



2018



OFFICE OF THE UTAH ATTORNEY GENERAL
ANNUALREPORT



CONTENTS

4	Mission & Vision	51	<i>Statewide Enforcement of Crimes by Undocumented Residents (SECURE)</i>
5	Office Priorities	54	<i>Special Prosecution Unit</i>
6	Office Locations	56	Investigations
7	2018 Highlights	56	<i>Special Investigations Unit (SIU)</i>
10	Constitutional Defense Special Litigation (CDSL)	59	<i>Cooperative Disability Investigations Unit (CDIU)</i>
15	Criminal Appeals	60	<i>Utah Trafficking in Persons Task Force (UTIP)</i>
16	Civil Appeals	63	Child Protection
21	State Agency Counsel	65	Child & Family Support
23	Education	66	Medicaid Fraud Control Unit (MFCU)
26	Litigation	68	White Collar & Commercial Enforcement (WCCE)
28	Natural Resources	73	Special Units
29	<i>Oil, Gas & Mining, Forestry, Fire & State Lands</i>	74	Tobacco
30	<i>Water, Wildlife, & Parks</i>	75	Utah Opioid Task Force
31	<i>Public Lands</i>	76	Utah@EASE
34	Environment & Health	77	Children's Justice Center Program (CJC)
35	Highways & Utilities	80	Utah Prosecution Council (UPC)
37	Tax, Financial Services, & Antitrust	83	SafeUT
41	Justice	85	White Collar Crime Offender Registry (WCCOR)
41	<i>Victim Services</i>	89	Current Challenges
42	<i>Insurance Fraud</i>	90	Budget
44	<i>Criminal Non-Support (CNS)</i>		
46	<i>Internet Crimes Against Children (ICAC)</i>		



AG OFFICE

MISSION & VISION

MISSION

To uphold the constitutions of the United States and the State of Utah, to enforce the law, and to protect the interests of the State of Utah and its people, environment, and resources.

VISION

Directed by Attorney General Sean Reyes, the Utah Attorney General's Office (AGO) strives to be the best public law office in the State of Utah and the United States. With approximately 524 attorneys and staff in offices across the state, the Utah Attorney General's Office serves nearly 60 state agencies, boards, and commissions, colleges, and universities, as well as the Governor and the Legislature. Each member of the AGO team is committed to representing the citizens of Utah with the highest level of integrity, professionalism, civility, and transparency.

AG OFFICE

PRIORITIES

Protect Utahns, particularly children

The top priority of the Utah Attorney General's Office is to keep citizens, especially children, safe from violent crimes, domestic abuse, and predatory crimes. The AGO works hard through its task forces and with law enforcement partners to fight the illegal drug trade, human trafficking, government corruption, and many other types of serious criminal activity. The office investigates and prosecutes these crimes to make the state safe for Utah families, while protecting victims and empowering them to reclaim their lives.

Restore public trust

Efficiency, ethics, and transparency are key components to the foundation of good government. It is vital that citizens know what their public officials do. The Utah Attorney General's Office itself is committed to best practices of proper government and providing the best possible legal representation while carefully using public funds and being accountable to the people who vest the AGO with authority.

Protect Utah businesses and consumers from white collar frauds and scams

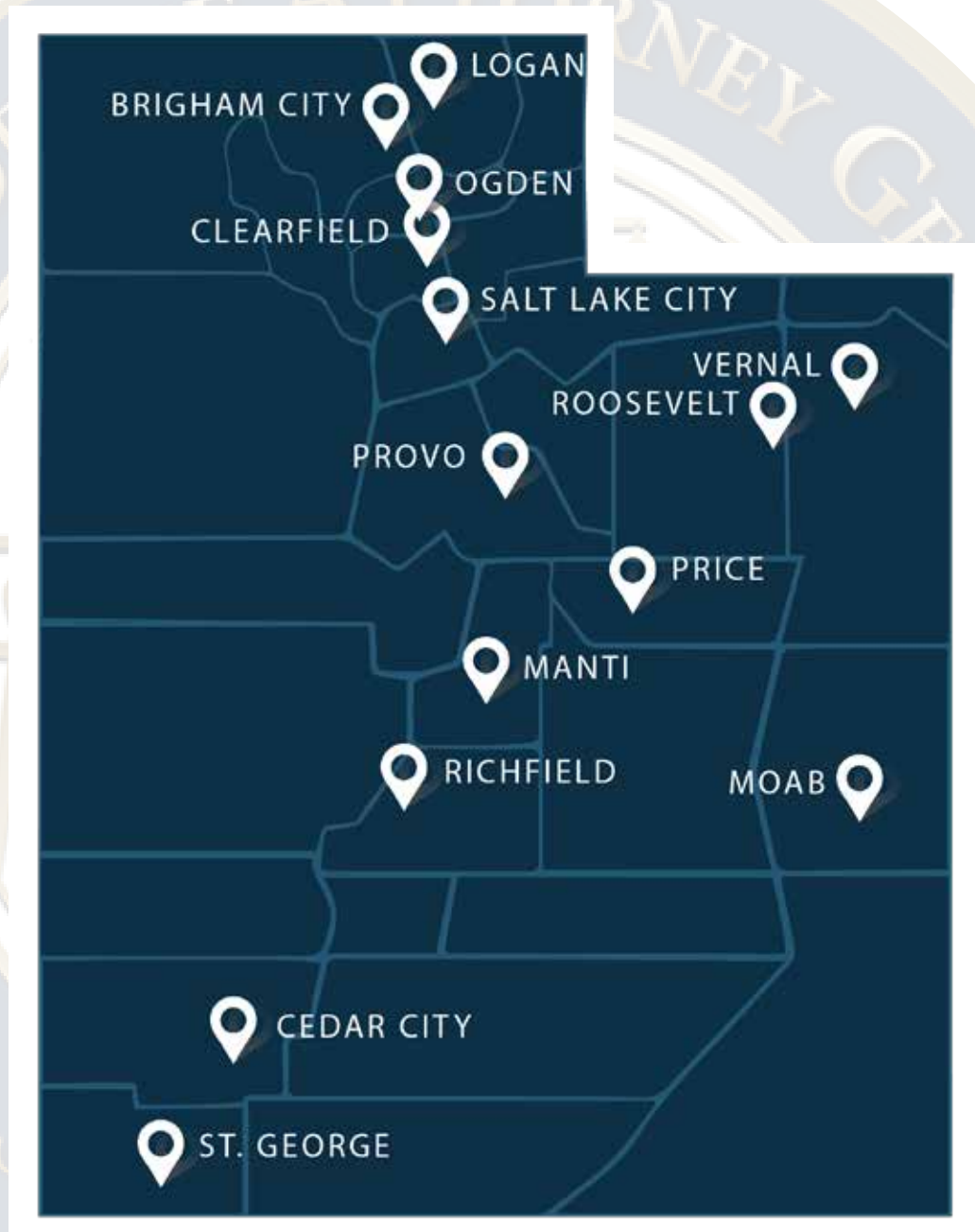
The Utah Attorney General's Office is committed to protecting businesses and consumers from those who abuse the law. Whether investigating and prosecuting tax fraud and Ponzi schemes, enforcing the Consumer Protection Act, cracking down on internet abuse and anti-competitive business practices, combating counterfeiting and identity theft, or safeguarding against other business crimes and abuses, these protections translate into a safer Utah for all of us.

Defend Utah's laws against federal government overreach

Utah's rich, natural resources and wild landscapes reflect a strength and independence that the Utah Attorney General's Office is proud to represent. From urban to rural interests, energy development to conservation, and pioneer stock to new residents, defense of our economy and enforcement of our laws has a far-reaching impact.

Attorney General Reyes is committed to listening to and representing our citizens and our business owners in concerns as diverse as mining, technology, agriculture, direct sales, manufacturing, finance, retail, energy, hospitality, healthcare, professional services, insurance, entertainment, real estate, and automobile issues. He will continue to lead our state in fighting crime and federal overreach that threaten Utah's independence, economic growth, and safety.

AG OFFICE LOCATIONS



AG OFFICE

2018 Highlights

Education

Recovered \$4 million in patient collections and \$2 million in the fourth quarter in general insurance collection for the University Hospitals and Clinics.

Highways & Utilities

Transitioned UTA representation to AGO.

Justice

Collected almost \$8 million in asset forfeiture in narcotics, weapons, theft, and fraud cases. Prosecuted cases that resulted in over \$800k ordered in restitution for insurance fraud. Collected nearly \$1.25 million in child support from delinquent non-custodial parents.

Litigation

Reduced damages from \$2 million to \$119,000 in a wrongful termination suit.

Medicaid Fraud Control Unit

Successfully prosecuted a number of cases that led to over half a million dollars in restitution to be repaid by medical providers.

Mortgage & Financial Fraud Unit

Collected nearly \$900k of restitution; an additional \$7 million was ordered.

Natural Resources

Secured public access to over 3 million acres of school trust lands for hunting, fishing, and trapping.

SafeUT App

Received and handled over 286 unique and verified tips about threats to Utah schools.

State Agency Counsel

Handled approximately 10,345 issues and cases.

Tax, Financial Services, & Antitrust

Recovered nearly \$5 million for the Utah State Tax Commission, the Utah Insurance Department, and the Utah Department of Financial Institutions.

Utah Opioid Task Force

Organized joint Opioid Solutions Summit with Senator Mike Lee's office. Summit was attended by over 9,000 students and community members.

UPC

Secured a \$1.235 million grant to purchase a statewide case management system on behalf of state and local prosecutors.

This page intentionally left blank.

CONSTITUTIONAL SECTION

1 DIVISION | 3 ATTORNEYS & 1 STAFF



CONSTITUTIONAL DEFENSE & SPECIAL LITIGATION



Overview

Lawsuits challenging the constitutionality of state law (that are not covered by indemnification for civil liability for money damages in the Risk Fund) are defended by the Constitutional Defense and Special Litigation Division (“CDSL”) under the supervision of Solicitor General Tyler Green. Some of the more publicized cases that have been handled by the Solicitor General and the CDSL team in 2018 include:

- Brewvies’ First Amendment challenge to the statutory prohibition against serving alcohol while showing movies containing sexual images;
- Resolution of the Disability Law Center’s class-action lawsuit alleging the State detains individuals arrested for crimes and awaiting competency restoration for time periods that exceed constitutional limits;
- The Disability Law Center’s class-action lawsuit alleging the State fails to transition individuals with intellectual or developmental disabilities from intermediate care facilities to home and community-based services at a constitutionally permissible pace; and
- Litigation related to a private coalition’s attempt to remove the Utah Medical Cannabis Act initiative from the general election ballot.

BY THE NUMBERS, FY 2018



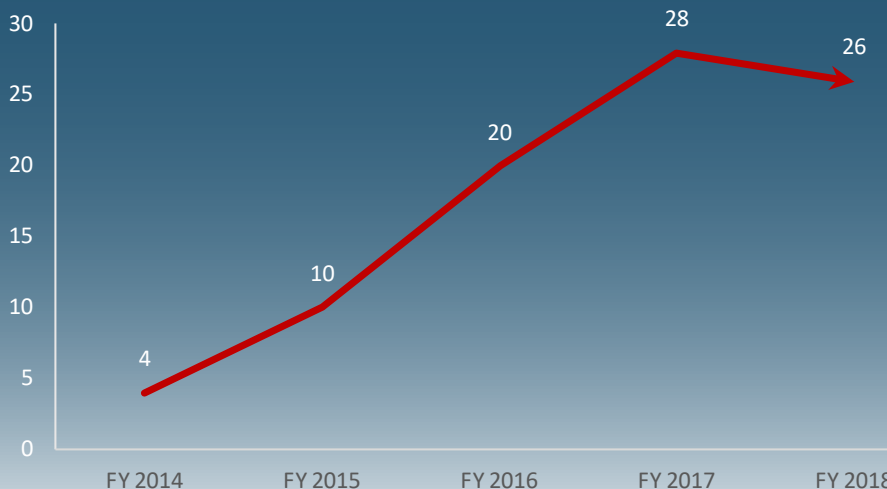
Total Cases Defended

26



**% Increase from
FY 2014**

550%



Notable Cases

National Monument Cases

A coalition of environmental groups and Indian tribes filed five separate lawsuits in the United States District Court for the District of Columbia, challenging the President's authority to reduce the size of the Bears Ears and Grand Staircase national monuments. The Court consolidated the five lawsuits into one. The Court denied Defendants' motion to transfer venue to the district court in Utah. Defendant's Motion to Dismiss is fully briefed and pending before the Court.

Disability Law Center, et al. v. Department of Human Services, et al.

The Disability Law Center ("DLC") filed a class action lawsuit on behalf of individuals accused of a crime and detained in county jails awaiting competency restoration treatment. DLC alleged the Department of Human Services ("DHS") was violating these individuals' due process rights by incarcerating them without providing competency restoration treatment in a timely manner. The court denied Defendants' motion to dismiss and subsequently certified the class. The 10th Circuit denied Defendants' motion for interlocutory appeal. After months of negotiation, the parties entered into a settlement agreement that was approved by the court. The settlement agreement requires DHS to significantly reduce the wait times for receiving treatment for those accused of crimes but declared incompetent to stand trial. A monitor was appointed to ensure compliance with the terms of the settlement agreement. The case is stayed until July 17, 2022. During this period of time there are significant reporting and monitoring requirements and benchmarks that must be met.

Disability Law Center, et al. v. Utah Department of Health and Human Services, et al.

The Disability Law Center ("DLC") filed a class-action lawsuit, contending the Utah Department of Health and Utah Department of Human Services (collectively, the "State") are violating the Americans with Disabilities Act ("ADA"), by not affording individuals residing in private Intermediate Care Facilities ("ICFs") sufficient opportunities to transition to less-restrictive integrated settings. On March 12, 2018, the parties agreed to stay the case for 180 days, with the possibility of an additional 90-day extension, to allow the parties time to explore settlement. Case has been stayed until April 2019 to ensure potential budgetary issues are fully resolved.

Epilepsy Association et al v. Herbert, et al.

Plaintiffs have challenged House Bill 3001, which the legislature enacted to amend Proposition 2. Plaintiffs claim 1) the legislature lacks the authority to repeal the ballot initiative; and 2) the Church of Jesus Christ of Latter-day Saints improperly influenced the legislative process in violation of the Domination clause in the Utah State Constitution. Plaintiffs' counsel has indicated he intends to amend the Complaint to include a claim that HB 3001 is preempted by Federal law. The Complaint has not yet been served and the case is in its initial stages.

Greer v. Herbert, et al.

Disabled Plaintiff sought license from the State to operate a brothel, arguing that as a disabled man, he needed access to one. The State denied Plaintiff's license because prostitution & brothels are unlawful in this state. Plaintiff claims the State violated his constitutional rights of substantive due process, privacy, equal protection, and freedom of association, and sought a court order striking down Utah's brothel laws. The District Court granted Defendant's Motion for Summary Judgment on the Pleadings. Plaintiff has appealed.



Notable Cases

Salt Lake County, et al. v. State

Plaintiffs Salt Lake County, Duchesne County, Uintah County, Washington County, and Weber County (the “Counties”) contend that portions of SB 157 passed in 2017, SB 237 promulgated in 2008, and SB 165 passed in 2015 (the “Acts”) violate the State and Federal Constitutions. Plaintiffs argue that the Acts result in unconstitutionally low taxes for commercial passenger airlines, which, in turn, result in higher taxes for county taxpayers. The State moved to dismiss the Counties’ claims, contending the Court lacks subject-matter jurisdiction because Plaintiffs have not based their claims on a specific assessment or case, and instead ask the court to decide abstract questions. The Court granted the State’s Motion to Dismiss and the Counties have appealed the Court’s ruling to the Utah Supreme Court.

Shurtleff v. State

Former Attorney General Mark Shurtleff seeks to recover more than \$1,000,000 in attorney’s fees that he incurred in defending against criminal charges brought against him by the State of Utah. Shurtleff advanced a statutory and contractual right to recover his attorney’s fees. The court dismissed Shurtleff’s statutory claims because the criminal charges against him were dismissed based on the prosecutor’s motion. In support of his contractual claims, Shurtleff contends the prosecutor accepted the terms of a cooperation agreement that included the prosecutor’s promise not to oppose Shurtleff’s motion to dismiss, and by filing the State’s motion to dismiss the criminal charges, the prosecutor breached the contract. The court denied the State’s motion to dismiss the contractual claims, and the parties are conducting discovery.

Swallow v. State

Former Attorney General John Swallow seeks to recover approximately \$1,600,000 in attorney’s fees that he incurred in defending against criminal charges brought against him by the State of Utah. The parties are conducting discovery to determine the reasonableness of the attorney’s fees that Swallow seeks to recover.

Texas v. Zinke

Texas, along with two other states (Louisiana and Indiana), challenged the Indian Child Welfare Act (“ICWA”), alleging the provisions of the Act are unconstitutional. Utah joined with several other states in filing an Amicus brief in defense of ICWA. The United States District Court for the Northern District of Texas granted Plaintiffs’ Motion for Summary Judgment and struck down ICWA, concluding that provisions of the Act violate Equal Protection, the separation of powers principles of non-delegation, the Tenth Amendment, the Administrative Procedure Act, the Fifth Amendment’s Due Process Clause, and the Indian Commerce Clause. The case has been appealed to the Fifth Circuit Court of Appeals.

West Valley City and City of West Jordan v. Utah State Emergency Medical Service Committee, et al. (Gold Cross Services Inc. – Intervenor)

West Valley City and the City of West Jordan have sued the Utah Bureau of Emergency Medical Services and Preparedness, Utah State Emergency Medical Service Committee, and Utah Department of Health (“Defendants”), and are challenging the validity of amendments to administrative rules relating to ambulance services. Gold Cross has intervened in the case.



This page intentionally left blank.

