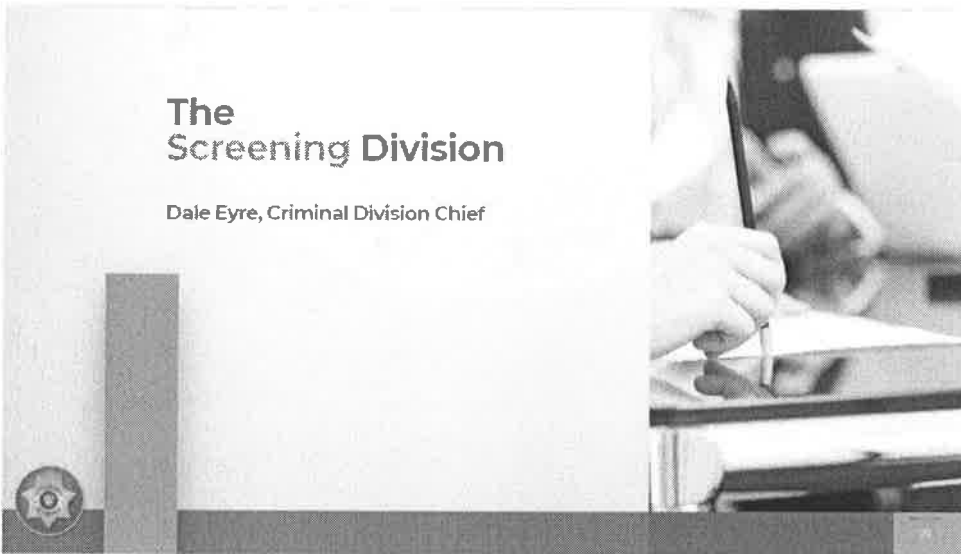
**The Investigations Division**

Patty Johnston Investigations Division Chief

FOURTH DISTRICT COURTS

**DAVID LEAVITT – I DON'T PUT IN A LOT OF SLIDES PRIMARILY BECAUSE THE NATURE OF THE INVESTIGATION'S DIVISION IS MORE PRIVATE. THEIR TECHNIQUES ARE SUCH THAT ARE NOT INTENDED FOR PUBLIC CONSUMPTION. THE INVESTIGATIONS DIVISION IS TO ASSIST THE UTAH COUNTY ATTORNEY TO BETTER PROTECT OUR RESIDENTS BY ASSISTING THE PROSECUTORS IN CARRYING OUT OUR RESPONSIBILITIES.**

**IF THERE WAS ONE AREA OF MY OFFICE THAT IS UNDERREPRESENTED AND UNDER RESOURCED, IT'S THE INVESTIGATIONS DIVISION.**



## The Screening Process is the most important part of the criminal justice system

For the individual

For the criminal justice system



### Traditional Screening vs. Redemptive Justice Screening

#### Traditional

Focuses on maximizing the criminal charge  
Charge as high as evidence supports and as many as evidence supports

Based on securing a plea bargain  
Case is screened and filed by one prosecutor  
Resulted in 25 different county attorneys



### Traditional Screening vs. Redemptive Justice Screening

#### Redemptive Justice Screening

Focuses on what will protect society the most  
Punishing the offender also punishes society  
Charge only the conduct that is necessary to change behavior and protect society

Based on ELIMINATING plea bargain  
Case is screened by a team of attorneys  
Results in ONE voice rather than many



## When do we file a case?

### Factors to consider:

- Admissible evidence
- Prior criminal history
- Extraneous facts of the case, which may or not be admissible, but which give context to the question of whether a criminal charge is brought
- Possible defenses
- The effect on ALL victims
- The Defendant's constitutional rights
- The overall circumstances of the defendant, including whether the defendant's prospect of success in society will be benefitted by participation in the criminal justice system
- The criminal justice system's ability to handle the case effectively when viewing the totality of other cases currently in the system
- The balancing of the need for community protection vs. need for punishment



### Questions to Answer:

- Is a criminal charge the best solution?
- If not, what do we do with the case?
- If so, do we enhance it?
- Do we reduce it?
- Where do we file it?



### The Effect of a Felony

- Our office recognizes that we protect the community by looking at the micro of each case
- Sometimes we protect society by charging a felony
- Sometimes we protect society by NOT charging a felony



## How has it changed our practices

### Specific case examples:

Retail theft case: defendant stole a Chapstick (valued at \$2.69) from local store and because of prior convictions for theft, he was arrested for felony theft, incarcerated on \$5000.00 bail.

Under the traditional system, Defendant was charged with a felony in the district court.

Under the new system, the case was filed as a class B misdemeanor theft charges in the Utah County Justice Court pursuant to HB 300.



## How has it changed our practices

### Specific case examples:

Protective Order Violation: father was charged with violating protective order when he learned that his son was in the emergency room and he called his ex-wife to find his son which violated the protective order.

