

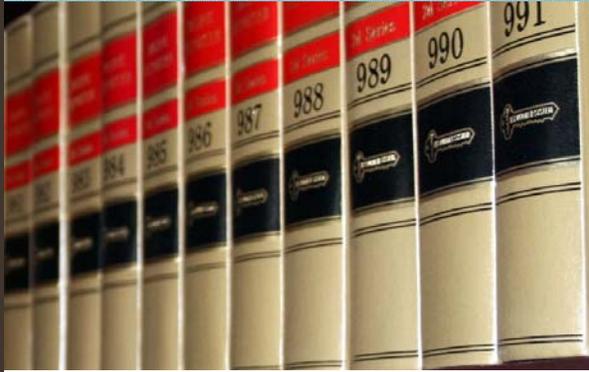
2010

# Annual Report

## Cache County Attorney's Office

Logan, Utah

*Building Strong Foundations*



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# James M. Swink

## Cache County Attorney



Dear Constituents,

Our wonderful families provide Cache County with a solid and strong foundation that contributes to the outstanding community safety and quality of life we enjoy. There is a tradition of supporting one another; parents and grandparents are involved in the lives of their children and grandchildren. Families truly are the foundation of our community's strength. It is the mission of my office to protect the citizens of our communities, and success in achieving a notably low crime rate is greatly aided by the willingness of family members to look out for others.

Another strength of our community is the rich tradition of hardworking law enforcement officers. These officers take pride in their work, have integrity, and see their job as one to seek justice. This is a shared objective with our office. We work hard to prosecute criminals who break the law while ensuring the innocent are exonerated.

We have excellent working relationships with law enforcement and with agencies which impact the safety of our community. We work closely with partners such as the Division of Child and Family Support, school personnel, the Child and Family Support Center, and the Board of Health. These partnerships ensure the best possible outcomes in our efforts to prevent and prosecute crime.

A major accomplishment in 2010 was the banning of Spice, a marijuana-like substance being sold legally in Cache County. We recognized the issue and outlawed this substance long before state or federal government action took place. Cache County and many cities passed ordinances and the Board of Health passed a regulation so that Spice and similar substances were prohibited from being sold or possessed in our community. Local governments are responsive to the needs of today and I appreciate the efforts of our governmental officials in doing all they can to keep communities safe, clean, and economically vibrant. I look forward to continuing to work with our local governments and other partners in the community to maintain our exceptional quality of life.

We focus on taking steps when we see areas of concern, before it gets out of control. By acting together in the interest of the public, great things are achieved.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Swink". The signature is fluid and cursive, written over a light-colored background.



## About Cache County

### **Quick Facts:**

*Founded 1856*

*Population 112,656*

*1,173 square miles*

*Named for caches of furs found by trappers*

Cache County, Utah, is situated along the Idaho border in the western section of the state and includes a large valley area surrounded by mountains. On the western edge lies the Wellsville Mountains and on the eastern edge lies the Bear River Mountains. Both mountain ranges are northern branches of the Wasatch Range and give the area a beautiful setting appreciated by many who enjoy the spectacular scenery and abundant wildlife.

There are 26 communities dotting the landscape of the valley. These are Amalga, Avon, Benson, Cache Junction, Clarkston, College Ward, Cornish, Cove, Hyde Park, Hyrum, Lewiston, Logan, Mendon, Millville, Newton, Nibley, North Logan, Paradise, Petersboro, Providence, Richmond, River Heights, Smithfield, Trenton, Wellsville, and Young Ward. Logan is the county seat and largest city with a population of 48,000.

Prominent to the area is a major state university which has a significant impact on the demographics. Students attend Utah State University coming from within our own state boundaries, from states throughout the nation, as well as other countries. While many of these students are here only for the duration of their schooling, others decide to put down roots. Additionally, professors from a variety of disciplines bring their families to reside in our beautiful area, and, at any given time, there are visiting professors and dignitaries learning new technologies, researching, or attending to other educational pursuits.

There is an abundant tradition of arts and festivals in the area with a nationally renowned opera company, active theatre, and numerous artists and galleries. Summerfest and the Cache Valley Gardener's Market are always popular events.

Logan and Cache County have frequently been noted in prestigious national rankings as a top place to live due to its exceptional quality of life, low crime rate, and economic stability.

## Family Summit

*A new tradition*

We are always concerned when crime impacts our community and its members. In October, we hosted our first Family Summit to address many of the serious issues we see daily in our office - issues which are often hidden in the shadows. Tragedy is left in the wake of many of these unfortunate actions in the form of broken hearts and devastated families.