APPELLATE DEPARTMENT

2 DIVISIONS | 25 ATTORNEYS
& 10 STAFF



CRIMINAL APPEALS



Overview

The Criminal Appeals Division is part of the Appellate Department under direction of Solicitor General Tyler Green. The division defends successful convictions, promotes fair treatment for victims and defendants, and represents the State of Utah in all appeals statewide from capital and felony convictions and from juvenile delinquency adjudications. It also represents the state in all state post-conviction and federal habeas proceedings, including all death penalty challenges. In addition, the division advises county prosecutors statewide on issues of criminal law and procedure, particularly in capital cases and cases presenting complex search and seizure issues.

The division has also made significant progress moving capital cases forward. The division has successfully brought several capital cases to or near the end of their present litigation stage. In one case, the division is prosecuting an appeal which, if successful, should result in a rule that will considerably shorten the delay in all of the division's capital cases.

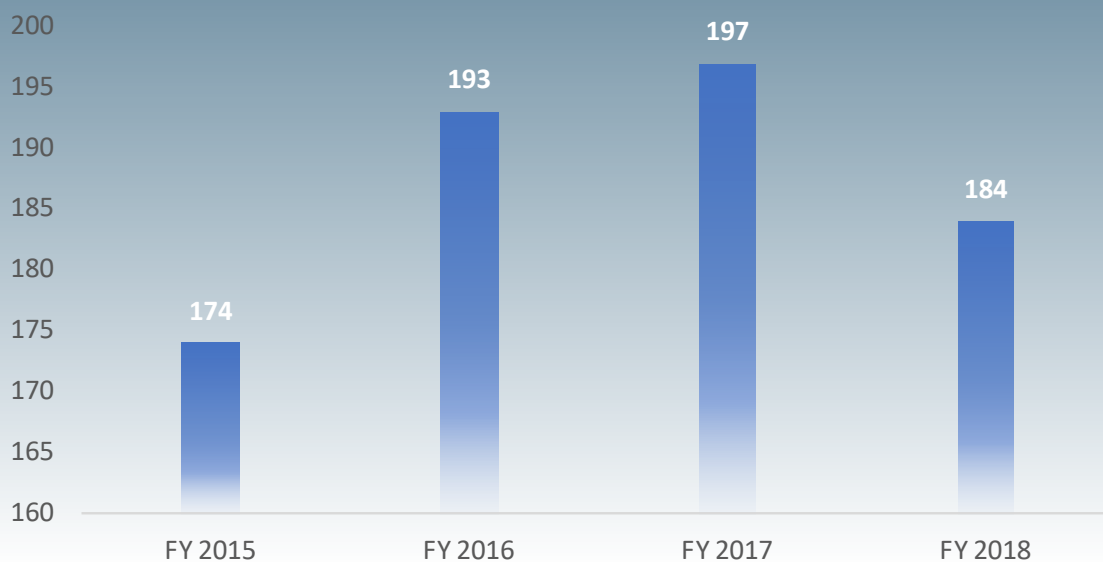
BY THE NUMBERS, FY 2018



Number of briefs filed

184

Through the Years



CIVIL APPEALS



Overview

The Civil Appeals Division is part of the Appellate Department under direction of Solicitor General Tyler Green. Appellate lawyers in the division defend the state's victories from challenges on appeal or obtain reversals by the appellate court of erroneous, adverse decisions. The division frequently works together with other trial attorneys in the AGO on complex substantive matters involving challenges from administrative actions and district court cases, as well as questions certified to the Utah Supreme Court from other courts. Wide-ranging challenges handled by the division may involve constitutional challenges, Native American law, administrative law, eminent domain, tax law, water law, public lands, and prisoner parole issues.

Importance of Civil Appeals

The division handles virtually all civil appellate matters involving the state and its myriad agencies, officers, and employees represented by the AGO. The division also drafts amicus briefs on important issues raised in other appellate cases that do not directly involve a state party. Civil appellate matters arise in both state and federal appellate courts, including the Utah Court of Appeals, Utah Supreme Court, U.S. Court of Appeals for the Tenth Circuit, and the United States Supreme Court. These are particularly important as they are likely to become binding precedent throughout the state, the Tenth Circuit (including six western states), or the nation.



Solicitor General Tyler Green and Stan Purser, Division Director of Civil Appeals and Deputy Solicitor General, at the 10th Circuit Court of Appeals in Denver, Colorado.



How the Civil Appeals Division Works

The division is divided into two sections: the Civil Appeals Section and the Litigation Appeals Section. The Civil Appeals Section has four attorneys and handles civil appeals within the AGO. These appeals cover a wide variety of issues, including constitutional challenges, Native American law, administrative law, eminent domain, tax law, water law, education law, public lands, environmental law, and prisoner parole decisions, among others.

The Litigation Appeals Section has three attorneys and handles appeals from risk management-covered cases involving torts, civil rights, and employment claims against the state, other governmental entities, and their employees. These appeals not only present important legal questions; they also often pose significant financial risk for the state and its agencies.

On appeal, attorneys generally defend the lower court's decision, but can occasionally take appeals seeking to reverse adverse lower court decisions. The appellate attorneys are some of the few attorneys in the office that are required to play both offense and defense, each of which involve different skill sets. Done properly, most appeals take significant time, effort, and skill.

In addition to briefs (merit or amicus), attorneys may have to draft other substantive pleadings, and they participate in mediations when settling an appeal is in the state's best interest. In addition to preparing for their own oral arguments, attorneys spend significant time helping prepare their colleagues for oral argument by reviewing the briefs, discussing the issues, and acting as judges in moot courts.



BY THE NUMBERS, FY 2018



Number of briefs &
substantive pleadings

88



% Increase from FY 2017

26%

Notable Cases

Utah Republican Party v. Cox

The 10th Circuit Court of Appeals upheld the validity of the Utah Legislature's S.B. 54, then denied Plaintiff Utah Republican Party's petition for rehearing. The Utah Republican Party has filed a petition for certiorari with the U.S. Supreme Court. The Attorney General's Office will file a brief in opposition to the petition early in February of 2019.

American Charities for Reasonable Fundraising Regulation, Inc. v. O'Bannon

The 10th Circuit held that the plaintiff's constitutional challenges to the prior version of the Utah Charitable Solicitations Act were moot (after the AGO's Constitutional Defense and Special Litigation Section had successfully defended the law in district court).

Count My Vote v. Cox

The Utah Supreme Court held (in a preliminary order) that Utah's citizen initiative laws did not violate Count My Vote's constitutional right to initiative. The Court's full opinion has not yet been issued.

Utah County v. Herbert

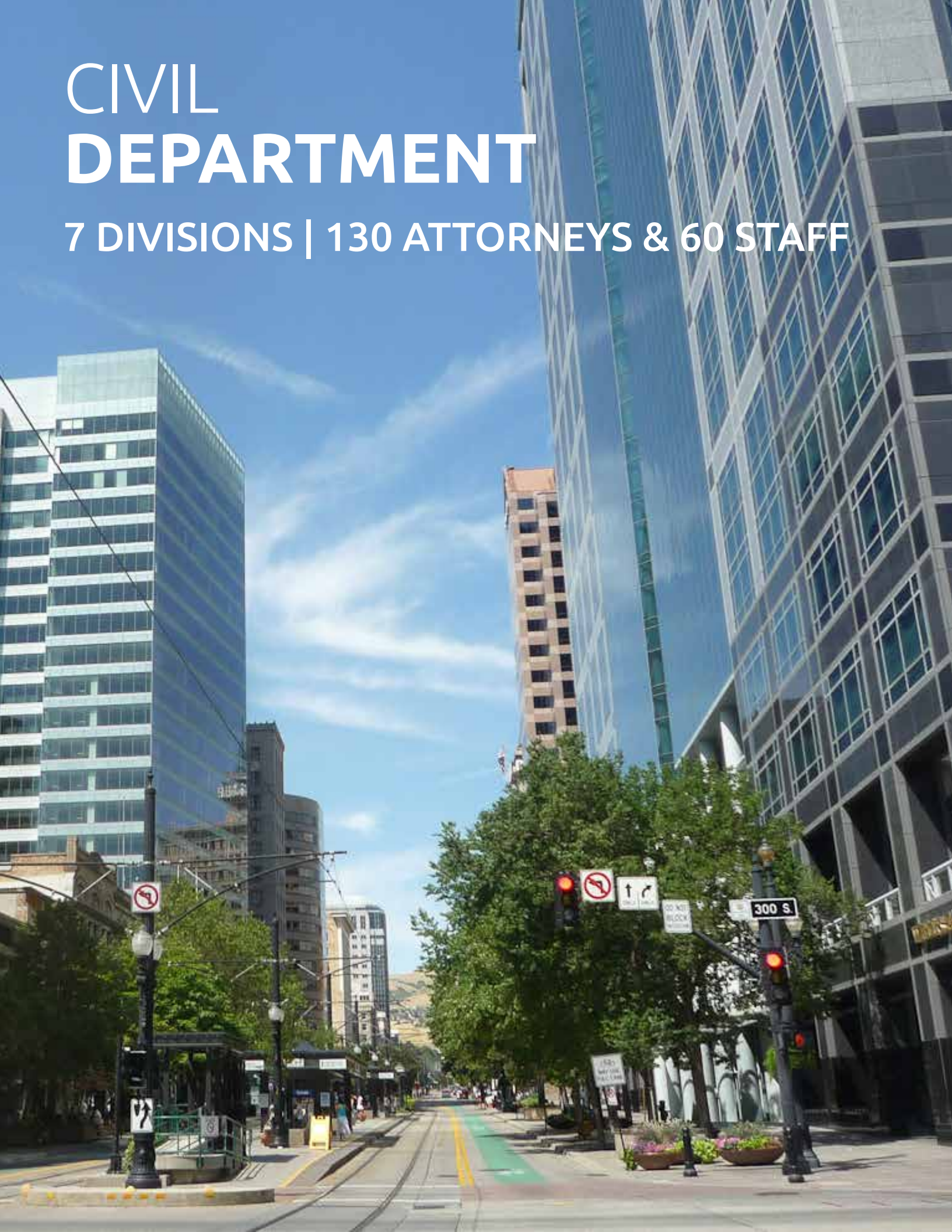
The Civil Appeals Division filed a strong response to Utah County's petition arguing that the Governor was required to appoint one of Utah County's nominees to the new Utah Transit Authority board. Prior to any ruling by the Court, Utah County agreed to nominate someone else, whom the Governor has appointed. Utah County withdrew its lawsuit.



This page intentionally left blank.

CIVIL DEPARTMENT

7 DIVISIONS | 130 ATTORNEYS & 60 STAFF



STATE AGENCY COUNSEL



Overview

The State Agency Counsel Division acts as a catch-all for the Office of the Attorney General, handling work that doesn't fit within more narrowly-focused divisions.

Legal & Services Provided

The State Agency Counsel Division provides legal counsel and services for the following:

- Board of Examiners
- Capital Indigent Defense Trust Fund Board
- Capitol Preservation Board
- Child Abuse Offender Registry
- Governor's Office of Economic Development (GOED)
- Governor's Office of Management & Budget (GOMB)
- Governor's Rural Partnership Board
- Indigent Parental Defense Board
- Interstate Agreement on Detainers and Extradition
- Judicial Performance Evaluation Commission (JPEC)
- Legislative Compensation Commission
- Lieutenant Governor (Elections, notaries)
- Martin Luther King, Jr. Human Rights Commission
- Museum Services Advisory Board
- Native American Legislative Liaison Committee/Remains Review Committee
- Navajo Trust Fund
- Office of Medicaid Inspector General (OIG)
- Office of State Debt Collection (OSDC)
- Office of the Public Guardian
- Olene Walker Housing Loan Fund Board
- Pete Suazo Boxing Commission
- Private Activity Bond Board
- Quality Growth Commission
- Sex and Kidnap Offender Registry
- State Archives & Records Committee
- State Armory Board
- State Auditor
- State Homeless Coordinating Committee
- State Post-Retirement Benefits Trust Fund (OPEB)
- State Treasurer (all matters except Navajo Trust Fund)
- STEM Activity Center Board
- Transparency Board
- USTAR/USTAR Governing Authority
- Utah Board of Pardons and Parole
- Utah Capital Investment State Board (Fund of Funds)
- Utah Commission on Criminal and Juvenile Justice (CCJJ)
- Utah Department of Administrative Services (DAS)
- Utah Department of Agriculture and Food (DAF)
- Utah Department of Alcoholic Beverage Control (DABC)
- Utah Department of Corrections (DOC)
- Utah Department of Corrections- Adult Probation & Parole
- Utah Department of Heritage and Arts (DHA)
- DHA—Utah Arts Council
- Utah Department of Technology Services (DTS)
- Utah Department of Veterans and Military Affairs (DVMA)
- Utah Department of Workforce Services (DWS)
- DWS—Permanent Community Impact Fund Board
- Utah Division of Aging and Adult Services
- Utah Division of Facilities & Construction Management (DFCM)
- Utah Division of Finance
- Utah Division of Fleet Operations
- Utah Division of Indian Affairs
- Utah Division of Juvenile Justice Services
- Utah Division of Purchasing
- Utah Division of Purchasing—Division of Surplus Property

(Cont.)

- Utah Division of Services for People with Disabilities
- Utah Film Commission/Motion Picture Advisory Commission
- Utah International Relations and Trade Commission
- Utah Labor Commission—Utah Anti-Discrimination Labor Division (UALD)
- Utah Labor Commission—Utah Occupational Safety & Health (UOSH)
- Utah Money Management Council
- Utah National Guard
- Utah Office of Administrative Rules
- Utah Office of Crime Victim's Assistance
- Utah Office of Energy Development (OED)—Utah Energy Infrastructure Authority Board
- Utah Office of Multicultural Affairs—Multicultural Commission
- Utah Outdoor Recreation Grant Advisory Committee
- Utah School and Institutional Trust Funds (SITFO)
- Utah State Building Board
- Utah State Developmental Center
- Utah State Fair Corporation Board (USFCB)
- Utah State Hospital
- Utah State Library Board
- Utah State Prison Relocation
- Utah Tourism Board



In addition to serving these agencies, AGO attorneys specialize and advise on the following:

- Civil Prisoner Relief Petitions
- Civil Review Committee & Local Government
- Competency Issues
- Constitutional Issues
- Gambling Complaints
- GRAMA
- Notary Public Issues
- Public Ethics
- State Government Powers and Authority
- Tobacco Enforcement & Litigation/Settlement
- Trademarks
- Weatherization
- Wiretapping & Eavesdropping

BY THE NUMBERS, FY 2018



Approximate number of
issues & cases handled

10,345



Approximate total dollar
amounts at issue

\$68,140,180

EDUCATION



Overview

The Education Division provides legal counsel to the state's systems of public education and higher education, which consists of the State Board of Regents, the University of Utah, Utah State University, Weber State University, Utah Valley University, Southern Utah University, Dixie State University, Snow College, and Salt Lake Community College. Legal services provided to the colleges and universities vary from campus to campus, but are primarily focused on practicing preventative law, complying with state and federal statutes, and defending the institutions during internal hearings, including student conduct hearings, employee discipline matters, and tenure appeal hearings.



Attorney General Sean Reyes with student council members from Midway Elementary.

Public Education

In public education, the division provides legal counsel and guidance to the 15-member State Board of Education (USBE) and its committees, the State Superintendent and staff, the State Charter School Board, the School and Institutional Trust Lands Administration (SITLA) nominating committee, the Utah Schools for the Deaf and Blind (USDB), and the various departments, programs and boards associated with the USBE. In addition, the division provides counsel for state agencies under the direct control and supervision of the USBE.

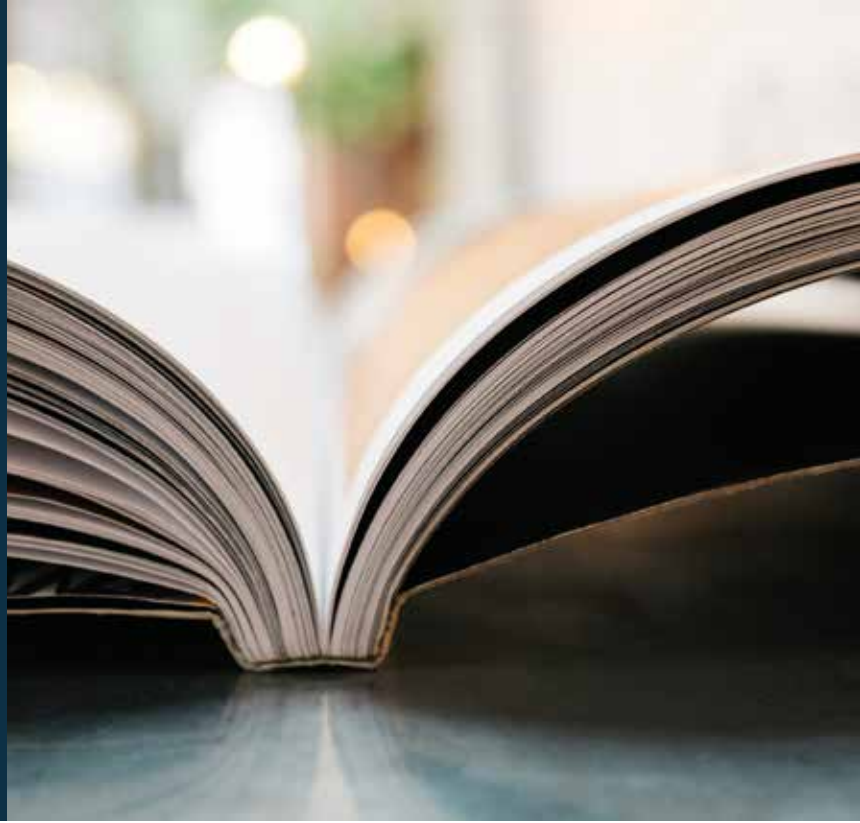
Responsibilities

- Represent state colleges and universities before the State Records Committee related to the disclosure of records
- Represent institutions—as well as student loans serviced and held by the Utah Higher Education Assistance Authority—in bankruptcy courts
- Represent and advise internal university matters and hearings (student code of conduct, appeals of denial of tenure, student rights and employee discipline)
- Represent colleges and universities in bonding efforts

In addition, the division also handles delinquent student loan collection for the Utah Higher Education Assistance Authority.