Under the traditional system, Defendant would have been charged in the district court with a felony resulting in a criminal record for the father.

Under the new system, the screening division declined charges because there was no criminal intent to violate the statute or protective order, Although it was a technical violation of the statute.



## How has it changed our practices

### Specific case examples:

Drug possession: defendant was in a room with three people when officers entered and found several glass pipes. Defendant admitted that one of the pipes was hers and since it had residue of methamphetamine, she was arrested on a third degree felony because she had prior convictions several years old.

Under the traditional system, Defendant would have been charged in the district court with a felony.

Under the new system, Because she did not have any actual meth in her possession and had already received services in the district court, the screening team did not file the charges.



### Cost Metrics of Traditional vs. Redemptive Justice Screening processes

**25 Attorneys**  
\$115K average salary.  
20% of their time.  
**\$575,000**

**6.5 Attorneys**  
\$115K average salary.  
100% of their time.  
**\$747,500**



### Redemptive Justice Screening: Results in Net Revenue Gain to the County

**25 Attorneys**  
\$115K average salary. **V**  
20% of their time. **S.**  
**\$575,000**

**6.5 Attorneys**  
\$115K average salary.  
100% of their time.  
**\$747,500**  
**\$690 average court fine**  
**X 600 cases**  
**\$ 414,000 in new revenue**  
**Final cost: \$333,500**  
**Cost savings: \$241,500**



### Additional benefits of new screening process:

- 1** The screening process eliminates bias, applies laws, evaluates evidence and uses collaboration and experience of the team.
- 2** Creates more balance serving to reduce plea bargains and restore the options that save our threatened jury system.
- 3** Caseloads and numbers are reduced which result in balancing cost vs. benefit in the long term.

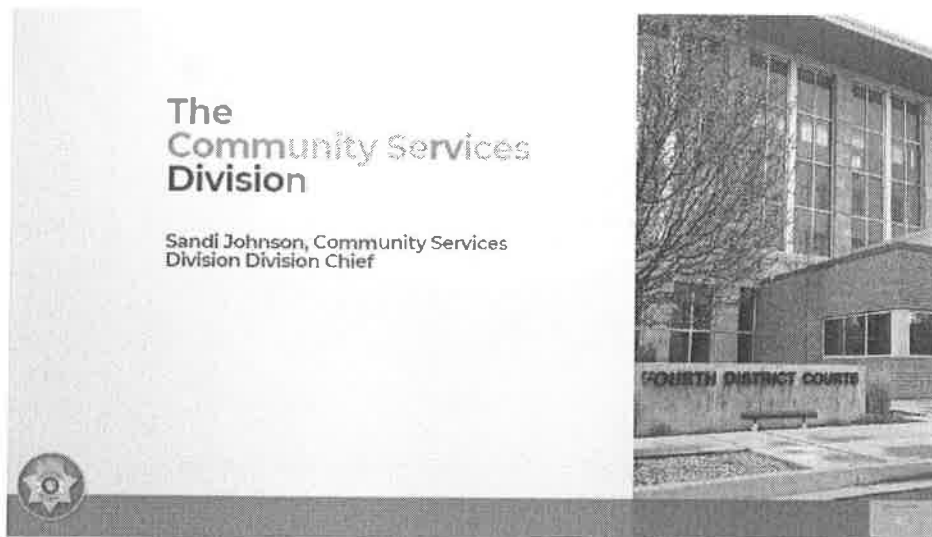




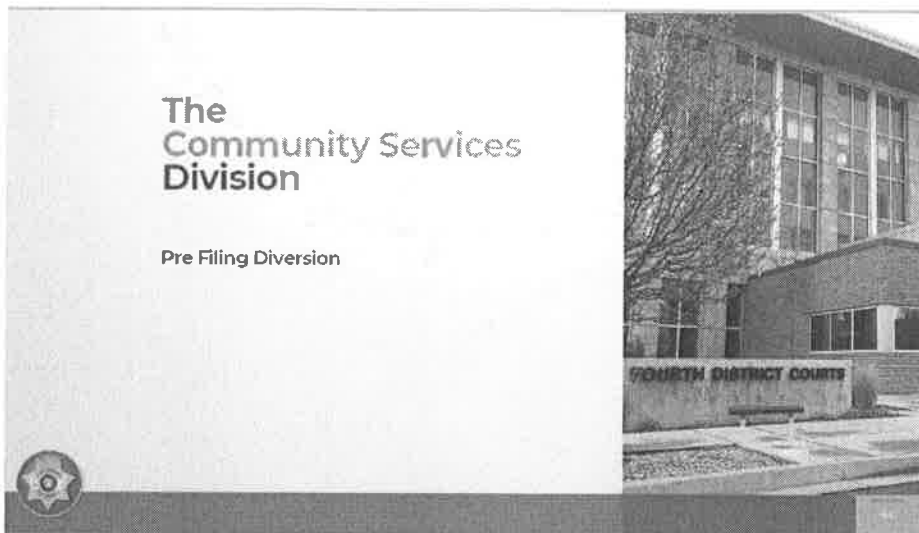
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**COMMISSIONER AINGE – I APPRECIATE THESE PRINCIPLES AND I KNOW THAT 2020 HAS BEEN A CRAZY YEAR FOR US ALL, ESPECIALLY IN THE COURTS TRYING TO ATTRACT THIS DATA. BUT TO EVERYTHING THAT WE'VE JUST BEEN SAYING, IF IN 2021 WE CAN TRACK THOSE 600 CASES AND MORE AND MORE DATA, THAT JUST HELPS TELL THIS STORY EVEN MORE.**