Opening remarks were provided by Utah Attorney General Mark Shurtleff and also by Cache County Attorney James Swink. Training was provided to over 100 community members on child abduction response, drugs and alcohol, juvenile crime, cyber-stalking, and domestic violence. Local presenters included Bret Randall and Brad Franke of Logan City Police Department and Mandy Saunders of Juvenile Probation. Speakers from our office were Terry Warner and James Swink. Brandy Farmer, a former domestic violence victim who is now a leading advocate, spoke about her personal experience. Katie Sutton of the Utah Domestic Violence Council addressed the latest trends in technology and stalking.

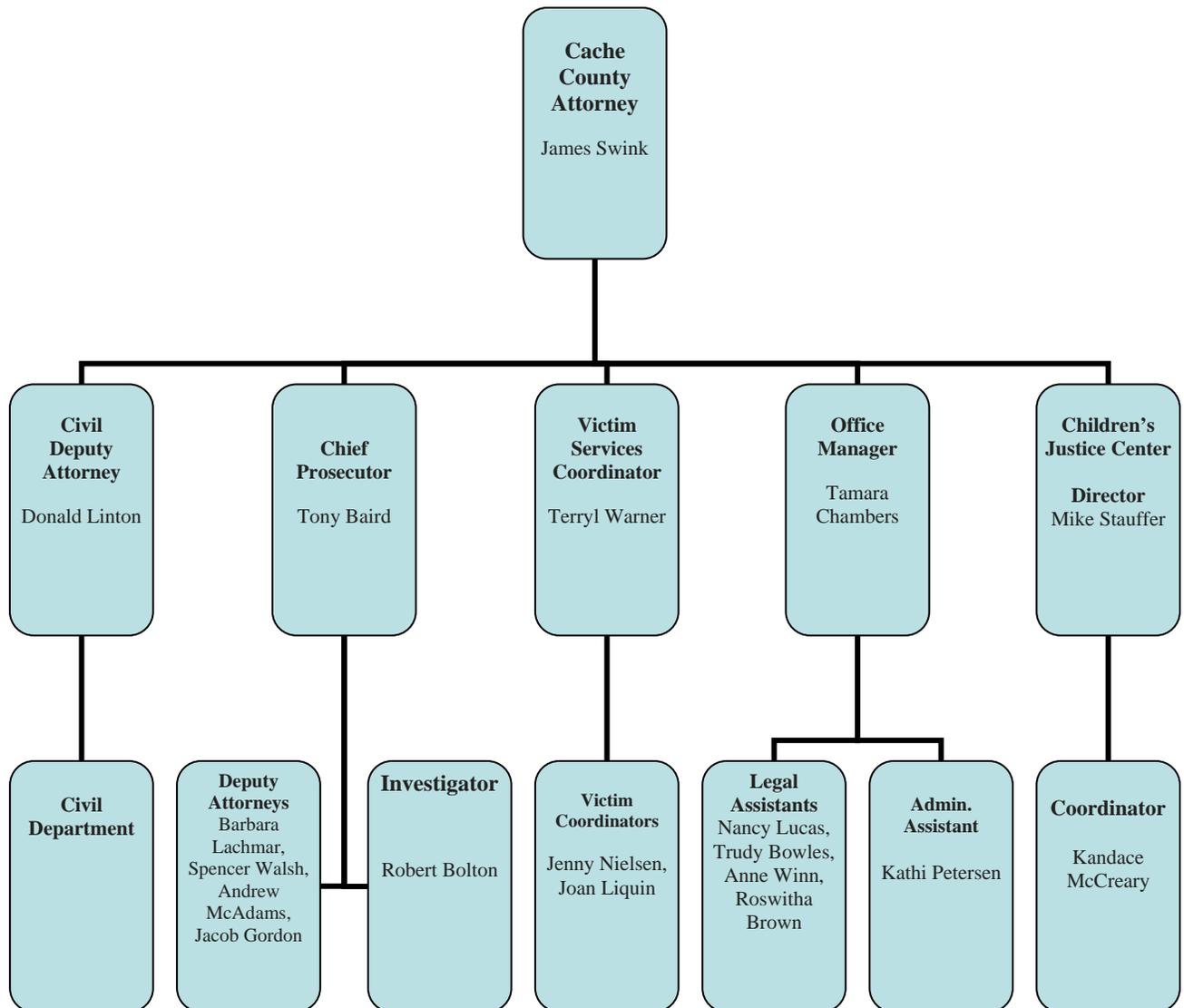
Clay Olsen and Cam Lee, founders of *Fight the New Drug*, addressed the dangers of pornography. A family in our community shared their own very personal experience with pornography and its devastating effects. Following an arrest on child pornography, they have struggled to work through the legal ramifications and court conviction while dealing with a pornography addiction. They bravely have chosen to speak out about these tragic circumstances in an effort to educate the community on the dangers which pornography poses to healthy homes, families, and individuals – and the very real consequences that can result from an addiction.