Legal Services Provided

- Reviewing, drafting, and negotiating hundreds of grants, contracts, and procurements.
- Acting to ensure compliance with state and federal laws and regulations to properly conduct educational programs and implement educational policies.
- Providing legal representation during administrative hearings and for non-Risk covered litigation, including public teacher misconduct, civil rights, educational rights of indigent or immigrant families, Equal Employment Opportunity Commission (EEOC) and Utah Antidiscrimination and Labor Division (UALD) discrimination claims, sexual misconduct or sexual harassment, and student rights.



Higher Education

The division has eleven attorneys assigned to provide legal counsel and advice to each of the state's eight institutions of higher education; the Offices of the Commission of Higher Education; the Utah System of Technical Colleges and its eight separate college campuses; the Utah Higher Education Assistance Authority; the Utah Educational Savings Plan; and the Utah Education and Telehealth Network.

University Hospitals & Clinics

Insurance & Patient Collection

The division has two full-time attorneys assisting the University Hospitals and Clinics with this collection effort.

For the fourth quarter of 2018, the Attorney General's Office collected \$4 million from patients. From general insurance collection efforts, the amount was \$2 million. This amounts to about \$6 million in total.

BY THE NUMBERS, FY 2018

FOURTH QUARTER



Patient Collections

\$4 million



General Insurance Collection

\$2 million



Notable Case

Wyoming Workers Comp Air Med Legal Issue

AAGs were following up on the denials of Wyoming Workers Comp Air Ambulance accounts when they noticed a trend that they were not paying the claims. When they reached out to their contacts at Workers Comp for Wyoming they were pointed to an article that argued that due to Wyoming law they did not have to pay on these claims. Each claim ranged from \$20k to \$50k.

AAGs found two cases that were already being contested legally from patients through the system and worked to receive a permit to practice law in Wyoming to support Utah and the patients.

In December 2018, Wyoming Workers Comp agreed to pay the claims in exchange for the patients withdrawing their protest.

LITIGATION



Overview

The Litigation Division includes Civil Rights, Torts, and Employment Sections that defend state agencies, school districts, charter schools, and their employees from lawsuits seeking money damages. Attorneys exercise independent, professional judgment and render candid advice, referring not only to the law but also to moral, economic, social, and political considerations relevant to the individual client's situation. The division handles some of the most important and highest profile cases in the state.



Lawsuits

On average, the division has about 250 active lawsuits at any given time. The Civil Rights Section deals with lawsuits claiming constitutional and statutory civil rights violations, such as free speech, religious freedom, and establishment claims, as well as search and seizure, due process, cruel and unusual punishment, equal protection, Title VI, Title IX, ADA, and IDEA claims.

The Torts Section works on lawsuits involving money damage for catastrophic bodily and emotional injury, property damage, and other personal loss allegedly caused by negligent or intentional acts and within the insurance coverage of the Utah Division of Risk Management.

Attorneys in the Employment Section specialize in defending state agencies and school districts who are sued by present and former public employees claiming wrongful termination or other job-related mistreatment under numerous federal and state laws including Title VII, the ADA, the ADEA, and FMLA. The section also regularly advises state agencies that are contemplating adverse employment actions.

In 2018, the division closed nearly 150 of 245 lawsuits currently pending. These closed lawsuits represent cases that were settled, dismissed on motion, or tried to conclusion in court or administrative bodies. All of these lawsuits sought monetary awards by demanding either specific dollar amounts or unspecified "reasonable damages."



Notable Cases

GeoMetWatch Corp. v. Utah State University Research Foundation

GeoMetWatch (GMW) alleged that the Utah State University Research Foundation, the Utah State University Advanced Weather System Foundation, and several of USU's current and former employees conspired with a venture capitalist to steal GMW's trade secrets for development of a cutting-edge weather sensing and satellite technology. The case involves more than 500,000 documents and has required the parties to obtain information from the Weather Channel, NASA, and the Export-Import Bank of the United States. The parties have retained 12 experts on subjects from business management to satellite operations from around the world. The case has resulted in three questions certified to the Utah Supreme Court dealing with sovereign immunity and Federal court jurisdiction.

Hewlett v. Utah State University

Plaintiff Victoria Hewlett was a USU student who was given alcohol at a Sigma Chi fraternity party at USU and was later raped and beaten by Jason Relopez, who pled guilty to charges of sexually abusing Hewlett and is currently incarcerated. Hewlett alleged that before she was attacked, USU officials and Sigma Chi were aware of five other USU students Relopez had sexually assaulted, yet they failed to take steps to protect other potential victims. At issue in this case is the tension between the privacy rights of college students being investigated for crimes and Title IX's mandate to protect students from sexual assault. In July, USU settled with Hewlett and agreed to impose stricter requirements on fraternities associated with the campus, including requiring the fraternities to report sexual assaults to USU and to have an employee dedicated to training on sexual harassment and assault. USU will continue its efforts to prevent sexual violence and to assist student victims. USU and Hewlett issued a joint commentary published in the Salt Lake Tribune on the resolution of the case.

S.J. v. Cache County School District

S.J., a student at Mountain Crest High School, claimed school officials violated her free speech rights when they removed her from the cheer squad after she posted a semi-private video on SnapChat. The video shows S.J. and some of her co-squad members wearing Mountain Crest cheer attire, singing along to a rap song with vulgar lyrics, and apparently gleefully celebrating. The video was posted hours after the girls learned they were selected to be members of the cheer squad and after they were told not to post anything to social media about their selection and not to boast about making the squad. The school allowed S.J. to return to the team, but only under certain conditions. She asked the federal court to issue an order requiring the school to put her back on the squad and asked for money damages. In a published decision on an issue of first impression in the Tenth Circuit, the District court ruled S.J. did not show that she was irreparably harmed because she had refused to accept the school's conditions, an action that would have put her back on the squad. The Court also ruled extra-curricular programs can have conditions on social media use related to the program's missions and schools don't violate the First Amendment when they dismiss students for disobeying those rules.

Zimmerman v. University of Utah

The plaintiff was employed by the University of Utah's Department of Psychiatry under an annual contract to assist in the development and management of the Utah Registry of Autism and Developmental Disabilities (URADD). Following persistent and documented performance and collegiality issues, the plaintiff's supervisor, Dr. William McMahon, notified the plaintiff in writing in December 2012 that her contract would not be renewed. The plaintiff then sued for wrongful termination, claiming she was fired for various whistleblowing activities. She asked for over \$2 million in damages, including punitive damages against McMahon. Two AAGs and one paralegal tried the case over eight days in federal court. The jury awarded the plaintiff only \$119,000 and found no basis for punitive damages. In a letter to the Attorney General thanking him for the Litigation team's work on the trial, Dr. McMahon described the lead attorney on the case as "among the most impressive professionals that I have encountered in my 44 years as a physician."

NATURAL RESOURCES



Overview

The Natural Resources Division provides general legal and litigation support to the Utah Department of Natural Resources (DNR) and its divisions: Forestry, Fire & State Lands; Oil, Gas & Mining; Parks & Recreation; Water Resources; Water Rights; Wildlife Resources; and Utah Geological Survey. The division also represents and supports the Public Lands Policy Coordination Office (PLPCO) and the Constitutional Defense Council (CDC) in the protection, preservation, development, use, stewardship, and conservation of the state's public lands, roads, and natural resources.

Division attorneys maintain specific expertise in the fields of water rights, oil and gas, public lands, sovereign lands, public roads, public recreation, wildlife, fire suppression cost-recovery, endangered species, and Native American law.

Workload

The attorneys in the division devote substantial time acting as in-house counsel and engaging in "advise-and-consent" practices and transactional work. As such, counting the number of cases they handle alone does not provide a complete picture of their workload and productivity. Their work is critical to the client agency's efficient operations, fulfillment of statutory mandates, compliance with state and federal laws in areas of complex regulation, and litigation avoidance. The DNR Executive Director fondly refers to the lawyers in this division as "part of his team." The division does not measure success by the number of cases litigated or won, but by the number of cases that never happen because of its attorneys consistently participating in client decision-making, providing sound legal advice, and creating trust between attorney and client. The product of these relationships is incalculable in saving the state funds and resources that would otherwise be required to litigate disputes. Any analysis of attorney workload and productivity must consider the array of legal tasks performed and the fact that many cases often drag on for years.

Responsibilities

- Protecting Utah's interstate water allocations and providing litigation support for the general adjudication of water rights in Utah
- Determining rights-of-way across federal lands and litigating with the United States to determine ownership and maintain uses of land
- Overseeing ownership of and access to lands and waterways for recreational uses
- Conserving sensitive wildlife species and ensuring that the listing decisions and habitat designations affecting Utah under the federal Endangered Species Act are scientifically and legally substantiated
- Preserving the State's sovereign authority to manage wildlife resources on private and public lands within its borders
- Negotiating with the United States and Native American tribes to resolve reserved water rights claims for Indian reservations, national parks, and other federal reservations
- Assuring all requirements are met to allow appropriate development of lands for extraction of mineral, oil, and gas resources

Oil, Gas & Mining and Forestry, Fire & State Lands

Overview

The six attorneys in this section, co-located with their clients at the Department of Natural Resources Building, represent four agencies: the Utah Division of Oil, Gas & Mining; Utah Board of Oil, Gas & Mining; Division of Forestry, Fire & State Lands (FFSL); and Division of Wildlife Resources (including acting as administrative law judges in hunting and fishing license suspension hearings).

Responsibilities

Oil, Gas & Mining

Oil, Gas, Coal, and Hardrock Mine Permitting

- Advise the agency and board in connection with a host of regulatory and permitting matters for hundreds of oil and gas wells annually.
- Represent the agency and board in about 30 formal trial-type hearings per year to authorize oil and gas development projects statewide.
- Represent the agency in connection with permitting, bonding, and reclamation activities for coal and hardrock mines statewide.

Oil, Gas, and Mining-Related Litigation

- Defend the decisions of the agency and board before Utah's courts when appealed.
- Participate in bankruptcy proceedings.
- Represent the state in disputes with the federal government regarding Utah's primacy over the regulation of coal mines and challenges to federal overreach in areas such as the regulation of fracking.

Sovereign Land

Sovereign Land Management, Leasing, and Permitting

- Assist with the leasing of sovereign lands (primarily near the Great Salt Lake), an action that generates approximately \$10 million in revenue annually.
- Help FFSL draft comprehensive management and mineral leasing plans for sovereign lands such as the Great Salt Lake, Utah Lake, Bear Lake, and the Colorado, Green, Bear, and Jordan rivers. The division also advises FFSL in connection with the issuance of leases and permits.

Sovereign Land Title and Boundary Litigation

- Represent FFSL in quiet title and boundary litigation concerning state-owned, submerged lands at the Great Salt Lake, Utah Lake, Bear Lake, and along the Colorado, Green, Bear, and Jordan rivers. This litigation is frequently against the federal government and occurs on an ongoing basis as disputes arise.

Wildfire

Wildland Fire Litigation and Related Cost Recovery Efforts

- Represent FFSL in seeking recovery of costs incurred in suppressing wildland fires. These efforts include litigating against those starting wildfires, pursuing federal FEMA funds on larger fires which require emergency/disaster response, and securing reimbursement from local governments for their share of wildland fire costs under the statutory framework established by the Legislature.



Water, Wildlife, & Parks

The six attorneys in this section, co-located with their clients at the DNR Building, perform diverse legal tasks including civil and administrative adjudication cases relating to water, wildlife, and parks. Transactional work includes participating in complex, multi-million dollar real estate agreements; drafting and reviewing contracts, from the routine to the highly complex; reviewing high-profile listing decisions such as the Mexican wolf, sage-grouse, and Utah prairie dog under the Endangered Species Act; remediating natural resource damages caused by unlawful contaminant releases; allocating responsible use of natural resources; protecting natural resources from unlawful use; resisting federal encroachment on State sovereignty over its natural resources; guiding development of large-scale water projects, such as the Lake Powell Pipeline; enforcing water rights and participating in water right adjudications; equitably allocating water resources; responding to GRAMA requests; and much more.

The attorneys representing the State Engineer's Office in the general adjudication program participate in the monumental task of determining thousands of water rights in different areas of the state. Other attorneys in the division work to protect the state's interests in interstate waters such as the Colorado River; to minimize the impact of the quantification of federal reserved water rights such as for national parks and monuments and Indian reservations; and to promote water project construction. In addition to legal counsel and transactional work, each attorney also represents his or her client agency in civil and administrative adjudication matters and contract litigation. Over the past few years, the six attorneys representing the Department of Natural Resources, Division of Water Rights, Division of Water Resources, Division of Parks and Recreation, and Division of Wildlife Resources collectively litigated dozens of civil cases, handled multiple cases in appellate courts, and participated in significantly more administrative adjudications.



Public Lands

The Public Lands section is comprised of six lawyers who are co-located in the State Office Building with its primary client being the Public Lands Policy Coordination Office (PLPCO). This section also represents the Constitutional Defense Council (CDC), which has required representation in legal and political matters. The section primarily litigates a large number of complex cases on various matters, including the assertion of the state's right to more than 12,000 R.S. 2477 Roads located on federal lands. This massive case involves taking hundreds of preservation depositions to memorialize witness testimony of individuals who traveled the roads during the time frame required under the federal statute.

This section is also involved in litigation on sage-grouse and endangered plant species, use of ATV trails, challenges to federal resource management plans for certain areas (including national monuments) and activities (including mineral leasing), designation of wildlands and wilderness areas, implementation of travel and transportation management plans, challenges to oil and gas leases located on federal lands, law enforcement issues on federal lands, and other matters.

BY THE NUMBERS, FY 2018



Cases in Litigation

87

% Increase from FY 2017

13%



Administrative Hearings

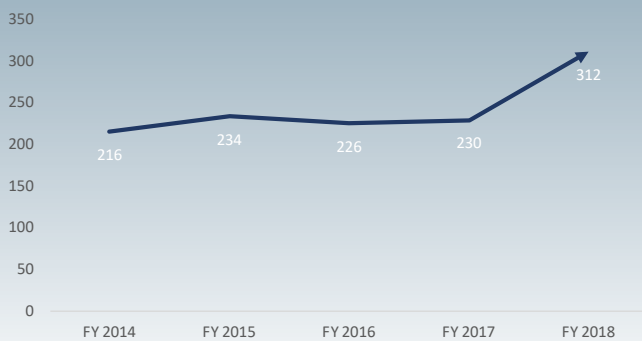
312

% Increase from FY 2017

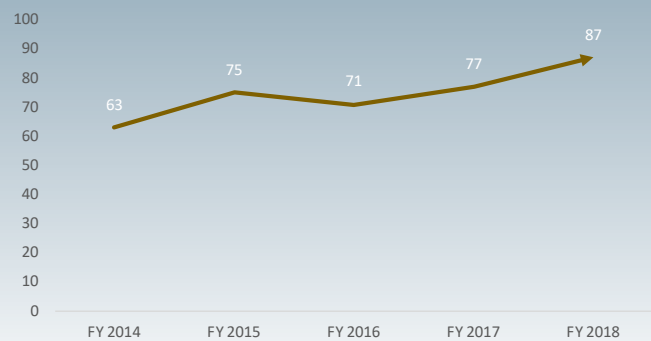
36%



Administrative Hearings



Cases in Litigation



Notable Cases

Sage-Grouse Litigation

Despite Utah's track record of successful sage-grouse management and conservation, the BLM and USFS finalized revisions in 2015 to land use plans regarding sage-grouse management that were unnecessarily burdensome and did not correspond with Utah's unique habitat. In FY 2018 the AGO filed litigation asserting that the 2015 changes violated various federal laws, including the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA). As a result of ongoing legal challenges to the federal sage-grouse plans, both the Bureau of Land Management (BLM) and United States Forest Service (USFS) leadership directed local offices to work with the western Governors to review those plans and develop federal plans that are more consistent with state plans. Since then, Utah, BLM, and USFS officials have cooperatively revised their respective sage-grouse management plans so that they more closely align with the state's ongoing management strategy for sage-grouse. While the negotiations continue, the Sage-Grouse litigation has been stayed for various periods of time.

Agreement Regarding Recreational Use of School Trust Lands

Attorneys within the office assisted the Division of Wildlife Resources in negotiating and drafting a memorandum of agreement with the School and Institutional Trust Lands Administration (SITLA). This memorandum secures public access to over 3 million acres of school trust lands for hunting, fishing and trapping. Payment for the use of these lands has been an ongoing matter of discussion. The current agreement runs through 2031.



Notable Cases Cont.

R.S. 2477 Litigation

After defending many motions to delay and taking a lengthy detour to the Utah Supreme Court, trial has now been set for the “bellwether” R.S. 2477 roads. Before the issue could go to trial, it was necessary for the Supreme Court to weigh-in on an issue of law certified by the federal court regarding the application and construction of a state statute of limitations statutory provision. This “bellwether” trial will determine title to 15 roads selected by the parties to exemplify important R.S. 2477 issues and allow the court to make decisions on those issues as they relate to the determination of title to R.S. 2477 rights-of-way throughout the State. Those decisions will then likely be appealed to the 10th Circuit to establish standards and precedent for the determination of R.S. 2477 title going forward.

While the bellwether actions were ongoing, the attorneys in the AGO’s Public Lands Section continued to take preservation depositions in the other 22 pending R.S. 2477 cases. This involved over 500 preservation depositions. It is crucial that the testimony of witnesses who have first-hand knowledge of the roads prior to 1976 be preserved.