**DAVID LEAVITT - ABSOLUTELY. THIS IS MONEY WELL SPENT FOR US TO HIRE TIME-LIMITED EMPLOYEE WHICH WAS A STATISTICS STUDENT AT BYU. WE EMPLOYED HER TO GO THROUGH EVERY CASE THAT WE FILED IN 2019 AND COLLECT DATA ON 35 DIFFERENT DATA POINTS SO WE CAN SEE AND CAN MEASURE THE EFFECT IN MANY DIFFERENT AREAS OF WHAT WE'RE DOING. IT TOOK HER 5 MONTHS BECAUSE ONE OF THE BIG PROBLEMS OF THE CRIMINAL JUSTICE SYSTEM IS THAT EVERYBODY OPERATES IN A SILO AND EVEN INSIDE THE SILO THE SILO DOESN'T KNOW WHAT'S GOING ON BECAUSE OUR PROCESS HAS BEEN, 'FILE EVERY CHARGE, FILE EVERY CHARGE'. WE GET THROUGH IT AND NOBODY EVERY FOLLOWS UP ON ANYTHING AS TO WHAT'S GOING ON. WE ARE NOT IN A POSITION TO REFORM THE CRIMINAL JUSTICE SYSTEM UNTIL BE KNOW WHAT THE CRIMINAL JUSTICE SYSTEM IS REALLY DOING. ONE OF THE FORTUNATE CIRCUMSTANCES OF COVID IS THE CARES ACT MONEY BECAUSE OUR FORMER CASE MANAGEMENT SYSTEM WHICH WE WERE NOTIFIED EARLY IN THE YEAR THAT THEY WOULD NO LONGER SUPPORT THAT AS OF JUNE OF NEXT YEAR. THAT IS SEVERAL HUNDRED THOUSAND DOLLARS. CARES ACT MONEY ALLOWED THIS AND WE'RE WORKING FROM HOME AND NOW WE NEEDED AN INTERNET-BASED SYSTEM FOR COVID, WE WERE ABLE TO UPGRADE OUR CASE MANAGEMENT SYSTEM. WHAT WE'RE GOING THROUGH RIGHT NOW IS WE ARE BUILDING A NEW CASE MANAGEMENT SYSTEM THAT IS TRYING TO STRIKE THE BALANCE COLLECTING ALL THE DATA WE NEED WHILE NOT COLLECTING DATA THAT WE DON'T NEED - TRYING TO FIND THAT BALANCE. EVERY LAWYER WILL BE TASKED, AND EVERY EMPLOYEE OF THE OFFICE WILL BE TASKED WITH THE RESPONSIBILITY OF DATA ENTRY AS THEY PASS THROUGH IT. BY THE END OF YEAR 2021, WE WILL BECOME AMONG THE MOST FORWARD-THINKING DATA COLLECTION AGENCIES IN PROSECUTION ACROSS THE COUNTY.**