Shelley Locke of *United Nation for American Mothers* shared information related to challenges facing families today. She has addressed the World Congress of Families in Amsterdam, Netherlands, and Warsaw, Poland, where she addressed international lawmakers on government policy. A former state School Board member and winner of Utah's Young Mother of the Year, Shelley is uniquely qualified to highlight these issues.

A diverse range of people benefitted from the material. School personnel, law enforcement, case workers, therapists, and those working with criminally-involved people or victims of crime mingled with community leaders, elected officials, and representatives. This direct interaction facilitated discussions related to prevention and intervention with the overall result of better-served communities. Those who attended left with a better understanding and a greater commitment to protecting our communities.

# Office Organization



The responsibilities which fall under the Attorney's Office are set forth by the state legislature and can be found in Utah Code 17-18-1. Duties include, but are not limited to:

- Prosecution of criminal cases, including juvenile court offenses;
- Represent the state if needed for civil cases or for other legal business;
- Assist the Attorney General as requested;
- Institute proceedings in the name of the state for recovery involving the collection of bonds;
- Call attention to any defect in laws and suggest amendments;
- Defend all actions brought against the county;
- Prosecution for the recovery of debts, fines, penalties, and forfeitures accruing to the county; and
- Give opinions to county, district, and precinct officers on matters relating to the duties of their respective offices.

# Personnel Updates

The Cache County Attorney's Office would like to recognize the services of individuals who dedicated numerous hours during 2010 as a benefit to the office and not as a completion of educational requirements.

**Emily Nye** worked 660 hours during her final studies at Utah State University due to her interest in the field of criminal justice. Emily assisted the Victim Services Division as well as the office support staff. In addition to tracking court cases for a victim advocate, she opened cases and maintained case files, prepared subpoenas for witnesses, and assisted with the operations of the office.

**Richard Gordon** worked 760 hours and focused primarily on research related to criminal litigation. He also assisted in juvenile court as a special prosecutor. In his work, he developed argumentative briefs and provided extensive research in statutory and case law, trial testimony, and evidentiary issues. Rich completed law school at Pennsylvania State University's Dickinson School of Law, specializing in commercial and tax law.

**Denise Cieben** is originally from Montreal, Canada. Following her graduation from Seattle University School of Law, she taught labour relations law at the University of Maryland in Seoul, Korea. She then practiced as an Assistant Attorney General in Washington State doing civil litigation and prosecutions. At the Cache County Attorney's Office she practiced civil law with some supplementation in criminal court as needed. She handled Mental Health Court and civil commitment issues, as well as specializing in water law and assisting with canal issues. Denise worked nearly 500 hours in 2010.

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**Robert Bolton** joined the staff of Cache County Attorney's as a special investigator and is responsible for follow-up on many of the cases involving domestic violence, child physical abuse, and child sexual abuse. He serves papers on defendants, interviews victims and witnesses, and consults with expert witnesses.



Bob has an extensive background in law enforcement having served 10 yrs with the Los Angeles County Marshall's Department and 21 yrs with the Sacramento County Sheriff's Department. He worked previously as a district attorney investigator with Sacramento County.

As special investigator, Bob works very closely with the crimes-against-women-prosecutor. These are the crimes with the greatest impact to victims and their families. Due to their inherent complexity, they often result in trial and extensive litigation and must be handled in a sensitive and compassionate manner. Because these cases have unique dynamics, having a special investigator on staff has been beneficial to effective prosecutions.

Shortly after joining our staff, Bob was involved with a case of an adult having sexual activity with a minor in multiple jurisdictions and states. Bob did extensive follow-up throughout, including interviewing therapists who had working relationships with involved individuals. This case ultimately ended in the successful prosecution on a 3<sup>rd</sup> degree felony of Carson Harris. It quickly became clear that Bob was an asset to prosecution of criminal cases.