Federal Reserved Water Right Settlements

State officials and their lawyers have continued to negotiate settlement of federal reserved water right claims as the legislature has directed. Senator Orrin Hatch introduced SB 664 and Representative Rob Bishop introduced HR 6979 in Congress to effectuate settlement of claims for the portion of the Navajo Nation located within Utah. The parties made significant progress towards passage of this bill, which is critical to the administration of Utah’s allocation from the Colorado River.

Regarding in-state efforts, the Division of Water Rights and its lawyers have made important advances toward an agreement with the USFS on federal reserved water rights in the Red Butte Canyon area. The negotiated principals must now go through the USFS approval process, but we are hopeful this agreement can serve as a starting point for other reserved rights agreements with the USFS in the Wasatch Mountains. Additionally, AGO attorneys helped the State Engineer’s Office reach an agreement with Salt Lake City in 2018 on the process for the city’s participation in the Utah Lake and Jordan River General Adjudication.

ENVIRONMENT & HEALTH



Environment

The Environment Section of the Attorney General's Office provides legal representation to all five divisions of the Utah Department of Environmental Quality (DEQ): Division of Water Quality, Division of Air Quality, Division of Waste Management and Radiation Control, Division of Drinking Water, and Division of Environmental Response and Remediation.

Responsibilities

- Writing and implementing environmental regulations as well as providing legal support in rule-making, record requests, and legislative requests
- Interpreting, administering, and enforcing permits issued to regulated facilities
- Participating in administrative hearings, adjudicative proceedings, civil litigation, and appeals before state and federal courts
- Working with the AG Investigations Division to investigate and prosecute environmental crimes throughout the state
- Providing counsel to the Natural Resource Damages Trustee appointed by the Governor and to four regulatory boards: the Utah Air Quality Board, the Utah Water Quality Board, the Utah Waste Management and Radiation Control Board, and the Utah Drinking Water Board



Health

The Health Section of the Attorney General's Office represents the Utah Department of Health (UDOH) in Medicaid hearings, licensing, and other administrative proceedings.



Responsibilities

- Advising and assisting the UDOH with promulgating its rules and regulations
- Reviewing contracts and agreements with local health departments and other agencies
- Coordinating health care through Medicaid Managed Care Organizations (MCOs)
- Assisting with HIPAA/HITECH (privacy and security records) compliance
- Conducting formal and informal hearings regarding managed care and judicial appeals of administrative decisions
- Providing representation in such recent matters as implementation of medical marijuana legislation and in litigation surrounding same-sex couple marriages, birth certificates, and adoptions
- Advising a variety of boards and committees in UDOH
- Representing the Medical Examiner's Office, State Lab, and the licensing of ambulance services (air and ground) and health care facilities (hospitals, nursing homes, assisted living facilities, etc.)

HIGHWAYS & UTILITIES



Overview

The Highways & Utilities Division represents and provides legal advice to the Utah Department of Transportation (UDOT) in the areas of eminent domain actions (condemnation), real estate transactions, leases, property valuation, property encroachments, right-of-way boundary and access disputes, easements (construction, access, utility, light, air, and view), exactions and dedications, construction disputes, construction contracts, debarments and suspension of contractors, relocation assistance, billboard/outdoor advertising regulation, junkyard regulation, ski lift/ropeway/tram regulation, rule-making, and all aspects of motion and trial practice.

In addition, the division represents the Division of Public Utilities and the Office of Consumer Services to help ensure that public utilities charge reasonable rates and provide efficient services. Utah's favorable utility rates continue to attract new businesses and encourage the expansion of existing businesses.

Legal Advice



The division also represents and provides legal advice as agency counsel to the Utah Department of Public Safety (DPS) on a variety of matters such as law enforcement, peace officer certification, driver licensing, concealed firearm licensing, criminal history records, fire prevention, emergency response, forensics, and highway safety.

The division represents the Driver's License Division in District Court on actions they take to suspend or revoke a driver's license for driving under the influence of alcohol and/or drugs. The division keeps hundreds of impaired drivers off the road each year through driver license suspensions and revocations, and it is proud of the fact its attorneys keep Utah's roads and highways safe for the public.

Transition of Legal Services

AGO staff and UTA board members and staff have been meeting since May 2018 to collaborate on the process for the transition of legal services.

UTA's former general counsel and its tort and condemnation attorneys have left UTA employment. The real property attorney has accepted another position and will leave in January. Two in-house attorneys currently remain at UTA. Representation of UTA's tort and condemnation litigation has transitioned to the AGO. The remaining legal work will transition to the AGO no later than July 1, 2019. The parties are currently working on a Memorandum of Understanding that will formally establish the terms and conditions of the AGO's legal representation of UTA.

BY THE NUMBERS, FY 2018



New Cases

194



Continuing Cases

322



Cases Closed

121



Notable Case

Utah Department of Transportation v. Kmart Corp.

The Attorney General's Office filed an action on behalf of the Utah Department of Transportation in 2009 to condemn and close an access point from Bangerter Highway to the West Point Shopping Center in Taylorsville. The case was heard on interlocutory appeal before the Utah Supreme Court in 2012, which rejected the undivided fee rule. Instead, the Supreme Court adopted the aggregate of interests approach to valuing the condemned property, requiring each interest holder's portion to be valued separately and then added together to determine the value of the property as a whole.

A bench trial was held in October 2015 and the court awarded \$3.163 million in severance damages to the property owner and \$1.4 million in severance damages to Kmart. UDOT appealed the trial court's decision and settled with the property owner during the pendency of the appeal. The Utah Supreme Court reversed the award to Kmart finding that the termination clause in its lease extinguished its compensable interest in the property. Shortly after the decision was issued, Kmart and its parent company, Sears Holding, filed bankruptcy. We have filed a claim in the bankruptcy court for just over \$2 million, which includes the interest UDOT was required to pay on top of the severance damages.

TAX, FINANCIAL SERVICES & ANTITRUST



Overview

The Tax, Financial Services & Antitrust Division of the Attorney General's Office provides legal representation to the Utah State Tax Commission, the Utah Insurance Department, and the Utah Department of Financial Institutions. The division also represents the State of Utah in the issuance of state and local governmental bonds and monitors the termination and modification of charitable trusts.

Attorneys in the Tax, Financial Services & Antitrust Division are actively involved in data breach investigations and continue to work with a task force of other states to determine violations of the Utah Consumer Credit Protection Act and Utah's Protection of Personal Information Act.

The division represents the state in tax litigation involving millions of dollars in sales, income, and other taxes, as well as providing legal representation on a large number of key property-assessment tax matters.

Tax

The Tax Section of the division represents the Utah State Tax Commission in administrative proceedings heard by the Tax Commission and in trial and appellate courts (if the Tax Commission's decisions are appealed) in the areas

related to the following units of the Tax Commission: Auditing, which includes tobacco; Centrally Assessed Property Tax; Taxpayer Services, which includes payment, collection, and tax lien issues; Motor Vehicle Division; and the Motor Vehicle Enforcement Division, which primarily regulates automobile dealers and salespersons. The division also represents the Taxpayer Services Division in matters originating in State and Federal Court, including Federal Bankruptcy Court.



Financial Services

The Financial Services Section of the division acts as general counsel to the Utah Insurance Department, providing legal advice on all aspects of insurance law, and as enforcement counsel to the Insurance Department concerning violations of the Utah Insurance Code. The division also provides legal counsel to the Department of Financial Institutions to assist in carrying out the provisions and purposes of the Financial Institutions Act, which includes ensuring the safety and soundness of all state-chartered financial institutions and protecting the customers of financial institutions operating in Utah. Additionally, it enforces federal and state antitrust laws and state data breach laws.

Antitrust

The Antitrust Section of the division protects Utah consumers and businesses from unfair competition. It enforces federal and state antitrust laws and related laws that help to keep the free market competitive. The Antitrust Section promotes fair competition by challenging monopolistic behavior and conspiracies to restrain trade or commerce and mergers that may have anti-competitive effects in Utah markets. In addition to enforcing those areas of law locally, the section works closely with federal agencies and with other states' antitrust units to solve national and regional problems. The section also enforces Utah's data breach laws, patent trolling laws, and procurement laws.

BY THE NUMBERS, FY 2018



**Insurance
Department**
Matters Handled

140



**Department
of Financial
Institution**
Matters Handled

43



State Bonding
Matters Handled

21



Aggregate Recovery

\$4,852,742



% Increase from FY 2017

21%

Notable Successes

In 2018 the Antitrust Section continued its focus on fighting anticompetitive practices that result in overpriced pharmaceuticals and pursuing remedies against major international banks that allegedly manipulated interest rates. In the pharmaceutical area, Utah joined with other states in mass litigation accusing nearly two dozen generic drug companies of price fixing with respect to fifteen drugs. The Section's investigation into manipulation of the LIBOR interest rate has achieved settlements with several banks, resulting in the return of millions of dollars to Utah-based entities.

The Antitrust Section has also vigorously enforced the Utah Protection of Personal Information Act against large corporations that suffered data breaches which exposed sensitive information about Utah citizens. Those cases resulted in nearly a million dollars of payments and strong consumer relief such as free credit monitoring services and assurances of better data-handling practices.



This page intentionally left blank.

CRIMINAL DEPARTMENT

6 DIVISIONS | 112 ATTORNEYS & 124 STAFF



JUSTICE

Overview

The Justice Division is comprised of prosecutorial units working together with specialized investigative units in the areas of Criminal Non-Support (CNS), Internet Crimes Against Children (ICAC), the SECURE Strike Force, and the DEA/HIDTA Drug Prosecution Unit, as well as units servicing the Insurance Division, the Office of Recovery Services (ORS), and the Department of Workforce Services (DWS). The division includes a Special Prosecution Unit that handles or assists other jurisdictions on complex matters including public corruption; State RICO; identity theft; serious and violent felonies including murder, capital murder, child and elder abuse and exploitation; and asset forfeitures.

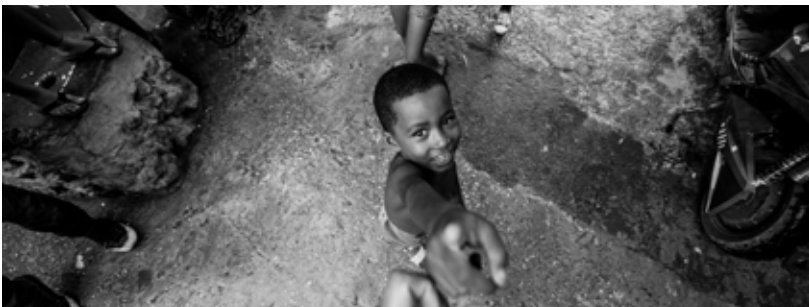
The division also manages and houses Identity Theft Central (formerly known as IRIS), the Utah Children's Justice Centers, the Victim's Assistance Program, and the Utah Prosecution Council.

VICTIM SERVICES

Critical to the AGO's efforts against crime is its support of victims of crime. Currently, the AGO has one Victim Coordinator for the thousands of cases it handles yearly.

The Victim Coordinator is tasked with ensuring the office complies with the Utah's Victims' Rights Statute. The coordinator also provides assistance and support to victims and staff during the investigation, prosecution, and appeals of a case.

The Victim Coordinator also provides assistance to victims on inactive cases, victims on cases not prosecuted by our office, and members of the general public with inquiries. In addition, the coordinator often provides assistance to potential victims and witnesses while our SECURE team investigators determine a party's specific role in the case. The coordinator also serves on the Utah Trafficking in Persons (UTIP) task force, acts as Co-Chair of the UTIP Youth Subcommittee, and provides quarterly reports for the UTIP grant.



The Victim Coordinator currently serves on the following local/state committees:

- Third District's Rights Committee
- National Crime Victims' Rights Week Committee
- Utah Coalition Against Sexual Assault Training Committee
- Salt Lake County Victim Advocate Committee
- Utah DPS SIAC (Interdiction for the Protection for Children-Certified Trainer)
- Human Trafficking Juvenile Working Group
- STOP VAWA (Violence Against Women Act) Implementation & Planning Committee



Active Cases

309



Victims & Witnesses

550

Special Projects

Digitized, organized, and created electronic case files on all active cases.

Created an electronic database for victim contact and case information on all active cases.

INSURANCE FRAUD



Overview

Insurance fraud occurs when individuals deceive an insurance company, agent, or other person to try to obtain money to which they are not entitled. It happens when someone puts false information on an insurance application and when false or misleading information is given or important information is omitted in an insurance transaction or claim.

Insurance fraud is committed by individuals from all walks of life.

The Insurance Fraud Division (IFD) has prosecuted doctors, lawyers, chiropractors, car salesmen, insurance agents and other persons in positions of trust.

Anyone who seeks to benefit from insurance with inflated or false claims of loss or injury commits insurance fraud.

Notable Cases

State v. Finlinson

Between August of 2014 and December of 2016, Finlinson, an insurance agent, wrote fraudulent supplemental accident policies for Cigna, Allstate, AFLAC, Humana, and Colonial Life insurance companies. Finlinson created a false company to create eligibility and wrote policies for family, friends, and others listing them as employees of this shell company. Finlinson also wrote at least one life insurance policy on a person without their knowledge listing himself as the beneficiary. Finlinson obtained more than \$85,000 in undue commissions and insurers paid out over \$316,000 in claims which were filed against these policies. Finlinson marked relatives and friends on policies as children or spouses when they were not and filed accident claims on more than one policy for the same incident. In several instances Finlinson told family members he would file their claims for them. Finlinson was charged with felony insurance fraud in Utah and information was provided to Arizona fraud investigators who are also pursuing charges in Arizona. Finlinson pled guilty to two 2nd Degree Felonies and must pay \$420,155.63 in restitution.

State vs. Lindley

On May 26, 2017, Lindley reported she sustained a back injury while at work. Although Lindley was capable of returning to work a short time later, she exaggerated her injury in an effort to obtain narcotic pain prescriptions due to addiction. Charges were filed on April 20, 2018 for \$5,000 in Insurance Fraud, 3rd Degree Felony Worker's Comp, and Malingering. The court case is pending.

Notable Cases Cont.

State vs. Vasquez

On July 1, 2010, Vasquez was injured while working as a roofer. Vasquez began receiving permanent total disability payments in November of 2014. It was later discovered that Vasquez began working as a taxi driver in October of 2015 and had been receiving permanent total disability payments until he was discovered to be working. Charges were filed on April 30, 2018 for \$58,284 in Worker's Compensation Insurance Fraud, Felony 2 Collecting Permanent Total Disability Benefits While Working. Vasquez pled guilty to a 3rd Degree Felony.

State vs. Shipley and State vs. Burns

On June 21, 2017, Mr. Shipley reported his 2013 Ford F150 stolen to his local police department. The investigation discovered the Shipleys had conspired with Mrs. Shipley's uncle (Burns) and her brother to take their truck to Tooele and burn it so they could file an insurance claim and get rid of the truck. Charges were filed on April 2, 2018 for \$30,801 in Insurance Fraud, Felony 2 Arson, and Felony 2 False Vehicle Theft/Arson. The court case is still pending.

State vs. Whitlock

On February 17, 2017, Whitlock reported injuring his hand while working as a mechanic. Whitlock maintained he was unable to return to work and represented that he may never be able to return to work due to the pain from the injury. The investigation discovered that Whitlock was working out of a relative's garage and operating as a mechanic during the time he was collecting disability payments. Charges were filed on March 19, 2018 for \$9,942 in Worker's Compensation Insurance Fraud and Felony 2 Worker's Compensation Fraud/Malingering.

State vs. Calaway

In November of 2014, Calaway reported an injury occurring while at work. While collecting temporary total disability payments, Calaway went back to work in January of 2015 part-time for a different company. In March of 2016, Calaway started a second part-time job. In June of 2016, Calaway filed a second worker's compensation injury claim with her second part-time employer. Calaway collected \$89,681 in paid lost wage benefits and in medical expenses during the time she was working while claiming she was unable to return to work. Charges were filed on January 29, 2018 for \$89,681 in Worker's Compensation Insurance Fraud and Felony 2 Collecting Temporary Total Disability While Working.

BY THE NUMBERS, FY 2018



Insurance Fraud Incidents

92



Total Charges Filed

131



Restitution Ordered

\$816,239



Restitution Collected

\$139,841

CRIMINAL NON-SUPPORT

Overview

Utah's legislature has declared that children are presumed to need the financial support of both parents. When a non-custodial parent fails to provide their portion of that support, extreme hardship may befall both the child and the custodial parent. The AGO utilizes Utah's Criminal Non-support (CNS) statute to prosecute those who would disregard this inherent parental responsibility and cause such hardship.

When a noncustodial parent has failed to pay full court-ordered child support for at least 18 months within a 24-month period and the child support arrears exceed \$10,000, the Utah Office of Recovery Services (ORS) may refer the matter to the AGO to review for CNS charges. These matters have been pursued by ORS for many years with little or no success. In such cases, the state is regularly forced to provide public assistance for basic needs like food, shelter, and medical treatment. However, for some non-custodial parents, the threat of criminal penalties — including prison — are sufficient enough to compel compliance with child support orders. If not for the increased child support collections resulting from the AGO prosecution of CNS cases, Utah taxpayers would increasingly be required to make up the difference with no hope of reimbursement.

When CNS charges are filed and a plea agreement or conviction obtained, the defendant is sentenced to abide by specific conditions. Chief among those terms is a requirement to make minimum monthly payments. The payments include all ongoing child support as well as a portion of the arrears. If a defendant fails to abide by the terms of the sentence, the AGO may recommend jail time. Continued violations will result in recommendations for increasing periods of jail time or even prison.

CNS Mission Statement

The Criminal Non-support (CNS) Team mission is to improve the lives of Utah families by helping parents provide for the financial and emotional needs of their children by establishing and enforcing child support orders. The CNS team consists of two attorneys, two paralegals, and a legal secretary.