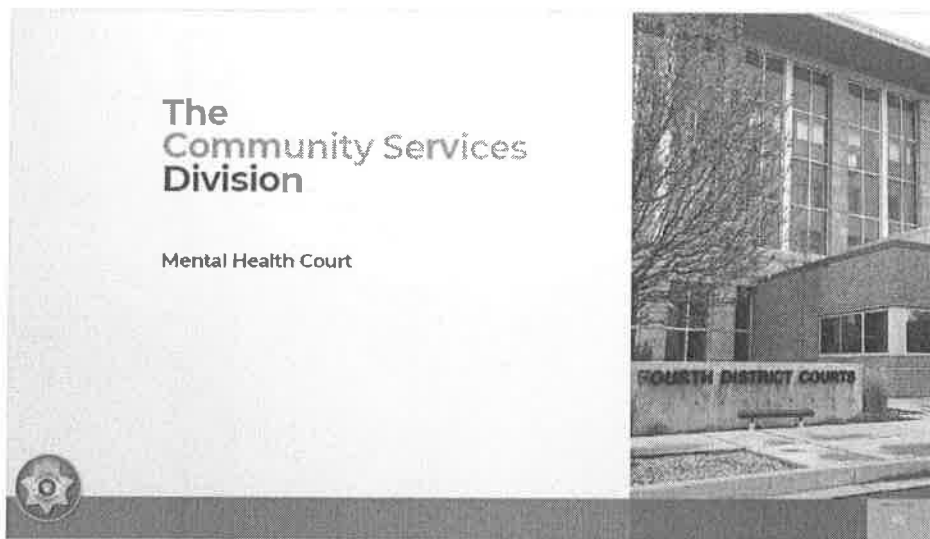


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**DESIGNED FOR LOW-RISK DEFENDANTS WHO HAVE ZERO TO LIMITED INVOLVEMENT CRIMINAL JUSTICE SYSTEM. THE GOAL IS TO GIVE THE OFFENDER AN OPPORTUNITY TO ASSESS THE RISK FACTORS OR CONTRIBUTE TO THEIR CRIMINAL ACTIONS, MAKE ANY VICTIM WHOLE AND GIVE BACK TO THE COMMUNITY AS A CONSEQUENCE OF THEIR BEHAVIOR WITHOUT INVOLVING THEM IN THE CRIMINAL JUSTICE SYSTEM.**

**THERE IS ONE ATTORNEY ASSIGNED AND ONE LEGAL ASSISTANT.**



**THIS IS PART OF COMMUNITY SERVICES. IT IS A SPECIALTY COURT THAT SEEKS TO IDENTIFY DEFENDANTS WHETHER IT’S A NEXUS BETWEEN AN UNDERLYING MENTAL HEALTH ISSUE AND THE OFFENSE CHARGED. THE COURT SEEKS TO INTEGRATE LAW ENFORCEMENT AND MENTAL HEALTH PROVIDERS INTO THE DEFENDANT’S LONG-TERM TREATMENT PLAN AS AN ALTERNATIVE TO EXTEND INCARCERATION. PARTICIPATION IN THIS PROGRAM IS USUALLY 24-36 MONTHS.**

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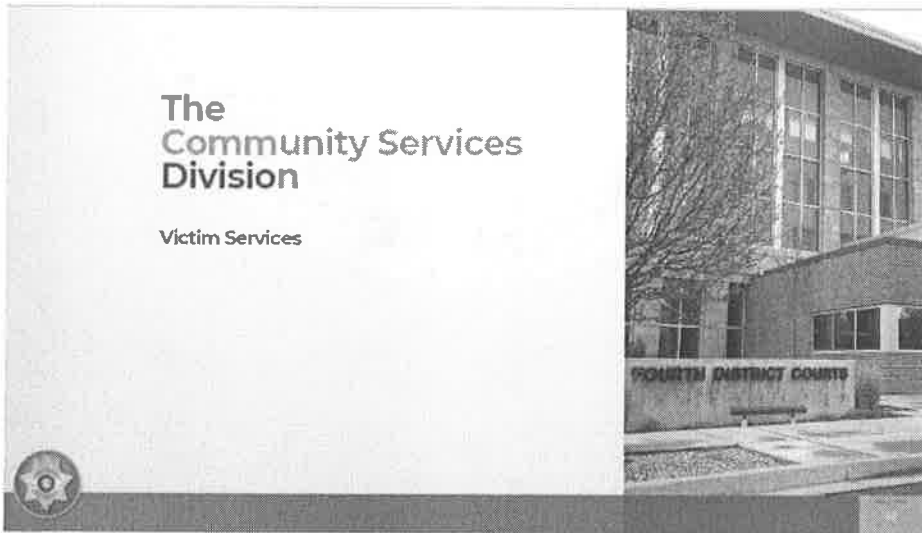
**THERE ARE TWO ATTORNEYS AND ONE LEGAL ASSISTANT ASSIGNED.**



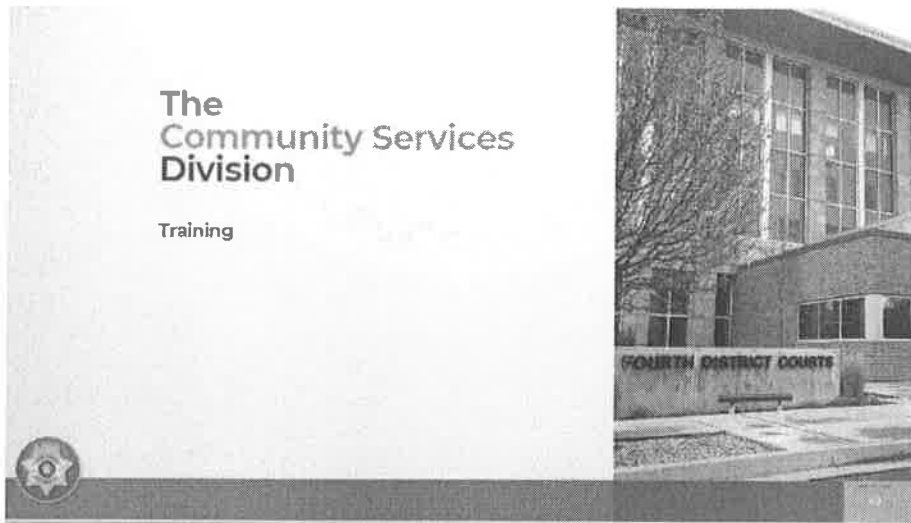
**WE HAVE A DRUG COURT THAT DOES THE SAME THING AND A VETERAN'S COURT THAT DEALS WITH THE ISSUES THAT ARE SPECIFIC TO VETERANS.**