Bob moved to Cache County in 2006. He has travelled extensively throughout the world, and has a significant interest in photography.

# Financial Information

***The Cache County Attorney's Office is funded through the Cache County budget, as well as through state and federal grant monies.***

**Fiscal Year 2010 Budget ..... \$995,644**

The budget for CCAO covers salaries and operating expenses. This is a conservative budget considering it provides for seven attorneys, three victim advocates, and six support staff. In comparison to comparable counties in Utah, we find that we run a very efficient office.

Please note this budget does not include the Children's Justice Center as it operates separately.

<i>County</i>	<i>Population</i>	<i>Total Attorneys</i>	<i>Budget</i>	<i>Population Served Per Attorney</i>	<i>Amount Spent Per Resident</i>
Cache	112,656	7	\$995,644	16,094	\$8.84
Summit	36,324	7	\$1,298,207	5,189	\$35.74
Uintah	32,588	5	\$1,117,400	6,518	\$34.29
Washington	138,115	14	\$2,840,100	9,865	\$20.56

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

Grant funding comes from a variety of sources to support the activities of CCAO.

- VOCA\* (Victims of Crime Act) is a federally funded and state administered program which funds the salaries and activities for Victim Advocates to handle cases with victims of personal and property crime.
- VOCA\* Stimulus grant monies were utilized for outreach in the justice courts. The justice courts are generally known as city courts and brochures were developed and provided to assist them in their duties.
- VAWA\* (Violence Against Women Act) funds a Special Prosecutor and Special Investigator to prosecute acts such as sexual assault, rape, stalking, protective order violations, child sexual and physical abuse, and domestic assault.
- CCJJ (Commission of Criminal and Juvenile Justice) is an agency housed in the State of Utah which oversees a number of grant opportunities. Grant funding supported the activities of the Cache Child Abduction Response Team (CART), a multi-agency program. CART members from various agencies attended specialized training and held ongoing meetings to coordinate incident response.

*\*VOCA and VAWA funding are federal programs supported through court fees assessed to convicted criminals and not borne by taxpaying citizens. This self-supporting fund is distributed throughout the states for crime prevention and intervention efforts.*

# Criminal Division



The criminal division is made up of five attorneys who handle criminal cases in First District Court. They work closely with local law enforcement to screen cases and file charges with the court. Some prosecutors specialize in their practice so as to focus on targeting prosecutions of specific crimes. These include domestic violence, child abuse, drug-related, juvenile crime, and crimes committed by individuals with mental health diagnoses.

Prosecutors act on behalf of the State of Utah when charging and prosecuting criminal violations. Prosecutors may charge for criminal actions which took place wholly or partially within Cache County. When reviewing police reports and determining charges, a prosecutor must reference the correlating statute from the Utah State Code Book, which consists of the laws passed by the Utah State Legislature. Prosecutors can also charge based on city or county ordinances which are passed by governmental entities.

Professional relationships have been developed with law schools at BYU, the University of Utah, and the University of Idaho in order to allow law students to serve as legal clerks while obtaining school credit. This unpaid work is a valuable service to our office; clerks provide legal research to assist attorneys in filing or responding to motions and in handling legal issues that arise in the criminal setting. Legal clerks provided more than 1,960 hours of service in 2010.

Information obtained from First District Court records show that there were 1,774 felony and 4,343 misdemeanor criminal charges filed, for a total of 6,117 criminal charges filed in adult court. Major offenses are shown below.

<i>Types of Offenses</i>			
<i>Homicide</i>	<i>1</i>	<i>Burglary and Trespass</i>	<i>176</i>
<i>Weapons Related</i>	<i>57</i>	<i>Assault</i>	<i>265</i>
<i>Child Sexual Abuse</i>	<i>160</i>	<i>DUI, Impaired Driving</i>	<i>201</i>
<i>Drug, Alcohol, Illegal Substances</i>	<i>1477</i>	<i>Theft</i>	<i>276</i>
<i>Fraud, Money Laundering</i>	<i>737</i>	<i>Sexual Offenses</i>	<i>102</i>

*\*Juvenile offenses are reported separately.*

# Juvenile Division



The Juvenile Division prosecutes felonies and misdemeanors committed by offenders under the age of 18 (at the time of the crime). This division's team consists of a prosecutor, victim coordinator, and legal assistant. The same types of cases in adult court are also seen in the juvenile system with the addition of status offenses which include such things as truancies, smoking, and certain alcohol offenses.