BY THE NUMBERS, FY 2018



Amount of Child Support Collected

\$1,249,875



Total CNS Cases

302



Notable Cases

Richard Doyle

Doyle was convicted of Criminal Nonsupport (CNS) in 2004. A restitution judgment was entered in the amount of \$23,409.80 in favor of the victim. Doyle made regular payments towards this restitution through 2006, but the consistency ended in 2007. He was subsequently sentenced to six months jail on an Order to Show Cause in 2008 and ordered to self-report to the jail. Doyle failed to report for his sentence and a statewide warrant was issued. In August of 2018, a full ten years after the warrant's initial issuance, Doyle was extradited to Utah after being arrested in the state of Oregon. He had recently come into an inheritance and the Office of Recovery Services (ORS) was successful in placing a lien on that inheritance. Doyle served about four months of the original six-month sentence while the inheritance money was in probate. He was released from jail upon the successful disbursement to the victim of the entire amount of outstanding restitution plus interest, a total of \$15,352.32. CNS is currently waiting for the victim's signature on the Satisfaction of Judgment so that they may close the case successfully with ORS and the court.

Brandon Bennett

Bennett was convicted of CNS in 2011. A restitution judgment was entered in the amount of \$23,305.80 in favor of the victim. The Defendant made regular payments towards this restitution and never missed a single payment in the seven years that he was on probation. In June of 2018, Bennett made his last restitution payment. A Satisfaction of Judgment was filed in July acknowledging that Bennett had paid all arrears and accrued interest on those arrears in the total amount of \$25,138.12. Bennett's probation was terminated and the case was dismissed and closed.



INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC)

Overview

The Internet Crimes Against Children (ICAC) Program is a national program composed of a network of sixty-one coordinated state and regional task forces representing more than 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. By helping state and local agencies develop effective, sustainable responses to online child victimization—including responses to child sexual abuse images—the ICAC Task Force has increased law enforcement's capacity to combat technology-facilitated crimes against children at every level.

The ICAC Program was developed in response to the increasing number of children and teenagers using the Internet and other technology, the proliferation of child sexual abuse images available electronically, and the heightened online activity by predators seeking to commit illegal sexual acts against underage victims.

Because ICAC members understand that arrests alone cannot resolve the problem of technology-facilitated child sexual exploitation, the ICAC Task Force is also dedicated to training law enforcement officers and prosecutors, as well as educating parents and youth about potential dangers of online activity.



ICAC Tip Line:
801.281.1211

ICAC Email:
utahicac@agutah.gov

Utah AGO ICAC Task Force

The Utah AGO ICAC Task Force is a multi-jurisdictional task force that investigates and prosecutes individuals who use the Internet to exploit children within Utah. The ICAC Task Force prosecution team consists of four attorneys and one legal secretary. Their mission is to serve the citizens of Utah through timely, proactive, ethical, vigorous, and impartial enforcement of the laws of Utah; improve the safety of our communities; and do justice in every matter. This mission is accomplished by:

- Assisting state and local law enforcement agencies and prosecutors in investigating and effectively prosecuting cases involving enticement of minors, dealing in material harmful to minors, child pornography, and other related Internet-facilitated crimes against children;
- Seeking the imposition of evidence-based sentences on offenders, appropriately protecting the children of our community, and effectively reducing recidivism;
- Acting as a resource and fostering continual collaboration between local, statewide, and federal agencies in information sharing, networking, and case prosecution; and,
- Seeking and maintaining a reputation for professionalism, respect, efficiency, reliability, and legal expertise.



Criminal Offenses Prosecuted

The primary criminal offenses prosecuted under both state and federal law include the production, receipt, possession, or distribution of child sexual abuse images; enticing an underage victim to engage in any sexual activity which is a violation of state criminal law; distributing material harmful to a minor; and interstate travel offenses, such as transporting a minor across state lines or traveling to another state to meet an underage victim for the purpose of illegal sexual exploitation. The prosecution team assists during all stages of a case, including investigation, warrant execution, and criminal prosecution. In addition, prosecutors act as a resource to numerous investigative, prosecutorial, and community agencies.

The team is also responsible for proposing, drafting, and providing advice on legislation, including the Contraband Device Destruction Statute and the Sexual Extortion Statute during the 2016 and 2017 legislative sessions, respectively.

ICAC Task Force prosecutors participate in the following committees and writing groups:

Child Fatality Review Committee

Domestic Violence Fatality Review Committee

Child Abduction Response Team (CART)

Sexual Assault Response Team

Utah Attorney General's Ethics Committee

Salt Lake County Unsubmitted Sex Assault Kit Initiative

Domestic Violence Planning Advisory Council

Domestic Violence Planning Advisory Council Sub Committee

National Association of Extradition Officials and the Domestic Violence Offender Management Group

Case Management Software Committee



2018 Utah Winner
Ruth Wilson, 11yrs
Century Elementary

2018 National Missing Children's Day Poster Contest

The AGO again participated in the poster contest run by the U.S. Department of Justice for National Missing Children's Day. The AGO mailed out contest information to schools throughout Utah as well as to all of the state's community partners.

Ruth Wilson, 11, painted the winning poster for the State of Utah for 2018. "My poster is a fishing pole and teddy bear sitting on a dock. There's no one there. The child is missing. Your [sic] supposed to think he or she was just there but is now missing," said Ruth about her poster.

Statewide Community Advisory Board

In 2015, the ICAC Task Force Education Specialist created the ICAC Task Force Community Advisory Board. This group has increased awareness and bridged the gap between law enforcement and the communities we serve. It now includes more than 20 members from school districts, faith-based organizations, community groups, non-profit organizations, crime-prevention organizations, and others. The board meets bi-monthly and collaborates with other professionals to raise awareness about issues associated with youth. The 60 minute trainings are called "ICAC Cops Q&A," and include an ICAC Task Force Investigator and the ICAC Task Force Education Specialist. These trainings are open to the public to promote Internet safety awareness and explain the role of the ICAC Task Force.

Utah Child Abduction Response Team (CART)

The Utah Child Abduction Response Team (CART) is a resource to all Utah law enforcement agencies. The team is comprised of over 180 officers and support personnel from 30 local, state, and federal agencies. The Utah CART received National Certification from the Department of Justice in 2010. Whenever an AMBER alert is issued, a Utah CART coordinator will contact the issuing law enforcement agency to offer the assistance of Utah CART. Utah CART was activated briefly in January. The team held a large-scale mock activation for training purposes in September. The team continues to train and add new members, and they are prepared in the event that a child goes missing and Utah law enforcement agencies need their assistance.



Undercover Operation

The ICAC Task Force did a five day undercover operation in Southern Utah, targeting online predators who were attempting to meet up with children to engage in sexual activity. Eight men were arrested as a result of this operation.

- Ted Anthony Summerhays, a 56-year-old male, traveled to have sex with a 13-year-old boy. Summerhays was arrested for Enticing a Minor.
- Kraig Powell, a 25-year-old male, traveled to have sex with a 13-year-old girl. At the time of arrest, he had child pornography on his phone. Powell admitted to sexually abusing his 2-3 year old niece and taking photos of her while he sexually abused her. He was arrested on Enticing a Minor, Rape of a Child, and Manufacturing and Possessing Child Pornography. This case will be eventually charged federally.
- Ross Robert Woolsey, a 49-year-old male, traveled to have sex with a 13-year-old boy. He was arrested on Enticing a Minor.
- John Henry Spange, a 61-year-old male, traveled to have sex with a 12-year-old girl. He was arrested for Enticing a Minor. The ICAC Task Force executed a search warrant at his house to get his computer to investigate for child pornography.
- Robert Nuzman, a 58-year-old male, traveled to have sex with a 13-year-old boy. Nusman was arrested for Enticing a Minor.
- James A. Wynhoff, a 36-year-old male, traveled from Las Vegas to have sex with a 13-year-old girl. Wynhoff admitted during his interview that he had sex with an 11-year-old neighbor girl. He also said that he video records his sexual activity with minors. He had marijuana, three phones, and eyeglasses that were able to record with him. He also had a pair of handcuffs in his front seat. Las Vegas ICAC is doing a search warrant at his residence and trying to locate the 11-year-old girl. This case will be going to federal court. Las Vegas Commander told investigators that Wynhoff had been on their radar since 2012. He was investigated for child pornography but due to the fact the computer was used by multiple people, the AUSA was unable to prove the images were his and declined to file charges. He was also investigated for luring, embezzling \$65,000, and most recently Domestic battery (slamming his girlfriend's head into the pavement). This time, he was arrested on Enticing a Minor.
- Harry Lee Taylor, 41-year-old male, traveled from Cedar City to have sex with a 13-year-old boy. Harry is a music teacher for the Catholic Church and told investigators he was employed by the Iron County School District. The ICAC Task Force later found out that he had been terminated in 2016 from the Iron County School District.
- Cody Ille, a 34-year-old male, was arrested in Cedar City the day after the previous operation for Enticing a Minor.

BY THE NUMBERS, Jan. 2018 - Oct. 2018



Number of Investigations Conducted

1,032



Arrests

176



Notable Cases

State v. Ronald Lindsay Hatchett

Hatchett posted a Craigslist ad looking for a sexual partner while in Provo for vacation, and he agreed to meet and have a sexual encounter with whom he thought was a thirteen-year-old boy named “Cade.” Hatchett and “Cade” exchanged messages for over a month, in which Hatchett repeatedly brought up illegal drug use and sexual acts. Hatchett exhibited classic grooming techniques in his messages, like reassuring “Cade” he would be in total control of their sexual encounter, promising “Cade” he would supervise him while using illegal drugs, and by normalizing the relationship by telling “Cade” that he would take him on dates to the movies and restaurants of his choosing, as well as hiking and other activities. The ICAC team charged Ronald Hatchett with two counts of enticing a minor, one count of possession of a controlled substance with intent to distribute, and one count of possession of drug paraphernalia. Since his arrest, Hatchett maintained his innocence by claiming entrapment. Not only did the judge conclude Hatchett was not entrapped in his denial of Hatchett’s motion to dismiss, but a jury rejected his entrapment claims when they convicted him on all four counts in September 2018.

Success in Federal Court and Enforcing and Implementing Restitution

The Attorney General’s Office has seen success in taking some ICAC cases to Federal Court. Federal defendants originating in the ICAC section have been sentenced to an average of 5-10 years in prison. In the last fiscal year, the Family Justice Section of the Attorney General’s Office has enforced/collected over \$1.2 million in restitution. Additionally, the ICAC section was instrumental in getting Congress to pass the Amy, Vicky and Andy Restitution Act of 2018, which imposes mandatory restitution in all federal Sexual Exploitation of a Minor Cases.

STATEWIDE ENFORCEMENT OF CRIMES BY UNDOCUMENTED RESIDENTS (SECURE) TASK FORCE

The SECURE Task Force is a state-funded task force that focuses on human trafficking, fraudulent government documents, and other felony-level crime within the undocumented population.

The SECURE Task Force is made up of multiple agencies, including five AGO Special Agents, two Department of Public Safety Investigators, one University Police Department Detective, one Ogden Police Department Detective, one United States Department of Agriculture Special Agent, one US Marshal, and one Homeland Security Investigations Agent. Part-time participating agencies include Bountiful PD, Park City PD, Summit County SO, Heber City PD, Enforcement and Removal Operations Field Offices, and Davis County SO.

The SECURE team continues to follow the mandate of the Utah Legislature by ensuring the safety of Utah's communities, focusing its investigation on human trafficking, document mills, and criminal enterprises involving the trafficking of narcotics and firearms. Human trafficking investigations do not always result in human trafficking-related charges for various reasons, including the protection of the victim(s).

There are always more investigations than prosecutions. When a report is received by SECURE, a case is opened. At different stages of the investigation and for various reasons, the investigative case may be closed and not reflected as a prosecution statistic, even though the prosecutor may have advised on the investigation, approved search warrants, or opened an investigation.

Goals

The SECURE Task Force will continue to educate and train local law enforcement agencies, juvenile services, non-governmental organizations (NGOs), and other related entities in the area of human trafficking. The SECURE Task Force will also evaluate investigative techniques as traffickers have adapted in response to the success the SECURE Task Force has had in arresting them.



Investigation Team after a raid.

Human Trafficking Legislation



Human Trafficking

In addition to prosecutions, the Utah Attorney General's Office also supports legislation helping to protect vulnerable individuals from human trafficking. During the 2018 Utah Legislative Session, the office supported the HB 334 - Human Trafficking of Vulnerable Adults bill removing "child prostitute" from the code, and a few technical fixes incorporating human trafficking into areas of the code where serious sex crimes are codified, such as the statute of limitations exceptions. The bill passed through the law enforcement committee but was never called for a floor vote. Representative Romero will be running it again in 2019, and it has already passed through interim committee.

Human Trafficking Revisions

A second bill, HB 20 - Human Trafficking Revisions sponsored by Rep. Angela Romero, is new legislation in the 2019 session. It focuses on treating all sexually exploited children as victims. It bulks up and clears up the safe harbor language in the prostitution code and references that language again in the sex solicitation code to make clear that children cannot be charged under either one. It directs police to investigate for human trafficking anytime they encounter a child engaged in commercial sex. It will create a pathway for vacatur of juvenile adjudications for trafficking victims who were wrongly adjudicated while they were being trafficked.

BY THE NUMBERS, FY 2018



Total Charges*

254



Total Prosecutions
(State & Federal)

70



% Increase from FY 2017

21%

% Increase from FY 2017

4%

*Charges include fraud/forgery/counterfeiting; drug crimes; sex offenses/human trafficking; weapons; and misc. charges (kidnapping, threat of violence, pattern of unlawful activity, money laundering, assault, retail theft, etc.)



Notable Cases

Raymond Burk

On April 2, 2018, the Utah Attorney General's Office charged Raymond Burk in the Fifth District Court, Washington County, with Aggravated Kidnapping and Human Trafficking of a Child, based on evidence that he transported a 17-year-old child from her home in St. George to Phoenix, Arizona and held her for sexual exploitation. The UAGO worked this case in conjunction with prosecutors in Arizona, who filed charges for the conduct that occurred there. The defendant was subsequently convicted on child sex trafficking and multiple counts of sexual conduct with a minor in Arizona and sentenced to ten to thirteen years in prison and lifetime probation.

Andre Eugene Williams

On May 29, 2018, the Utah Attorney General's Office charged Andre Eugene Williams in Third District Court, Salt Lake County, with several charges related to distribution of a controlled substance and exploiting a prostitute. The SECURE undercover Agents made three controlled buys of methamphetamine from the defendant and had him deliver a female for the purpose of commercial sexual exploitation. The defendant pled guilty to distribution of a controlled substance and exploitation of prostitution.

Luis Miguel Valdes-Rodriguez

On April 11, 2018, the Utah Attorney General's Office charged Luis Miguel Valdes-Rodriguez in Third District Court, Salt Lake County, with several counts of Possession of a Controlled Substance with Intent to Distribute and Possession of a Firearm by a Restricted Person. This is just one of the cases the SECURE team has investigated and prosecuted this year in which the defendant was an undocumented resident and was selling drugs and guns. This defendant was selling methamphetamine and weapons. The Utah Attorney General's Office SECURE Agents made several purchases of drugs and one purchase of a weapon and attempted to purchase another weapon. The defendant pled guilty to distribution of a controlled substance and the sale of a firearm by a restricted person. The defendant was deported from the United States.



SPECIAL PROSECUTION UNIT

The Special Prosecution Unit is an experienced group of elite attorneys specializing in aggravated felonies, public corruption, sexual abuse, narcotics, weapons, theft, and fraud.

The section works in partnership with both the AGO Special Investigations Unit and local law enforcement agencies to promote a safe and lawful environment for residents statewide.

The section serves to implement the criminal justice system and minimize negative impact upon the lives of victims, witnesses, and their families during the prosecution of felony crimes, which is best achieved through: justice, fairness, prompt and courteous attention, and cooperation with law enforcement.

BY THE NUMBERS, FY 2018

Restitution Amount
\$764,278

Asset Forfeiture Amount
\$7,900,663

Total Cases Filed
(State & Federal)
112

The Special Prosecution Unit is comprised of the following units:

- DEA/HIDTA Drug Prosecution Unit, which handles Federal and State DEA-related cases.
- Department of Workforce Services and Social Security Administration Unit, which handles fraud cases.

The Special Prosecution Unit advises, handles, or assists other jurisdictions on complex matters including multi-jurisdiction and conflict cases, public corruption, asset forfeiture, factual innocence, State RICO, and all serious and violent felonies including death penalty, capital murder, homicide, and physical sexual abuse and exploitation.



Notable Prosecutions

Intermountain Vending

The Special Prosecution Unit shut down illegal gambling machines at 144 locations throughout Utah from Cache County to Washington County. Investigators and attorneys successfully brought in \$906,000 in asset forfeiture and obtained two felony and 14 misdemeanor convictions against the defendants. Following conviction, the defendants were required to pay all past due state taxes and paid over \$300,000 to the State Tax Commission.

Paul Krauth

Krauth was a Department of Environmental Quality employee who defrauded his department with false invoices and receipts for work trips that were actually gambling trips. SPU obtained a conviction for Communication Fraud and restitution of \$144,000 was paid in full at entry of plea.

Rex Olsen

Olsen, a Utah Highway Patrol Trooper, deliberately started two wild fires in Uintah County and was convicted by prosecutors in our Special Prosecutions Unit of a Second-Degree Felony for Arson. He has been ordered to pay restitution of \$482,393 for the damage he caused to the state.

Mirzet Bajrovic

Since 2015, Bajrovic has used 26 aliases to obtain drugs fraudulently throughout the state. Bajrovic would go to emergency rooms and complain of tooth pain, which resulted in him obtaining 68 controlled substances from 62 prescribers in the years that he continued this scheme. Prosecutors convicted him of a second-degree felony for Theft of Services, and he was ordered to pay \$16,000 in restitution to medical providers.