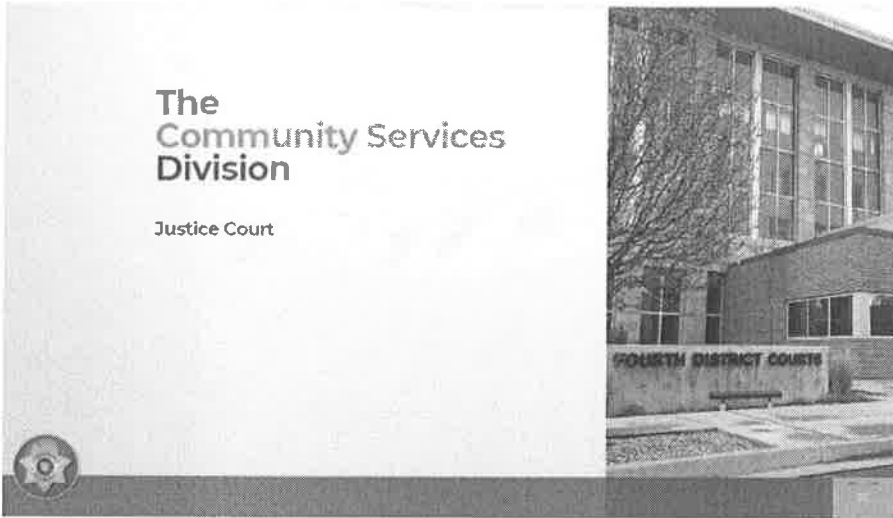
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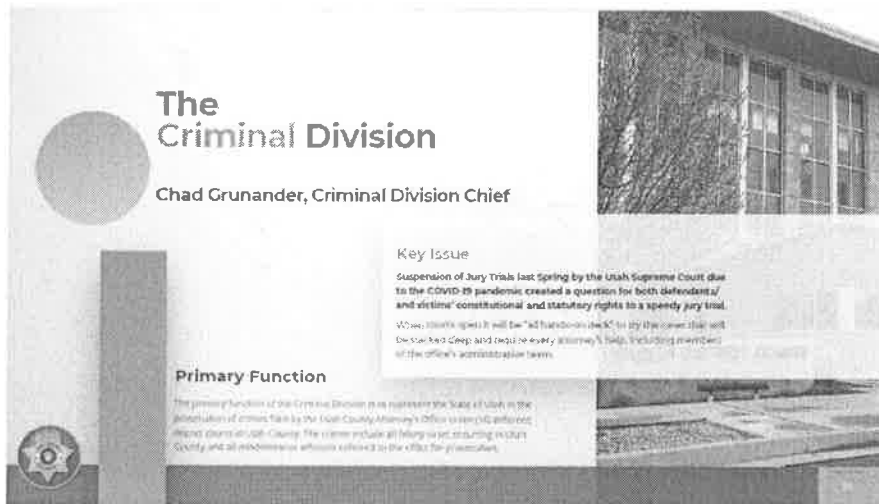
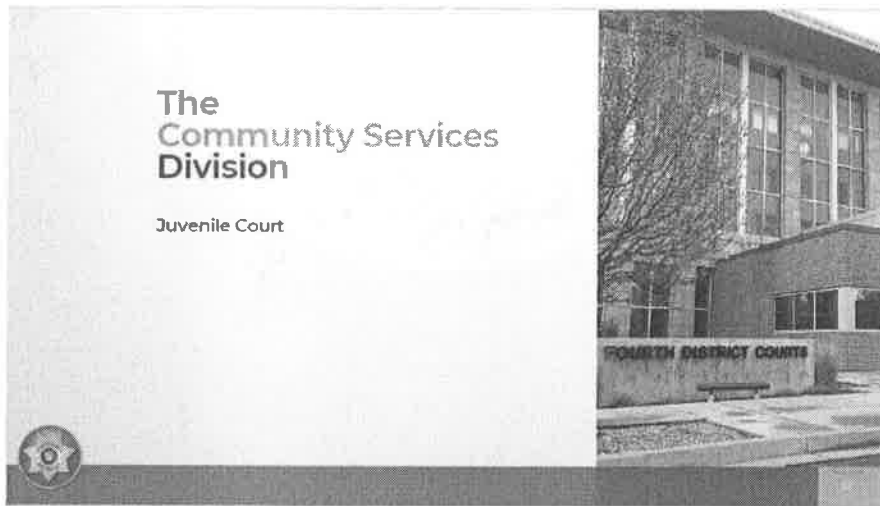
**WE HAVE 3 VICTIM WITNESS COORDINATOR, 1 LEGAL ASSISTANT AND A VOLUNTEER PROGRAM.**