The Juvenile Division has a companion Mental Health Court. This diversionary court is a specialty court created to respond to the need of juveniles who have a mental illness driving their delinquent conduct. The court's two main goals are to connect mentally ill youth with a therapist that can address the needs of the youth and to ensure the regular administration of medications to aid the youth in controlling the effects of their mental illness.

**Juvenile Mental Health Court** is presided over by a juvenile court judge. A committee consisting of a coordinator, juvenile prosecutor, defense attorney, a representative from Bear River Mental Health, a representative from the Division of Child and Family Services, and school officials meets monthly to staff the case and assess the needs of the youth.

In order to participate, a youth must have current charges pending with the court. A recommendation to the committee for screening may be made by Juvenile Probation. Factors considered are qualifying diagnosis; likelihood that the delinquent conduct is driven by the mental diagnosis, the youth's history with the Juvenile Court System, and the youth's willingness to participate.

Upon approval, the youth attends weekly reviews in front of the judge. Reports are required each week, both from the youth and from his/her parent/guardian. A point system is used based on the good behavior of the youth. If the youth has engaged in any unacceptable/illegal activities, the court can impose detention time. The court gathers feedback from the coordinator, prosecutor, defense attorney, and therapist as to whether detention time is appropriate.

The ultimate goal of the Juvenile Mental Health Court is to give the youth a means to control and manage their mental illness so that there will be fewer interactions with the criminal justice system.

## 2010 Juvenile Criminal Incidents

Sexual Offenses, Lewdness	65	Pornography, Harmful Materials	11
Assault, Endangerment, Stalking, Weapon	132	Witness Tampering or Retaliation	1
Burglary and Related	75	Trespass	111
Forgery, Transaction Card Offense	34	Graffiti	170
Joyride Driver	12	Alcohol and Tobacco	349
Shoplift	174	Other	321
Theft	207	Curfew, Truancy	539
		Controlled or Prescription Substance, Marijuana	253
		<b>Total Incidents</b>	<b>2451</b>

# Crimes Against Women and Children

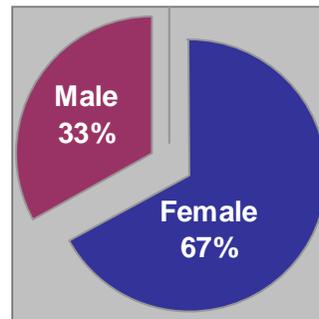
This division is uniquely qualified to deal with cases that are sensitive to victims and families. In addition to a full-time prosecutor, also assigned to these cases are a legal assistant, victim advocate, and a special investigator. One of the more heinous cases involved Carol Ricker. Ms. Ricker raped and sexually abused two victims for nearly a decade during the 1980's and 1990's. The victims showed great courage in reporting the abuse to law enforcement and cooperating with the prosecution of Ms. Ricker.

Through settlement negotiations, Ms. Ricker pled guilty to two counts of attempted rape of a child, both first degree felonies. Although attempted rape of a child is now punishable by up to 15 years to life in prison, Ms. Ricker could only be sentenced according to the laws that were in effect at the time she committed her crimes. Judge Allen sentenced Ms. Ricker to the fullest extent, two terms of 3 years to life in prison and ran these sentences consecutively (back to back). Judge Allen indicated he would write a letter to the Board of Pardons and recommend that she never be released from prison due to the scope of her actions.

Ms. Ricker's case is a good example that there is no specific type of person who commits child sex abuse. Child sex abuse is committed by men and women from all walks of life.

## 2010 Numbers at a Glance

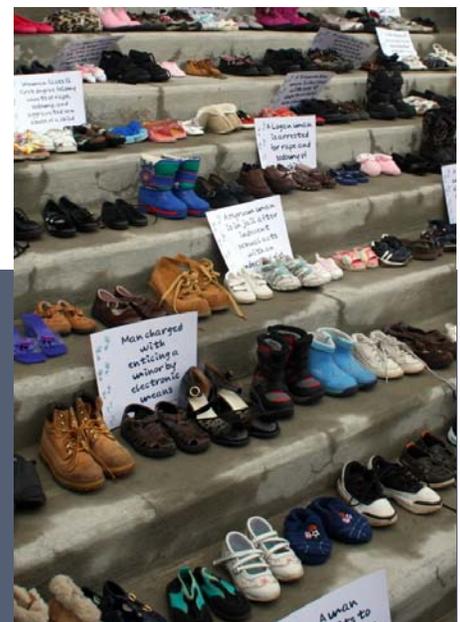
<b>Age of Victims</b>		<b>Total</b>	<b>Percent</b>
0-12	Years Old	41	8
13-17	Years Old	40	8
18-29	Years Old	172	34
30-44	Years Old	178	35
45-64	Years Old	51	10
65 and older		26	5
<b>Total Victims</b>		<b>508</b>	