Jonathon Mangum

Mangum, a South Salt Lake Police officer, was caught on his own body camera telling a domestic violence suspect that he had threatened to accuse his ex-wife of crimes and publicize incriminating pictures of her unless she relinquished her claim on his pension in their divorce proceedings. Mangum was convicted of Class A Misdemeanor for Theft by Extortion and was ordered to serve 14 months' probation and pay a fine of \$400. He also lost his employment as a police officer.

INVESTIGATIONS



Overview

The Investigations Division identifies, apprehends, and assists in the prosecution of violations of the criminal laws of the State of Utah and the United States through investigation of criminal complaints in the areas of: complex white-collar and financial crimes; public corruption; general fraud; child abuse and exploitation (includes sexual abuse, physical abuse, homicide, and child pornography); cybercrime, internet fraud, identity theft, and internet crimes against children; crimes associated with closed societies; environmental crimes; antitrust; disability; and significant street crime including homicide, aggravated assault; and sex crimes where a local authority requests involvement.

This division provides investigative support to the prosecutors of the Justice Division on prosecution referrals and also receives referrals from the Grand Jury Panel of Judges to conduct investigations to determine if sufficient cause exists to convene a state grand jury.

All investigators are POST-certified state peace officers.

Special Investigations Unit (SIU)

The Special Investigations Unit (SIU) has a primary focus of complex, multi-jurisdictional, multi-victim, and felony-level investigations. These investigations include: fraud, public corruption, officer-involved critical incidents, conflict cases, agency assists, and other miscellaneous crimes.

SIU is currently made up of nine Special Agents and one Direct Supervisor, three Reserve Agents, two Evidence Technicians, and one Training Specialist.

School and Institutional Trust Lands Administration (SITLA)

There is one SIU agent that assists the School and Institutional Trust Lands Administration (SITLA) investigating any potential crime involving SITLA. These investigations have included issues arising from staged protests, seed gathering, illegal timber cutting, and illegal mining. This position is fully paid for by SITLA.



Professional Development for Law Enforcement

SIU houses the Professional Development Section, which specializes in developing upper-level critical skills for patrol officers, detectives/investigators, and attorneys in relation to the application of force, de-escalation, law application, and other skills utilized by professionals in the criminal justice field.

Goals

Fraud Training

SIU is working on developing a comprehensive fraud training for local jurisdictions. A survey has already been released statewide to detectives in order to assess what trainings are wanted by agencies. Once needs are assessed, SIU will assemble a tailored training to be offered statewide.

New Legal Education Video Media

SIU continues work to develop new legal education video media in consultation with AGO Prosecutors. This continues a partnership with Crisis Intervention Team Utah and major Utah public safety risk management groups to provide additional de-escalation learning opportunities. VirTra is an interactive software designed to teach de-escalation, active shooter scenarios, judgmental use of force, situational awareness and firearms training for law enforcement, military, educational and commercial markets. SIU hopes not only to secure resources that allow a distance learning capability, but also to increase video production to maximize the benefit of using the legal subject matter experts. SIU is reconfiguring the core scenario learning experience to add value to the trainees' time. This comes at a significant staffing cost as it intensifies legal education for each trainee. Recruiting and training additional qualified VirTra operators/educators from within the division staff will facilitate these efforts.



“The new scenarios were created with a breadth of training and educational options seen in the multiple branches. VirTra curriculum developers worked with us to create a platform for effectively teaching constitutional policing principles.”

- **Ken Wallentine**, Special Agent, Utah Attorney General's Office

Notable Prosecutions

Murder Case

On the morning of August 5, 2018, the Duchesne County Sheriff's Office (DCSO) responded to a residence in Neola to the report of a 2-year-old boy, L.C., found deceased in his bed. The medical examination performed on the boy the following day showed that he sustained numerous blunt force injuries on his head, face, torso, arms, and legs. The DCSO then requested that the AG's Office take over the investigation. Over the ensuing months, AG's Office investigators conducted numerous interviews, reviewed medical records and other documentation, and reviewed electronic and forensic evidence collected.

A medical expert has reviewed the medical information provided in the case and determined that the trauma found on L.C.'s body is consistent with intentional child abuse and was the cause of his death. The investigation showed that L.C., a foster child, had been in the care of his foster mother, Lisa Vanderlinden for over one and a half years. The foster mother was a licensed nurse and had been providing nursing services at the Children's Justice Center in Roosevelt. In the days leading up to his murder, the foster mother was becoming more and more frustrated and overwhelmed because she found him to be particularly difficult and challenging. On August 4, 2018, L.C. was acting out during dinner and was removed from the table by the foster mother and did not have injuries on him at that time. It was ultimately determined that the foster mother had sole care of L.C. throughout the evening and internet search history on the foster mother's cell phone showed that evening, prior to reporting L.C. deceased the following morning, she had conducted internet searches related to the accidental death of a 2-year-old boy and had searches specific to the injuries L.C. had ultimately sustained. On November 7, 2018, AG's Office investigators sought and obtained an arrest warrant, charging Vanderlinden with one count of aggravated murder and is currently being held in the Duchesne County Jail pending trial.

Pawn Shop Case

SIU agents worked a complex, multi-jurisdictional Pawn Shop case. The case has involved multiple law enforcement agencies including local, state, and federal authorities.

The case began with a call for help from the Home Depot, which lost \$60 million dollars to theft in the last five years in Utah alone. Most of their stolen merchandise ended up being sold to pawn shops, which buy the merchandise for pennies on the dollar and then sell it for huge profits.

SIU agents coordinated with the Home Depot and the Unified Police Department to conduct undercover "sells" of merchandise to several different pawn shops. As a result, seven search warrants were obtained and served (not including the several warrants for bank account information and the preservation letters that were sent). Approximately one million dollars in property was recovered along with over \$100,000 in cash.

Phase Two of the case involved compiling 140 packets on the top suspected pawnners. SIU agents then coordinated an operation that consisted of two-proactive nights to arrest the pawnners, interview them, and write reports of the information they provided. Again, the coordination of several law enforcement agencies and the county jail played a large role in this event. In the end, agents were able to get about two dozen pawnners to verify the scheme and cooperate with our prosecution team.

Of note, 100% of those interviewed acknowledged that they sold the stolen property to pawn shops for money to feed their drug habits. This case not only impacted retail theft and illegal pawn shop behavior, but it also is impacting drug crime in our state.

As a token of appreciation, the Home Depot awarded two SIU agents with their highest honor in a ceremony attended by Attorney General Sean Reyes, Sheriff Rosie Rivera, Chief Leo Lucey, and Division Director Dave Carlson. Along with them, the efforts of AG prosecutors Steve Wuthrich and Kent Burggraaf were recognized.

BY THE NUMBERS, FY 2018



Investigations Conducted

951



Arrests Made

164

COOPERATIVE DISABILITY INVESTIGATION UNIT

The Salt Lake Cooperative Disability Investigation Unit (CDIU) is a multi-agency task force that investigates fraudulent disability applicants and recipients. The Salt Lake CDIU investigates disability claims under the Social Security Administration's (SSA) Title II and Title XVI programs that Utah disability examiners believe are suspicious. There are currently four Special Agents (one of which acts as the supervisor) and one support staff, and a Criminal Information Specialist, assigned to the Salt Lake CDIU from the AGO. The positions are all fully funded federally (wages and benefits), and the AGO is reimbursed from the SSA for the costs associated with the five staff members assigned to the Salt Lake CDIU. The Salt Lake CDIU program's primary mission is to obtain evidence that can resolve questions of fraud before benefits are ever paid. The Salt Lake CDIU may also provide investigative support to examiners during continuing disability reviews that can be used to cease benefits of in-payment beneficiaries.



Upon completion of the investigation, a report detailing the investigation is sent to Disability Determination Services (DDS), where staff serve as the ultimate decision-making entity in determining whether a person is eligible to receive a monthly disability benefit payment. If the claimant is already receiving benefits, DDS and/or SSA will determine whether the person's benefits should be continued or terminated. In some cases, there is a possibility of criminal prosecution, or the imposition of Civil Monetary Penalties (CMP) or administrative sanctions may occur.

The Salt Lake CDIU began operating in April 2011. A team leader assigned from the Office of the Inspector General (OIG) supervises the Salt Lake CDIU. The following agencies are members of the Salt Lake CDIU Task Force: the Office of the Inspector General, Disability Determination Services, Social Security Administration, and the Utah Attorney General's Office.

UTAH TRAFFICKING IN PERSONS TASK FORCE

Overview

The Attorney General's Office's SECURE Strike Force investigates and prosecutes human trafficking offenses as part of its mandate from the Utah Legislature. The AGO also hosts and coordinates the efforts of the Utah Trafficking in Persons Task Force (UTIP). UTIP is a multi-disciplinary group of experts from law enforcement, academia, victim services, state and federal agencies, and non-governmental organizations (NGOs) working together to combat human trafficking in Utah. UTIP's goal is to attack every aspect of the human trafficking problem—not just prosecuting offenders, but also rescuing victims and providing them with aftercare, educating the public on trafficking issues, and improving legislation. Working together with UTIP, the AGO has made major strides in bolstering Utah's response to human trafficking. Our state is now recognized as a leader in combatting this horrible crime.

Modern Slavery

Human trafficking is a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain.

Every year, millions of men, women, and children are trafficked in countries around the world, including the United States. It is estimated that human trafficking is a \$150 billion per year industry worldwide, second only to drug trafficking as the most profitable form of transnational crime.

Human trafficking is a hidden crime, as victims rarely come forward to seek help because of language barriers, fear of the traffickers, and/or fear of law enforcement.

Traffickers use force, fraud, or coercion to lure their victims and force them into labor or commercial sexual exploitation. They look for people who are vulnerable for a variety of reasons, including economic hardship, natural disasters, or political instability. The trauma can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.





Human Trafficking Investigations and Prosecutions

Human trafficking investigations are complex and can stretch on for months or years before enough evidence is gathered to make an arrest. Proving the elements of these offenses often requires testimony from victims who have been severely traumatized by their experiences. Sometimes human trafficking victims do not wish to participate in an investigation or prosecution. In those cases, investigators and prosecutors will work to prosecute offenders for other offenses that do not require victim testimony. Prosecutors work closely with victim service providers to shepherd victims through the criminal justice process and to prepare them for the reality of testifying against their traffickers. In some cases, there will not be enough evidence to make an arrest. For those reasons, arrest numbers are lower than the number of investigations.

Human Trafficking Investigations

AGO investigators actively investigate human trafficking cases throughout the state. In addition to running its own proactive investigations, the Investigations Division also takes referrals from local police departments, follows up on tips from the National Human Trafficking Hotline, and works with victims referred by UTIP partners.

Human Trafficking Victims

In the course of its human trafficking investigations, the division works to identify human trafficking victims and refer them to comprehensive victim services through its UTIP partners. Although arresting and prosecuting offenders is a major goal of the division, rescuing human trafficking victims is even more important.

2018 Annual Utah Human Trafficking Conference

Overview

Local and national experts presented to over 300 people during the 2018 Utah Trafficking in Persons Conference held in September. Among the attendees this year were service providers, law enforcement officers, collaborative partners, prosecutors, court staff, trafficking survivors, community members, and many others.

This year the conference focused on recognizing and using protective factors for victims in the aftermath of trafficking as well as addressing common complications with human trafficking cases. The conference hosted several experts from law enforcement, the medical field, behavioral health, and more to address best practices in Utah that benefit every field or specialized interest.

Testimonials

“The people on the panel were great, spoke the truth about issues and shared deeply felt feelings with us. Having survivor’s voices at the table is so needed. Good job!!”

– Attendee comment

“I really like the honesty from Dr. Halleh [Seddighzadeh] when she said that healing is messy (meaning the road can be rough, but progress is progress) and we have a lot of work to do to help survivors and victims feel safe!” – Attendee comment

Statewide Human Trafficking Training Efforts

The AGO has become a recognized expert on human trafficking investigation and prosecution. Working with its partners in UTIP, the AGO has trained law enforcement officers, criminal justice workers, victim service providers, medical professionals, and other community groups from throughout the state.

Highlights of the AGO's 2018 Human Trafficking Training Efforts

- **Utah Domestic Violence Coalition Core Advocacy Training** — An Introduction to Human Trafficking in Utah
Sevier County — Richfield, UT
Intermountain Park City Hospital — Park City, UT
Cedar City Library — Cedar City, UT
Center for Women & Children in Crisis — Orem, UT
- **University of Utah Human Trafficking Symposium** — Panel Discussion on Human Trafficking in Utah
S.J. Quinney College of Law — Salt Lake City, UT
- **BYU Anti-Human Trafficking Summit** — Slavery Stops With Me
Brigham Young University — Provo, UT
- **Cache County Children’s Justice Conference** — An Introduction to Human Trafficking in Utah
Logan, UT
- **Utah Crime Victims’ Conference, Plenary Session**
Zermatt Resort — Midway, UT
- **Utah Children’s Justice Symposium** — Trafficking, Trauma, Resiliency, and Evidence-Base Hope
Snowbird Resort — Snowbird, UT

CHILD PROTECTION



Overview

The Child Protection Division provides judicial protection for children who are in imminent danger or at risk of abuse or neglect. Division attorneys work in tandem with partners in the Utah Division of Child and Family Services (DCFS) to ensure that evidence is clear and that proper legal processes are followed whenever the state decides that it is necessary to intrude into the privacy of a family in order to protect a child.

BY THE NUMBERS, FY 2018



Total Juvenile Court Cases

3,674



Total Hearings

16,222



Average Juvenile Court Case Load Per Attorney

114

Responsibilities

- Present evidence of abuse and neglect to prove that a child is in need of the court's protection.
- Provide DCFS with legal advice on its duties and responsibilities and represent the agency in making its recommendations regarding a child and its family to the court.
- Assure that court orders entered for the protection of the child and for the rehabilitation of the family are enforced.
- Bring legal action to provide supervision and services in the home or to determine an alternative permanent living arrangement for an abused or neglected child when a family fails or refuses to remedy the abuse or neglect within the time allowed by law and the behavior makes the home unsafe for the child.





Notable Success

Electronic Warrant Procedure

In 2018, the Child Protection Division spearheaded the development of an electronic warrant procedure to prevent the human trafficking of children who run from DCFS custody. Currently, courts are unavailable on weekends and holidays, which means that law enforcement is not able to obtain warrants to pick up the runaway youth until the court becomes available. This leaves the child vulnerable to dangers that may befall them, and foster youth are the individuals most at risk to be trafficked. This problem gave rise to a new federal law requiring states to respond immediately to missing foster youth and to assess the youth to determine whether they have been trafficked when they are found. In response, Utah created new procedure that ensures that DCFS can contact the court within 24 hours and quickly receive a warrant, and law enforcement can place the warrant on the NCIC (a national warrant database) within 24 hours of receiving it. This new e-warrant system, which will shorten the length of time that these children are on their own after they run away, will launch soon.

CHILD & FAMILY SUPPORT



Overview

The Division of Child & Family Support represents the Office of Recovery Services (ORS) in establishing paternity, enforcing and modifying child support orders, and ensuring child support orders are received to recover improperly received public benefits.



Responsibilities

- Establish paternity
- Enforce and modify child support orders
- Ensure child support orders are recovered properly

Additionally, the division works in the areas of probate, torts, and bankruptcy.

BY THE NUMBERS, FY 2018



Division Caseload

3,274



Average Caseload Per Attorney

182



Court Appearances
Statewide

6,572



Total Miles Traveled for
Court Coverage

57,421

MEDICAID FRAUD CONTROL UNIT



Overview

The Medicaid Fraud Control Unit (MFCU) is a division of the AGO that investigates and prosecutes Medicaid fraud committed by providers of medical services, products, and drugs, including patient abuse and neglect. It lowers medical and drug costs for Utah consumers and employers by challenging fraudulent practices that result in over-payments to Medicaid. Cases range from local prosecutions of doctors and facilities that charge Medicaid for services that were not provided, to participating in national lawsuits against drug companies that conspire to limit competition for generic drugs.

BY THE NUMBERS, FY 2018



Total Cases Opened

57



Total Cases Closed

47



Total Restitution Ordered
(Civil & Criminal)

\$582,072

% Increase from FY 2017

43%

% Increase from FY 2017

114%





Notable Prosecutions

State v. Adam Lim

In one particularly complex case, eleven patients in multiple health care facilities complained that Adam Lim, a nurse in the employ of the facilities, had abused them sexually while they were under his care. By the time the case was referred to our office, some of the victims had passed away. Furthermore, the court limited our office to trying only three of these cases with juries. Due to the medications that they were on at the time, all three of those victims had been ignored when they originally disclosed the abuse. However, our attorney was able to use medical records to show the jury that each victim was lucid, aware, and responsive when they suffered the abuse, and they reported it soon after the incidents. The jury found Lim guilty of all charges, which included two first degree felonies for object rape and one second degree felony count of Aggravated Sexual Assault.

Kathy Faletau

Kathy Faletau was a provider of day services for the intellectually and physically disabled. She exploited disabled citizens by using their personal money for her private wants and needs. During the pendency of the case, Faletau falsified records and tried to find other ways to dodge the system and make money from State contracts. Faletau pled guilty to a second-degree felony count of Unlawful Dealing of Property by Fiduciary.

Ongoing Cases

Every day MFCU is working on cases of patient abuse, neglect, and exploitation. It is suing major drug manufacturer, Merc, for a case which could result in millions of dollars to the State of Utah. MFCU is striving to get this case to trial in 2019. The attorneys are also prosecuting complex fraud schemes which take many more millions of dollars from State taxpayers every year.

WHITE COLLAR & COMMERCIAL ENFORCEMENT



Overview

The White Collar & Commercial Enforcement (WCCE) Division represents most of the divisions in the State of Utah Department of Commerce, including the Division of Occupational & Professional Licensing, the Division of Consumer Protection, the Division of Real Estate, the Division of Securities, and the Division of Corporations. In addition, the division enforces the antitrust laws of the state and participates in multi-state antitrust enforcement. The division also prosecutes securities fraud, consumer fraud, and other white-collar fraud cases, both civil and criminal.