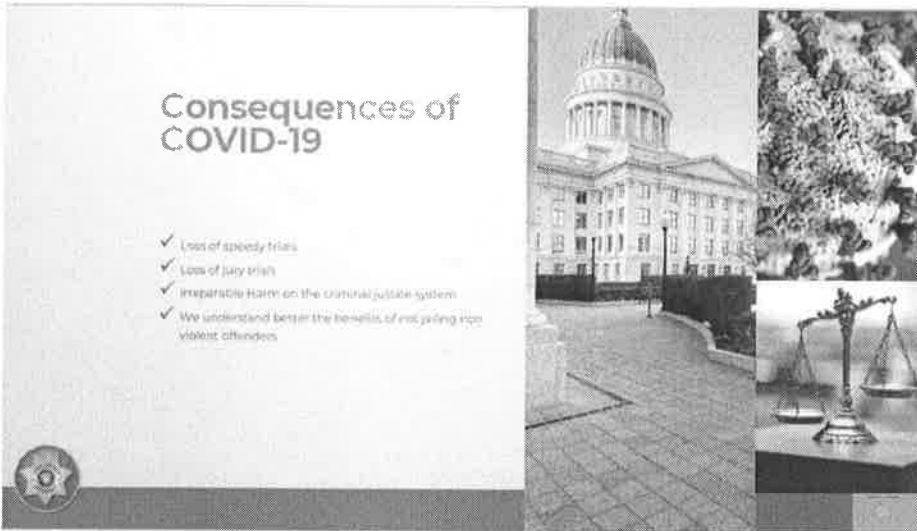


**THE COMMUNITY SERVICE HANDLES ALL THE TRAINING, NOT ONLY TO THE LAWYERS IN THE OFFICE, BUT ALSO TO ALL THE LAW ENFORCEMENT AGENCIES ACROSS THE COUNTY.**