**Gender of Victims**

<b>Allegation Breakdown</b>	<b>Total</b>	<b>Percent</b>
Adult Molested While a Child	9	2
Domestic Violence	252	50
Homicide	6	1
Protective Order Violation	38	7
Sexual Abuse	169	33
Stalking	34	7
<b>Total Violations</b>	<b>508</b>	

\*Reported statistics were collected from Victim Services



CCAO participated in an event during Child Abuse Month in which a pair of shoes for each of the 237 cases of substantiated child abuse in 2010 was displayed on the steps of the Historic County Courthouse. Many of these cases involved the services of the VAWA prosecutor.

# Narcotics Division / Drug Court

*Participants in Drug Court agree to follow a strict program which involves weekly visits to the court, counseling, full-time work or school, and case management with random drug testing.*

The Drug Court Prosecutor works closely with the Interagency Drug Task Force. Through the diligence of their efforts, drug dealers and their sources are targeted and prosecuted. In one case, officers executed a warrant as a result of a 3-month investigation which had consisted of controlled buys, surveillance, and interviews. A warrant was executed by the Cache County SWAT team due to the suspect's known use of a firearm. After a traffic stop, the suspect was taken into custody.

A search of his residence resulted in a bong, \$2,500 cash, two stolen handguns, an SKS type assault rifle, over 2.5 lbs of marijuana, more than 200 THC candies, over 200 Lortab tablets, pipes, heroin, paraphernalia, and hashish. This case resulted in a conviction through the Federal Attorney's Office on firearm violations.

In June 2010, agents of the Task Force conducted a warrant round-up. With the assistance of the Narcotics Prosecutor, agents filed over 30 cases with the First District Court and arrest warrants were issued. Agents then focused on attempts to locate the persons with the outstanding warrants, most of which were for drug distribution. Agents were able to locate approximately two thirds of the wanted persons. The remaining warrants were entered through law enforcement databases and offenders are targeted for arrest in other locations, including a military recruit arrested while stationed in Korea.

## **2010 Drug Task Force Numbers at a Glance**

Cases Initiated: 435  
Search Warrants: 24  
Arrests: 223

As reported by Cache-Rich Drug Task Force

## **Drug Court**

Certain drug-involved cases may qualify for an intervention-based program involving collaboration between the court system and treatment entities. It is intended to give participants an alternative to prison through behavior changes. Recidivism rates for drug court graduates are 6-12% compared to 70% for those that do not go



Courtesy of Herald Journal

## **2010 Drug Court Numbers at a Glance**

Total Number of Applicants: 55  
Total Number of Graduates: 14  
Total Number of Noncompliant Discharges: 7

As reported by Bear River Drug and Alcohol

# Mental Health Court



The Mental Health Court diverted 24 defendants in 2010 and screened numerous additional defendants who did not ultimately qualify. These people were charged with crimes that would carry traditional sentences including incarceration. This program was established based upon the realization that jail would not adequately influence persons with mental illness. However, this program is in its infancy and as such there are a limited number of diagnoses that will qualify.

Referrals to the program are made by law enforcement, defense attorneys, judges, or prosecutors, and are then screened by the Cache County Attorney's Office. Following an assessment from Bear River Mental Health, the Mental Health Court Committee further contemplates the eligibility of each defendant before officially accepting her or him into the program.

While participating in the program, defendants are instructed to follow a personalized treatment plan, undertake drug and alcohol testing, and to use support networks. Incarceration for failure to comply or even expulsion from the program is necessary at times. The end goal is that defendants can progress into basic housing and stable employment that result in increased independence, ultimately allowing participants to integrate into society in a positive and productive manner.

***The Mental Health Court diverted 24 persons in 2010.***

First District Mental Health Court is overseen by "The Friends of Mental Health Court" which includes concerned community members and dedicated attorneys who volunteer their time. The Mental Health Court Committee consists of prosecutors from the Cache County Attorney's Office, a judge, two Bear River Mental Health representatives, a representative from Bear River Drug and Alcohol, a NAMI representative (National Alliance on Mental Illness), a New Discoveries Clubhouse representative, an Adult Probation and Parole representative, defense counsel, Cache County Sheriff's Office official, and individuals from the multi-agency law enforcement crisis intervention team. These representatives are directly involved with the defendants' case and client management whereas the "Friends" group oversees the program as a whole to monitor success.