The division is divided into two sections: the Civil and Administrative Matters Section, and the Criminal Mortgage and Financial Fraud Unit.

Civil and Administrative Matters Section

The Civil and Administrative Matters Section of the division serves as agency counsel for the Utah Department of Commerce and its various divisions, including the Division of Occupational and Professional Licensing (DOPL), the Division of Consumer Protection, the Division of Real Estate, the Division of Securities, and the Division of Corporations and Uniform Commercial Code. The Civil/Admin staff represent the Commerce agencies in varying licensing and enforcement matters before professional boards and commissions, as well as in state and federal court.



Mortgage & Financial Fraud Unit

The Mortgage & Financial Fraud Unit (MFFU) is a criminal unit. Its mission is to diligently and ethically investigate and prosecute mortgage fraud and other major financial fraud committed within the State of Utah. In every case, MFFU pursues justice on behalf of the state and victims of fraud and vigorously applies its resources toward investigation, prosecution, and financial remedies and recovery. MFFU specializes in felony-level multi-jurisdictional investment fraud matters and prosecutes large-scale communications fraud, theft, and racketeering cases.

MFFU protects Utah citizens by prosecuting many varieties of white collar crime, including mortgage fraud, securities fraud, communications fraud, affinity fraud, general consumer fraud, and other fraudulent conduct that threatens Utah consumers and businesses. Attorneys in this section aggressively prosecutes fraud perpetrated against the most vulnerable citizens of Utah, in particular the elderly. The section works closely with many state and federal agencies to accomplish its goals. MFFU prosecutions can range from cases involving a single victim and a small loss to sophisticated schemes with hundreds of victims and millions of dollars in lost money and assets. MFFU regularly monitors and enforces all restitution orders against those people the unit convicts, and every year the unit returns substantial amounts of restitution to victims of these crimes.



CIVIL & ADMINISTRATIVE MATTERS BY THE NUMBERS, FY 2018



Cases Opened

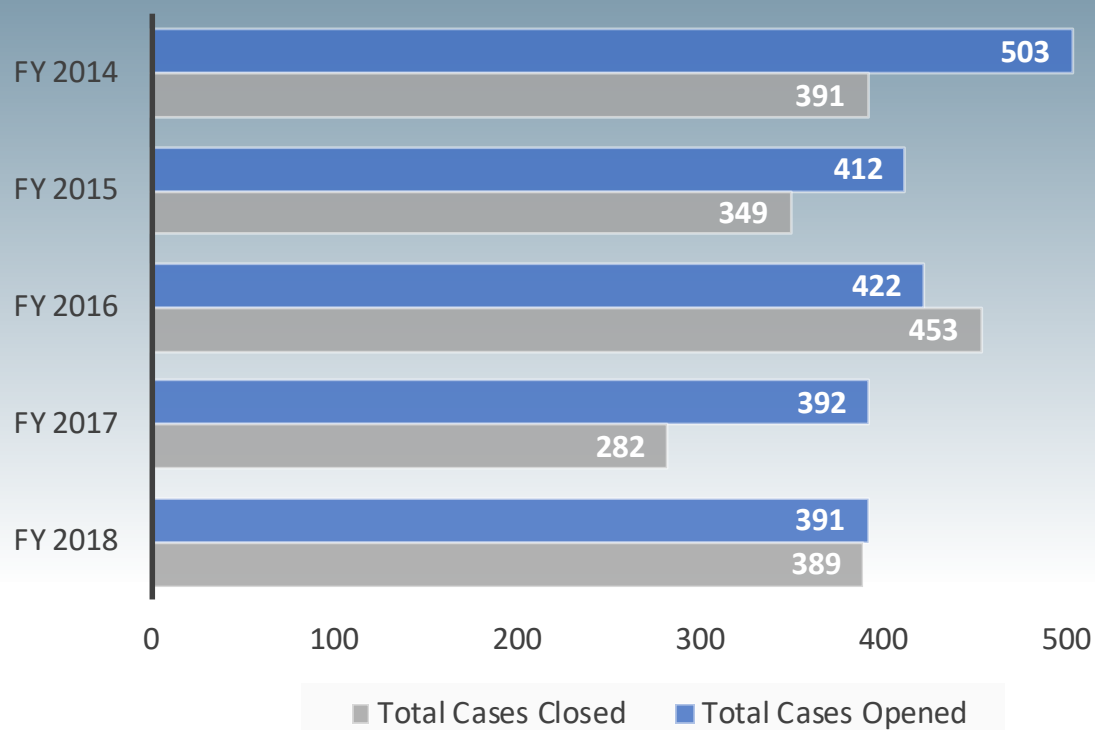
391



Cases Closed

389

THROUGH THE YEARS



MORTGAGE & FINANCIAL FRAUD BY THE NUMBERS, FY 2018



Cases Pending from Prior Years
47



New Criminal Cases Opened
31

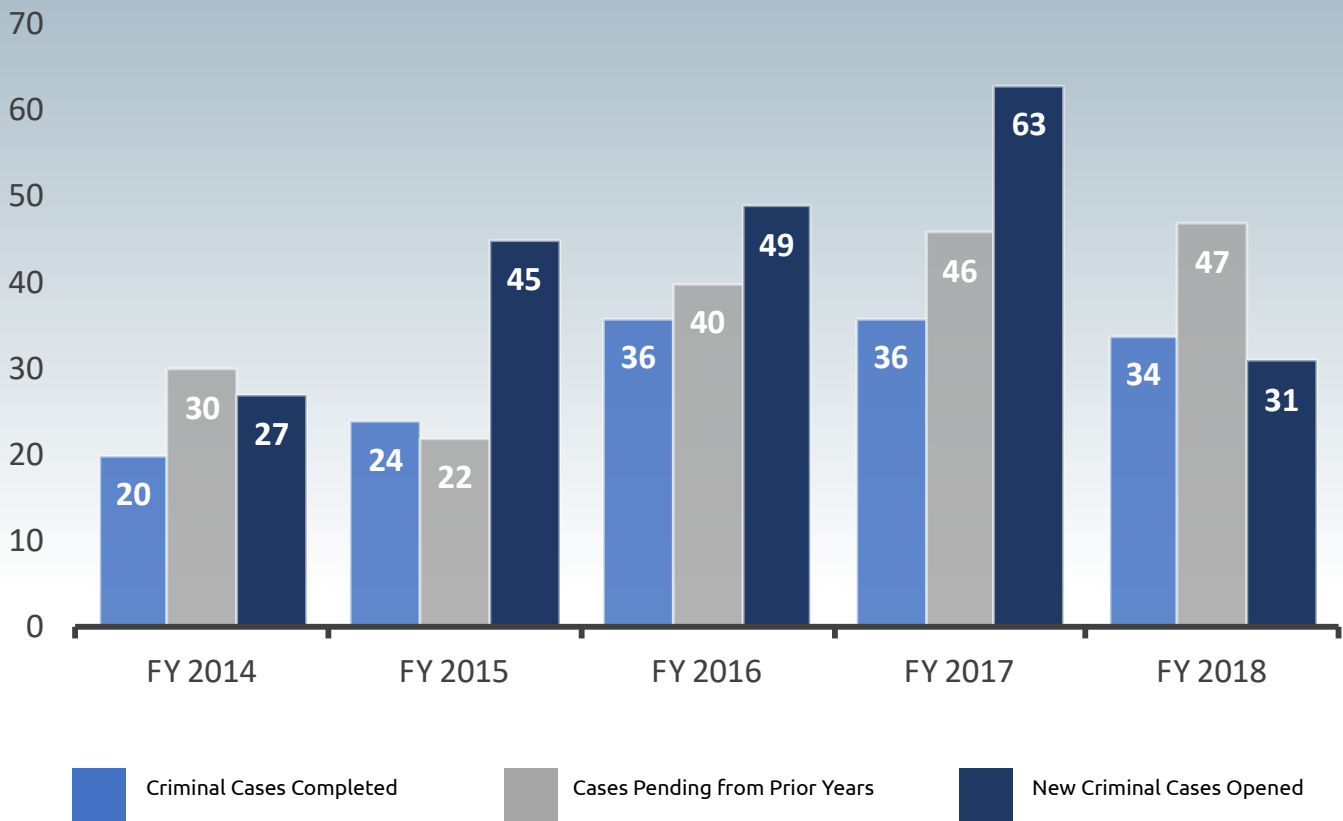


Criminal Cases Completed
34

Restitution Ordered
\$6,741,148

Restitution Collected By AGO
\$868,213

THROUGH THE YEARS





Notable Accomplishments

Jersey Consulting, LLC

The White Collar Crime and Commercial Enforcement Division filed an action against Jersey Consulting, LLC and its principals in Third District court for an alleged \$6-million, unregistered securities fraud. Jersey told investors that their money would be used to develop a proprietary method of “soil remediation” technology and a valuable mining claim in Arizona, neither of which Jersey owned or had rights to. Instead, investor money was used for personal expenses, including the purchase of a Harley Davidson motorcycle. The Division obtained an emergency restraining order and issued its first-ever asset freeze. Criminal charges have been filed by the US Attorney’s Office in cooperation with the Securities and Exchange Commission and are pending.

Rust Rare Coin

In another federal court action, the Division worked with the Commodities Futures Trading Commission (CFTC), a federal agency, to stop a Ponzi scheme alleged against Rust Rare Coin and its principals, members of the Gaylen Rust family. The company was accused of defrauding at least 400 investors of over \$200 million. The Division obtained a Temporary Restraining Order, an asset freeze, and the appointment of a receiver. The Division has obtained preliminary relief as of November 2018 and is working with the CFTC and the US Attorney’s Office to assist in filing criminal charges.

Purdue Pharma

In legal action related to the fight against the opioid epidemic, WCCE sued Purdue Pharma for violating Utah state law, including consumer protection laws. Filed in Carbon County, the action seeks to hold Purdue responsible for deceptive marketing practices that contributed to the devastating opioid epidemic. WCCE lawyers also participate on the Executive Committee of multi-state opioid litigation. The Division is heavily involved in coordinating and reviewing evidence and claims against opioid manufacturers and distributors.

Stipulations

The WCCE Division prepared over 500 stipulations against various professionals regulated by the State of Utah. These stipulations resolve violations of the laws regulating professional practice across professions and occupations from roofing contractors to armed security guards to doctors.

Multi-State Litigation

The Division has played a significant role in multi-state litigation. This litigation, brought by attorneys general across the country, seeks to hold companies responsible for deceptive business practices, including unethical marketing and sales. Defendants in these matters include Fiat/Chrysler, Wells Fargo and Johnson & Johnson. These multistate actions have resulted in millions of dollars in fines, penalties, and restitution being paid to Utah consumers and the State of Utah.



This page intentionally left blank.



Special Units

TOBACCO



Overview

In 2018, the Attorney General's Office announced a settlement agreement resolving Philip Morris USA, RJ Reynolds, and other major tobacco companies' challenge to Utah's enforcement of a 1990s-era tobacco settlement, resulting in an estimated \$300 million coming to Utah over the next ten years.

The agreement settles a dispute with major tobacco companies over enforcement of the 1998 Tobacco Master Settlement Agreement (MSA). The MSA requires the tobacco companies to make annual payments to the 46 states involved in the settlement, including Utah. The MSA settled state litigation for health care costs and other damages caused by cigarette smoking, according to the National Association of Attorneys Generals. The payment provisions compensate the states in part for the billions of dollars associated with treating tobacco-related diseases under state Medicaid programs.



UTAH OPIOID TASK FORCE



Overview

Working with legislators, community activists, the medical community, and the Drug Enforcement Agency, Attorney General Sean Reyes organized the Utah Opioid Task Force in 2017 to combat the opioid epidemic. The Utah Opioid Task Force is a voluntary task force made up of representatives from partner agencies and organizations across the state. The mission of the task force is to take action against opioid abuse through law enforcement, prosecution, proposed legislation, and innovation. The collaborative process brings together leaders to create solutions that take on the opioid crisis with direct action.



2018 Opioid Solutions Summit: Instead 5th Annual Utah Solutions Summit

Organized in cooperation with U.S. Senator Mike Lee and the DEA, attendance surpassed expectations for the 2018 Opioid Solutions Summit. The morning session was geared toward students and was attended by over 9,000 students and community members. The Summit had a powerful impact on the students in attendance, who were encouraged to find an "Instead" for drugs and addiction. Many students downloaded both the SafeUT App and the FENDMovement App – each of which has proven effective in providing students with helpful resources.





Overview

Utah@EASE is a referral program led by the Office of the Utah Attorney General in conjunction with the Utah Department of Veterans and Military Affairs and the Utah State Bar.

It is a public-private partnership offering pro bono legal assistance and representation to veterans and Active Duty, Reserve, and National Guard service members for: military rights, immigration law, property/landlord cases, predatory lending, creditor/debtor issues, employment, consumer fraud, and wills/power of attorney.

Only matters listed above are covered under this program. Criminal, family law, personal injury, and legal matters against the USA or a state, among others, are not covered.

Assistance through the program is by referral only. If you have a legal emergency, contact an attorney. Utah@EASE referrals typically take several days.

Applicants must be Active Duty, Reserve, National Guard, or if a veteran, must have an honorable or general discharge, and have a legal issue that is covered.



CHILDREN'S JUSTICE CENTER PROGRAM (CJC)



Overview

The Utah Children's Justice Center (CJC) Program is an accredited chapter of the Nation Children's Alliance and is dedicated to helping local communities respond to allegations of child abuse in ways that are effective and minimize trauma for the child. Administered by the Utah Attorney General, the Utah CJC Program includes 23 locations statewide.

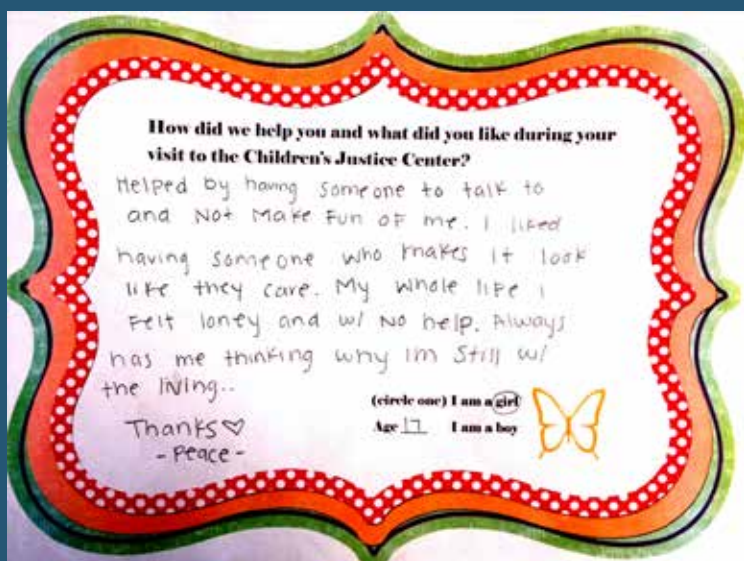
When abuse is suspected, the child is brought to a Children's Justice Center—a safe, child-focused facility—to talk to a trained interviewer. A team of law enforcement members, child protective services agents, medical and mental health providers, victim advocates, and prosecutors make decisions together about how to handle the case and help the child. Children and families are connected with services and supported throughout the process.

The CJC Program is responsible for administering the state's 23 CJsCs, providing oversight, allocating state and federal funding, providing training and technical assistance, monitoring service delivery, and serving as the liaison to the many organizations and councils that have child abuse as a focus.

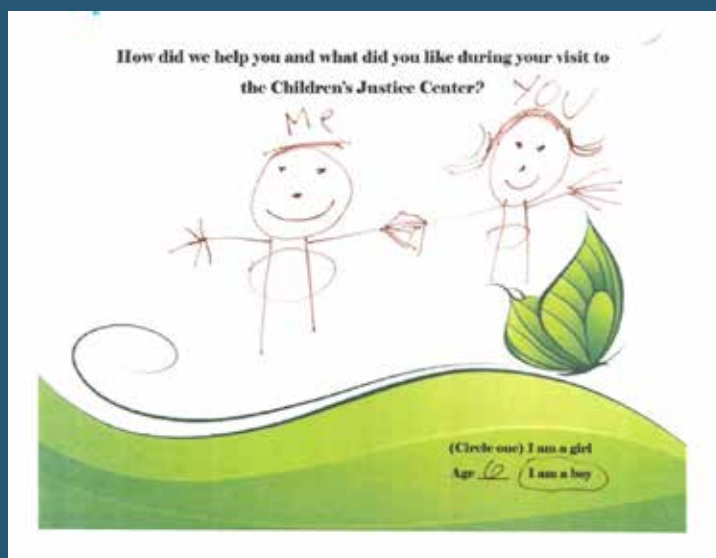
Mission

The mission of the Children's Justice Center Program is to provide a comfortable, neutral, child-friendly atmosphere for children to receive coordinated services during the child abuse investigative process.

2018 Notes from Children



Girl, Age 17



Boy, Age 6



Highlights

Annual Children's Justice Symposium – The 2018 Children's Justice Symposium drew 823 professionals from around the state. This was the conference's 23rd year and featured national-caliber presentations to ensure that professionals are aware of emerging trends, research, and best practices in handling child abuse cases. As always, the Symposium included a pre-conference for CJC-affiliated medical providers.

Annual CJC Directors and Staff Summit – The CJC Program hosted a three-day training featuring a nationally recognized expert on the CJC model for more than 70 CJC personnel. The primary focus was on skills and strategies to support multidisciplinary teams. The summit also included training on victim advocacy and suicide prevention.

Addition of Forensic and Multidisciplinary Training (MDT) Specialist – The CJC Program created this position to support two core CJC functions: conducting forensic interviews and facilitating the multidisciplinary team. A 23-year veteran of a CJC and internationally-recognized interview expert was hired to oversee Utah's nationally-recognized child interview curriculum, provide technical assistance to prosecutors, and provide support to the 24 MDTs handling child abuse cases. This position is one of the first of its kind in the country.