**THERE ARE TWO ATTORNEYS AND ONE LEGAL ASSISTANT ASSIGNED.**

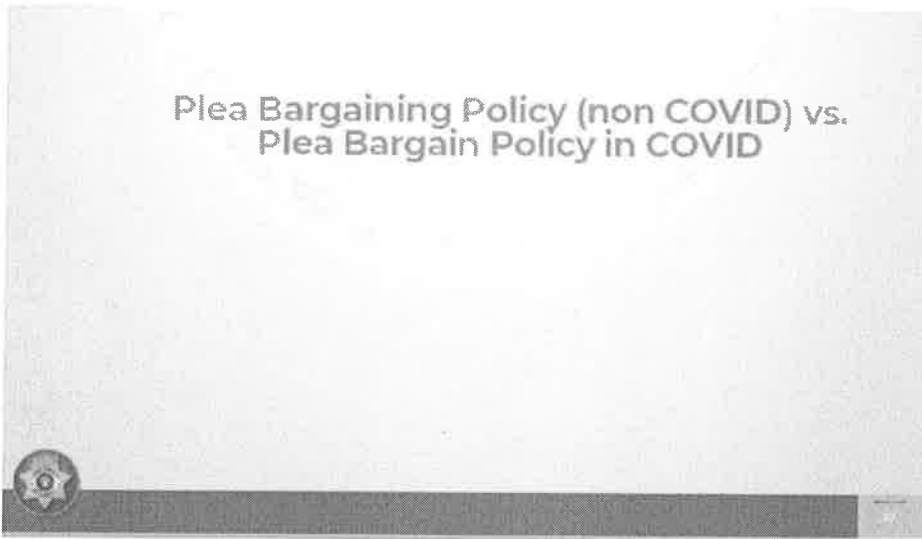


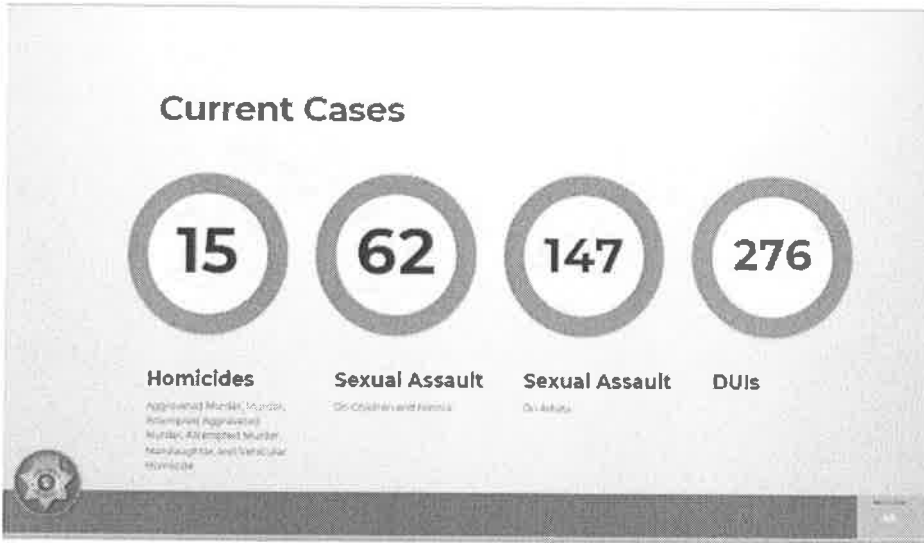


**I'M CREATING A SYSTEM. BY THE TIME COVID IS FINISHED WHAT YOU WILL SEE I'M AFRAID, AROUND THE STATE OF THE COUNTRY IS A CRIMINAL JUSTICE SYSTEM WHERE THE CASES ARE SO BACKLOGGED, THAT NOTHING GETS DONE. MY RESPONSIBILITY AS A COUNTY ATTORNEY AND AS A PROTECTOR OF OUR CONSTITUTION AS OUR FREEDOM AN OBLIGATION TO SAY, 'WE'RE GOING TO REDUCE THE NUMBER OF CASES WE'RE GOING TO SEND TO THE DISTRICT COURT. IT MEANS THAT WE'RE GOING TO TAKE CASES THAT ARE THE DISTRICT COURT THAT DON'T MEAN AS MUCH TO US AS HAVING A JURY TRIAL, WE'RE GOING TO GET RID OF THROUGH PLEA OR DISMISSAL OR SOME OTHER WAY BECAUSE WHEN THE CURTAIN RISES AFTER COVID, WE'RE GOING TO BE READY TO START TRYING CASES. OUR ATTORNEYS ARE CURRENTLY WORKING ON FINDING SOLUTIONS TO THESE CASES. WE ARE SETTling 100% OF OUR CASES AND WE'RE DOING SO IN A WAY THAT SEEKS TO AVOID ANY COERCION AND ANY THREAT OF INAPPROPRIATE PROSECUTORIAL POWER. WHEN COVID LIFTS AND WE FURLOUGH LAWYERS, THEN WE'VE SPENT THE NEXT TWO YEAR DEVELOPING WHAT WE'VE SPENT THE FIRST TWO YEARS DOING.**

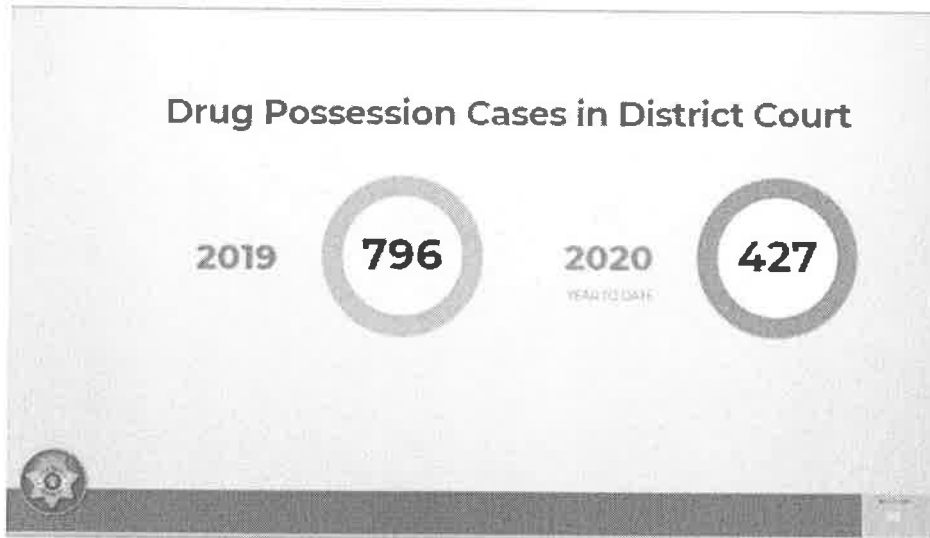
**COMMISSIONER LEE - SO, I’M HEARING THEN YOUR GOAL IS NOT TO HIT THIS BACKLOG THAT SEEMS TO BE JAMMING UP AND FIND SOME SOLUTIONS ALONG THE WAY SO THAT WE DON’T HIT THIS WALL WHEN THIS THING IS FINALLY LIFTED?**