The Juvenile Mental Health Court program operates separately from the adult court program and works cooperatively with the Juvenile Division of the Cache County Attorney's Office.



## Victim Services Division

*Assisting crime victims through the court process and  
ensuring victim rights are protected.*

The Victim Services Division consists of three full-time victim advocates who service serious offenses charged in First District Court. These coordinators work to assist victims through the criminal court process. This can be a confusing time for many people and the services of an advocate coordinating their needs can be invaluable. The advocates work as a liaison between the victims and the county attorneys.

Victim advocates serve as a court coordinator to provide some of the following services:

- Keep victims informed of court procedures,
- Answer questions related to the court process,
- Refer to community resources,
- Safety planning and protection information,
- Ensure victims' right to be heard during sentencing and appellate proceedings,
- Provide court support, and
- Assist with recovery of property and restitution.

For victims of personal crimes, some resources are available to pay out-of-pocket expenses for therapy, loss of work, medical expenses, moving expenses, and other financial impacts to an individual or family. Crime Victim Reparations (CVR) is a state program which can assist victims who cooperate with law enforcement and prosecution. Victim Advocates assist victims in obtaining these resources.

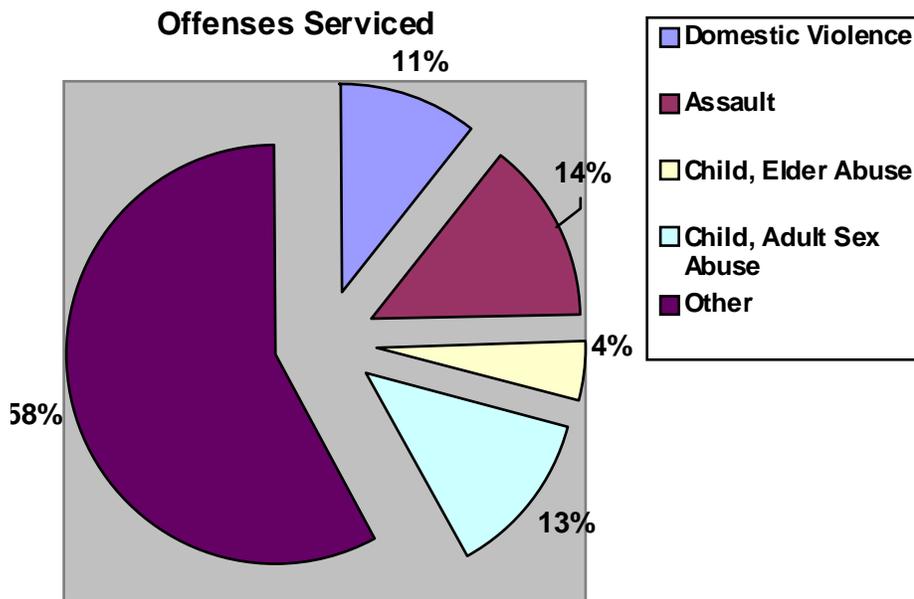
In 2010, Joan Liquin served on a planning committee for a national conference sponsored by NOVA, the National Organization for Victim Assistance. Several hundred participants from around the nation as well as international delegations attended this prestigious event.

Terryl Warner, Coordinator, remained active in promoting safe driving. She worked with the Oprah Winfrey Show in a public service commercial highlighting the dangers of texting while driving. Numerous public speaking engagements were given by her or in partnership with Reggie Shaw, an individual who has spoken out about the risks of texting while driving after two men died when he crossed into their lane of travel. Ms. Warner, along with Mr. Shaw and other staff of the County Attorney's Office, were highlighted in a popular nationally released dvd produced by Zero Fatalities. They were the subject of a Pulitzer Prize winning article series released by the New York Times.