Best of State – For the second year in a row, the Utah CJC Program was selected for the Best of State award in the category of Public/Private Partnership.

Care Process Model – As part of the VOCA-funded CJC Trauma Assessment Program, nine centers launched the Care Process Model (CPM) in April of 2018. The CPM is a tool developed by Primary Children's Center for Safe and Healthy Families to screen children for trauma exposure and/or traumatic stress symptoms. In the first six months of implementation, 342 children were screened, with 47% reporting a high symptom score, 37% responding with a concern for suicide, and 3% requiring immediate referral to an ED. The findings led to increased requests for suicide prevention training from CJC's, so the suicide prevention coordinator from Human Services presented at our annual summit and is working with CJC's to provide resources as needed.

Case Management System – The CJC case management system underwent a major overhaul to incorporate updated technology and enable centers to better track the wide array of case services provided by CJC's.

CJC for Juab/Millard Counties – In 2018, funds were secured to support the operation of the newly established Juab/Millard County CJC in Nephi. Prior to opening, families had to travel two hours each way to the next neighboring center, and many were unable to travel that far for services.

Commercial Sexual Exploitation of Children (CSEC) Initiatives – The CJC Program initiated one new project and expanded another. First, through a partnership with the Utah County CJC, the Internet Crimes Against Children Task Force, and Primary Children's Center for Safe and Healthy Families, the CJC program secured federal funds to train approximately 250 professionals statewide and develop resource materials for parents whose children have been victims of commercial sexual exploitation (child pornography and/or trafficking). Second, use of the Risky Behaviors Teen Questionnaire was expanded from two to seven CJC's. This screening tool, developed by Primary Children's Center for Safe and Healthy Families, is used by CJC medical providers to identify minors who are at risk for commercial sexual exploitation.



Highlights Cont.

Expansion of CJC Medical Services – The last time the Legislature had increased funding for CJC medical services was 2006. The Legislature appropriated additional funding in 2018 that enabled the Program to sustain and extend services to under-served areas. As part of the expansion, three more onsite medical exam rooms will soon be available for children in Carbon, Emery, Sevier, Wayne, Piute, Grand and San Juan Counties.

Forensic Interview and Mental Health Training – The Utah CJC Program coordinated eight basic forensic interview training sessions, developed an abbreviated course (available online) for team members who do not interview but need to understand the process, and created a specialized training on interviewing reluctant victims. In addition, it coordinated two trauma-focused cognitive behavioral therapy training sessions. Hundreds of professionals participated in these trainings in 2018.

Yale University Mental Health Initiative – Through a partnership with Yale University, the National Children's Alliance, and the Cambia Foundation, almost two dozen mental health clinicians were trained and mentored by experts from Yale University over the past year to provide Child and Family Traumatic Stress Intervention therapy to children served by CJs.

Performance Outcomes

These outcomes are part of a national outcome measurement system used by 900-plus centers throughout the country.

Outcome #1: The CJC facilitates healing for children and caregivers.

Almost 96% of respondents agreed that the CJs provide them with resources to support them and their child. Almost 96% agreed that if they knew anyone else who was dealing with a similar situation, they would tell that person about the CJC.

Outcome #2: The multi-disciplinary team (MDT) approach fosters more collaborative and efficient case investigation.

More than 97% of team members believe clients benefit from the collaborative approach of the MDT. Almost 98% of team members believe that the CJC fosters collaboration.

UTAH PROSECUTION COUNCIL (UPC)



Purpose

The purpose of the Utah Prosecution Council (UPC) is to provide high-quality continuing legal education training for state and local prosecutors through full participation of all prosecution agencies. UPC facilitates communication between law enforcement partners, state agencies, and advocacy groups working to achieve the highest levels of success. UPC provides cutting-edge training and resources to assist all members to better perform their duties.

Overview

UPC is a statutorily-created agency composed of ten members that includes the Attorney General, four elected county/district attorneys, two city prosecutors, the Commissioner of Public Safety, the Chair of the Utah Prosecutor Assistant's Association (UPAA), and the Chair of the Statewide of Association of Prosecutors and Public Attorneys (SWAP). UPC is mandated to provide continuing legal education to prosecutors. UPC provides current and relevant legal training to state and local prosecutors, law enforcement agencies and officers, and victim advocates. UPC also works with SWAP to effectively and accurately represent and advocate for the interests of public attorneys.

Full-time staff include a Director, training coordinator who is responsible for all logistical aspects related to UPC's conferences, an IT specialist who is the project manager for a statewide prosecutorial case management system, and two specialty resource prosecutors: a Traffic Safety Resource Prosecutor (TSRP) and a Sexual Assault/Domestic Violence Resource Prosecutor (SADVRP). These resource prosecutors provide expert assistance to prosecutors and law enforcement personnel.

Training in Trauma-Informed Response

In early 2014, a study on the number of sexual assault cases filed in Salt Lake County showed that only 6% of cases with a fully-collected sexual assault kit were being prosecuted. A major contributing factor to the low prosecution rate was a lack of understanding of the neurobiology of sexual assault trauma and how that trauma affects a victim's behavior and ability to recall key events of the assault.

As a result, UPC spearheaded the effort to develop a plan to make the criminal justice system in Utah more trauma-informed. UPC recognized that two important events must take place: (1) train criminal justice professionals in trauma neurobiology; and (2) develop a specific, easy-to-use interview protocol incorporating the principles of the neurobiology of trauma. UPC created the Trauma-Informed Victim Interview (TIVI) protocol. In the spring of 2014, UPC began training criminal justice professionals throughout Utah on the impact of trauma upon a victim's behavior and memory and how to use the protocol. Since that first conference, UPC has trained on trauma-informed response and related issues at thirteen UPC-sponsored conferences, training hundreds of prosecutors and law enforcement officers.

UPC was able to work with Representative Angela Romero in her efforts to pass a bill to require UPC to train all law enforcement officers on this issue. 2017's H.B. 200 required DPS and UPC to offer this training to all certified law enforcement officers in the State of Utah. That requirement has been met as of July 1, 2018. DPS and UPC were also required to develop an advanced training course for officers who investigate cases of sexual assault or sexual abuse. The first course of this advanced training was provided in September 2018. The second session is scheduled for February 2019.

UPC Involvement

Conferences

UPC holds the following conferences on an annual basis:

- Spring Caselaw and Legislative Update
- Regional Legislative Updates
- Utah Prosecutorial Assistants Association Annual Conference
- Basic Prosecutor Course
- Fall Prosecutor Training
- Government Civil Practice Conference
- Utah Misdemeanor Prosecutors Association Conference
- County/District Attorney Executive Conference

Courses

UPC offers additional courses, including the following, as needed and as funding allows:

- New County/District Attorney Seminar (January 2019)
- Train the Trainers (March 2019)
- DV101 Bootcamp (June 2019)
- Mental Health 101
- Adult Sex Crimes
- Advanced Trial Skills
- DUI/DRE Training
- The Visual Trial
- White Collar Crime

UPC Director Robert Church teaches the Domestic Violence 101 course to new cadets at the Peace Officer Standards Training (POST) academy each quarter.

Boards & Commissions

Members of the UPC Staff serve on the following boards and commissions:

- Editorial Board of the Utah Journal of Criminal Law
- National District Attorneys Association Veterans Committee
- National Association of Prosecutor Coordinators (Chair of Finance Committee)
- Utah Prosecutor Assistants Association
- Utah Council for Victims of Crime, Crime Victims Conference Sub-Committee (Co-Chair)
- Sexual Assault Kit Initiative (SAKI) Case Review Committee
- Domestic Violence Advisory Council, Sexual Assault Advisory Council and Justice Sub-committee
- Multi-Disciplinary Trauma Informed Committee
- Trauma Curriculum Committee (Chair)
- Alcohol Drug and Fee Committee (Chair)
- Criminal Justice Track for the National Lifesaver's Conference
- Utah e-Warrant Review Committee

UPC also helps eligible prosecutors and public defenders repay their student loans through its administration of the John R. Justice Federal Student Loan Repayment Program.

2018 News

- UPC secured a \$1.235 million grant from the Utah Commission on Criminal and Juvenile Justice to purchase a state-wide case management system on behalf of state and local prosecutors. UPC entered into a contract with Journal Technologies for the purchase of eProsecutor.
- The Traffic Safety Resource Prosecutor developed two new national curriculums for training law enforcement officers, prosecutors, and toxicologists. He trained 1,711 people in 2018.
- The Sexual Assault/Domestic Violence Resource Prosecutor has been invited by Hill Air Force Base to develop a trauma-informed curriculum for all airmen.
- The IT specialist worked with a development committee to tailor eProsecutor to the needs to Utah's prosecutors. After a year of development, Wasatch County, South Jordan City, Juab County, and Provo City went live with the product in January 2019. After a few months of testing, the product will go live with the rest of the state.



Members of UPC Training Committee

UPC Members

Director Church is a member of the Editorial Board of the Utah Journal of Criminal Law. This bi-annual scholarly publication focuses on Utah criminal law and is distributed to judges, prosecutors, and public defenders statewide. He is also a member of the National District Attorney's Association (NDAA) Veteran's Committee and serves as the Chair of the finance committee for the National Association of Prosecutor Coordinators (NAPC).

Marilyn Jaspersen, the training coordinator, serves as the staff liaison to the Utah Prosecutor Assistant's Association (UPAA). She instructs at several of UPC's conferences, training over 170 people in 2018.

Marlesse Jones, the SADVRP, was invited by Hill Air Force Base to develop a trauma-informed curriculum for all airmen. She has also been invited by Iowa's SAKI working group to assist them in creating a train the trainer program for trauma-informed response in their state. She is a board member of the following groups: Utah Council for Victims of Crime, co-chair of the Crime Victims Conference Sub-Committee, Sexual Assault Kit Initiative (SAKI) Case Review Committee, Domestic Violence Advisory Council, Sexual Assault Advisory Council and Justice Sub-committee, Multi-Disciplinary Trauma Informed Committee. She also chairs the Trauma Curriculum Committee, implementing trauma informed response training statewide.

Tyson Skeen is the Traffic Safety Resource Prosecutor (TSRP), a state and nationally recognized expert in the field of alcohol and controlled substance DUI. He consistently presents at national conferences and other out-of-state courses and is a member of the following boards or committees: member of the Criminal Justice Track for the National Lifesaver's Conference and the Utah e-Warrant Review Committee. He is a Chair of the State Alcohol Drug and Fee Committee.

Ron White is UPC's IT specialist who maintains UPC's webpage and is the project manager for the eProsecutor project. He is the Chair of the development committee comprised of two elected county attorneys, two city prosecutors, and two support staff who all worked closely with developers from Journal Technologies to tailor eProsecutor to the needs of Utah's prosecutors. Ron has trained close to 40 people on the use of eProsecutor and spent hundreds of hours in support and development of the product. Ron also manages the Prosecutor Information Management System (PIMS), which is an antiquated case management system developed by UPC many years ago. While it is outdated and will soon be replaced with eProsecutor, Ron continues to provide statewide support to the offices who continue to use the product.

BY THE NUMBERS, CY 2018



People Trained at Regular
& Regional Conferences

1,220



Number Trained on Trauma
Informed Response

70 Agencies

1,923 People



SAFEUT



Overview

The SafeUT smartphone app is a free statewide service that provides real-time crisis intervention to Utah's students, parents, and educators. SafeUT was developed by the legislatively-created School Safety and Crisis Line Commission (the Commission), chaired by the Attorney General's Office. SafeUT allows teens in crisis to open a two-way messaging service with licensed clinicians, call a crisis counselor directly, or submit confidential tips to school administrators on bullying, threats, or violence. The app is staffed by trained crisis counselors at the University Neuropsychiatric Institute (UNI) 24 hours a day, 365 days a year.

SafeUT is far more than an app; it is a mental health system that acts to provide professional help for teens in crisis. Crisis help can be provided through texting, which factors into SafeUT's success with teens more comfortable texting than talking on a phone. Use is confidential, and crisis line workers do not inquire about identifying information except in emergency situations. SafeUT has been recognized nationwide for its effectiveness in saving lives and de-escalating potential school incidents. The Commission is currently working with several states to implement similar programs.

In 2018, SafeUT won the 2018 Best of State Award for Best Web-based Community Service as well as the 2018 Best of State BOSS Award for Community Development.

Statewide Success Stopping Violence & Suicide in Schools



Enrolled schools are listed within SafeUT and school administrators are trained to handle submitted tips received through the app. At the end of 2018, 79.57% of all K-12 Utah schools (including public, private, and charter schools) have been enrolled in SafeUT.

All tips submitted through the app are immediately reviewed by UNI staff. Non-urgent tips are sent daily to the appropriate school administrators, and tips of a more threatening nature (including violence or planned school attacks) are sent immediately to law enforcement and administrators and resolved as quickly as possible. In 2018, the SafeUT app received tips about 334 unique potential school threats, including reports of explosives, guns, knives, and planned school attacks. While 48 of these tips were false, 286 of these events were verified by law enforcement as having merit and were dealt with immediately, saving many lives.

Purpose

To provide a means for a Utah student, parent, or school employee to access mental health crisis counseling 24/7/365 and to have the ability to submit confidential tips concerning unsafe, violent, or criminal activities, or the threat of such activities directly to their school.

286

Reported & verified
school threat tips
received and dealt
with immediately -
saving many lives.

Enrollment in Higher Ed.

In 2018, the Commission focused on enrolling institutions of higher education. Nearly all major universities and colleges in Utah (University of Utah, Salt Lake Community College, Weber State University, Utah State University, Southern Utah University, Snow College, Dixie State University, and Utah Valley University) now use SafeUT.



Notable Successes

Preventing Suicide

From an email of gratitude sent to Commission member Rep. Steve Eliason:

“A woman told me that she is so grateful for the SafeUT app because it saved her son’s life. One day she received multiple calls and texts from the school telling her she needed to come in. Her son had posted something on social media during the school day, saying he was just going to end it all that day. Apparently, about 15 of his friends had reported this on the app and in no time, the school had responded. When she arrived, she immediately felt the love of those in the room. Nothing about the meeting was punitive, and she and her son both knew that those in the room were there to help. She was made aware of a problem about which she had previously had absolutely no idea. Her son still struggles sometimes, but he knows he can talk to his mother, he can talk to individuals at his school. He knows there’s help and he knows that he’s loved.”

BY THE NUMBERS, CY 2018



App Downloads

76,675



Tips Submitted

10,828



Chats Conducted

19,646



Potential School
Threat Tips Received

334



Threads (Individual Messages)

459,531



Reported & Verified School Threat
Tips Received and Dealt With

286

WHITE COLLAR CRIME OFFENDER REGISTRY



Overview

Launched on February 25, 2016, the Utah Attorney General's Office White Collar Crime Offender Registry (WCCOR) is the first website nationwide that provides consumers with a central database of white-collar offenders. It allows investors to look up white-collar offenders and protect themselves from financial fraud.

The WCCOR was developed by the Attorney General's Office in cooperation with the Utah Department of Commerce, the Utah Department of Consumer Protection, the Securities and Exchanges Commission, and the Federal Bureau of Investigation.

Importance of the Database

While the main purpose of the WCCOR is to provide a resource to investors, the database also serves the purpose of encouraging offenders to pay restitution. In Utah, over 100 people are convicted of white-collar crimes each year. Because of the volume and high dollar amounts of fraud crimes in Utah, most offenders the AGO prosecutes have defrauded their victims of over \$10 million. Investigations are complicated and can take years, translating into millions of dollars lost before criminals are brought to justice. While the AGO has expanded efforts to investigate and prosecute all fraud cases, very few victims ever receive restitution and those that do usually see only pennies on the dollar for their stolen investment. To help victims recover their money, the White Collar Crime Offender Registry incentivizes offenders to return property to victims to avoid being listed on the registry.

Expanding the Reach



The WCCOR has been accessed from every state and in over 119 countries and has over 210,455 page views. As we would expect, most page views are from Utahns, which demonstrates its growing utility to Utah citizens who want to check before they invest.

The WCCOR is fully searchable and users may either scroll through photos and names of offenders alphabetically or search by key words, including names, aliases, and schemes. To provide reasonable privacy to the offenders, the Registry does not include social media information, addresses, place of employment, or contact information.

In both 2016 and 2017, the White Collar Crime Offender Registry won the Best of State Award for best Web-based Community Resource in Utah.

The registry can be accessed at utfraud.com.



BY THE NUMBERS, CY 2018



Number of New Users

3,573



Number of Overall Accessed Countries

119



Number of Sessions in 2018

4,611



Page Views in 2018

21,829



Number of Overall Languages Accessed

83



Percentage of New Visitors

76.4%



This page intentionally left blank.



OPERATIONS

CURRENT CHALLENGES



Turnover

The AGO faces challenges with staff turnover largely as a result of pay inequities created in the industry. In 2018, the AGO saw 124 terminations with approximately 22% leaving for other employment. 37% of those indicated they left for higher-paying jobs.

Office Space

The Attorney General's Office is also burdened by inadequate office space and is currently housed or co-located in 10 locations around the Salt Lake metro area, with more offices in Salt Lake County and across the state. 351 of the 524 employees are housed in the Salt Lake metro area.



AGO map of Salt Lake City locations and the number of employees at each building.

BUDGET



Overview

Funding for the Utah Attorney General's Office is appropriated by the Utah State Legislature. Approximately 62% of the FY 18 budget was funded with state general fund revenue, with federal grant funds, dedicated credits, and restricted funds providing the balance of funds. Most of the dedicated credits revenue collected was generated from general counsel and other legal work provided to client agencies in the executive branch and litigation services.

In FY 19, the Civil Division is migrating to a legislatively-mandated internal service fund rate and billing structure.

2018 Utah Attorney General Budget