**DAVID LEAVITT - THAT’S CORRECT. WHAT WE HAVE TO DO IN ADDITION TO HAVING TO CLEAR OUT THE DISTRICT COURT PRE-COVID TO BE ABLE TO TRY MORE CASES, WE HAVE TO FIND A WAY TO DISPOSE OF THESE CASES IN A WAY THAT’S RESPONSIBLE TO THE PUBLIC DURING COVID.**

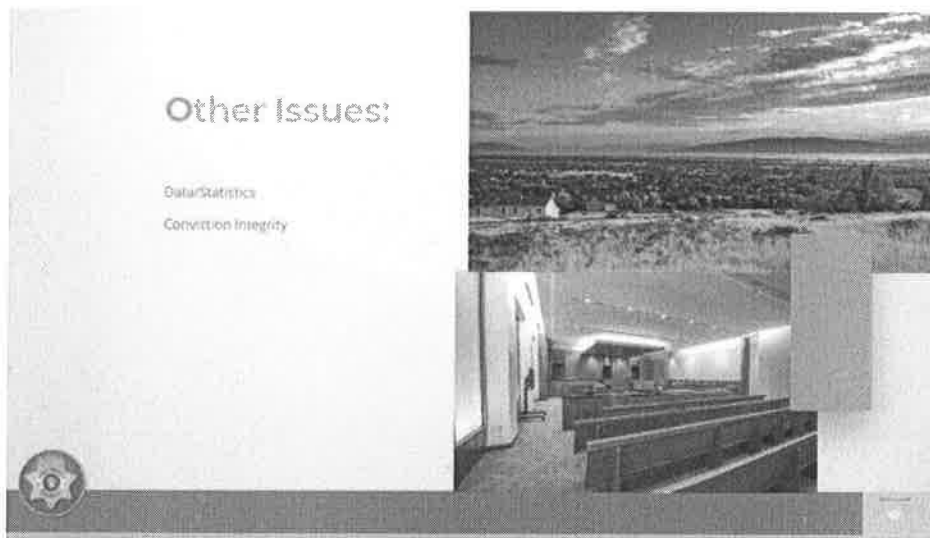




**TO ME, THIS DASHBOARD (ABOVE) ARE THE MOST SERIOUS CASES IN OUR SOCIETY. THESE ARE THE CASES THAT WILL NOT BE THROWN AWAY. THESE ARE THE CASES THAT WON'T BENEFIT FROM COVID. THESE ARE THE CASES WHERE PEOPLE WILL SIT IN JAIL UNTIL THEY GET A TRIAL, OR THEY'LL PLEAD TO SOMETHING THAT IS COMMENSURATE WITH THEIR CRIME.**







**DATA STATISTICS: I ALREADY SPOKE ABOUT THE DATA AND STATISTICS. WE WILL BECOME A LEADING FORCE IN DATA COLLECTION AND DATA DRIVEN DECISIONS. WE WILL ALSO BECOME A LEADING FORCE IN PROSECUTION IN NOT ONLY THIS STATE, BUT IN THIS COUNTY. I'M GRATEFUL FOR THE MEN AND WOMEN IN MY OFFICE, BOTH FULL-TIME LAWYERS, STAFF AND ANYONE THAT'S WORKING ON THIS BECAUSE IT IS A MAJOR SHIFT.**

**CONVICTION INTEGRITY: IN THE COMING WEEK OR TWO, I'LL ANNOUNCE PUBLICLY THE CREATION OF A CONVICTION INTEGRITY UNIT. THE DETAILS I WILL RESERVE FOR WHEN WE MAKE THE ANNOUNCEMENT BUT IT WILL BE A FORUM WHEREIN PEOPLE WHO FEEL LIKE THEY WERE WRONGLY CONVICTED CAN COME AND HAVE THEIR CASE HEARD BY A GROUP OF PEOPLE WHO ARE NOT ASSOCIATED WITH THE OFFICE BUT HAVE THE EXPERIENCE AND THE TRAINING TO MAKE IT A DETERMINATION ON THAT. I WHOLLY BELIEVE IT'S APPROPRIATE THAT WE CREATE THE CONVICTION INTEGRITY UNIT IN A TIME WHEN OUR FELLOW CITIZENS HAVE NO RIGHT TO A JURY TRIAL.**

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**THANK YOU FOR THE OPPORTUNITY TO SERVE AS COUNTY ATTORNEY AND I SAY THAT TO THE RESIDENTS OF UTAH COUNTY. I HOPE WE CAN DO OUR VERY BEST IN THE COMING YEAR TO NOT ONLY BUILD YOUR TRUST BUT TO CREATE A BETTER SYSTEM.**

**PUBLIC COMMENTS**

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Alice Black at (801) 851-8111 at least three days prior to the meeting.

DocuSigned by:

*Tanner Ringe*

TANNER RINGE

Commission Chair

ATTEST:

DocuSigned by:

*Alice Black*

Deputy Clerk/Auditor