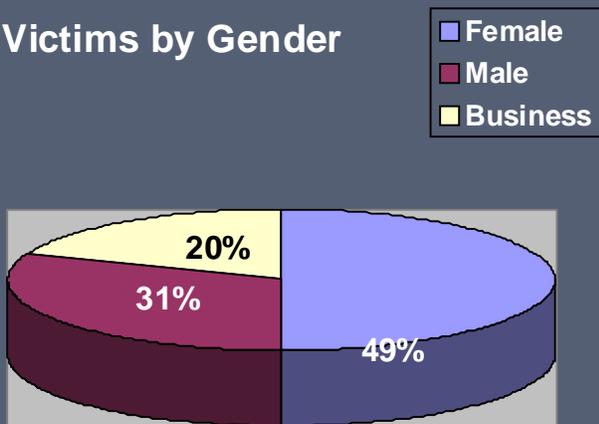
**Notable Cases**

**Alan Willey** was a schoolteacher who sexually abused male elementary students throughout his teaching career. As an adult, one of his victims reported the abuse and Willey was subsequently investigated. He was sentenced to prison and filed an appeal in 2010. The original conviction was upheld.

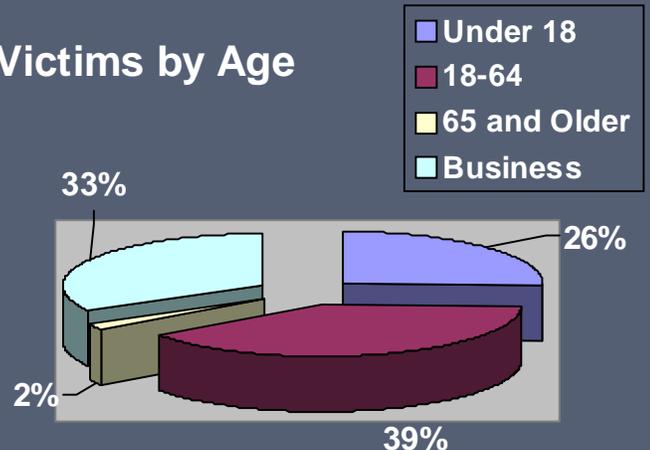
**Robert Ferretti** shot and murdered Tiffany Jarmin and dumped her body in Logan Canyon. A fisherman found her body weeks later and she was later identified through fingerprints. Mr. Ferretti was charged with murder. Victim advocates provided services to her family members throughout the extensive and complicated court process. Though scheduled for trial, he pled guilty and was sentenced to 15 years to life.

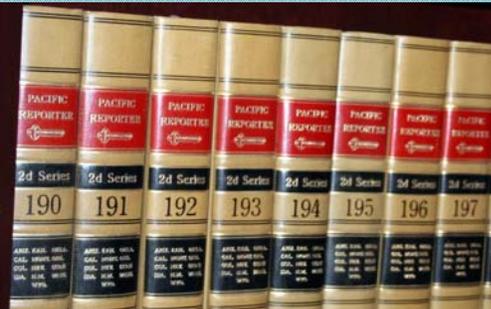


**Victims by Gender**



**Victims by Age**





## Civil Division

The Civil Division handles cases involving federal, state, and local laws, ordinances, and rules. Civil attorneys represent Cache County in all civil matters including advising the County Council, Planning Commission, and County Executive. The civil attorneys also advise department heads including the Development Department (land use), Water Engineer (water law, legislation, and the canal rebuild), Board of Health (public health law), County Clerk (election laws), County Auditor (liens), Assessor (Board of Adjustment issues), Surveyor (public and private road issues), Human Resources (employment law), and Cache County Sheriff's Office (contracts), among other matters. The civil attorneys also handle civil involuntary commitment hearings for the Mental Health Authority and state Government Records Access and Management Act (GRAMA) requests, in addition to the federal Americans with Disabilities (ADA) issues and Equal Employment Opportunity Commission (EEOC) matters. While the civil lawyers are familiar with the criminal side of the office and cover some cases in District Court as prosecutors, they mostly do civil research and advise and file briefs in District Court and at the appellate level.

### *Projects of Note*

**In July 2009**, the collapse of Logan Bluff tragically killed a mother and her two children, resulting in the need to rebuild a water conveyance system that is vital to farmers, cities, and water users in general. The options for rebuild geographically span the National Forest Service and several towns. As a result, Logan City was unable to be the sponsor under Natural Resource Conservation Service (NRCS) rules and the task fell to Cache County though it had no water, real property interests, nor involvement in the collapse.

NRCS is still in the process of studying rebuild options and pledged matching money through its Emergency Watershed Protection funding. This project has met with complex layers of federal, state, and local laws handled by the Civil Division in tandem with the County Water Engineer and Development Director. The County goal is to encourage the highest level of county-wide cooperation among the farmers, canal owners, City and County leaders, and all citizens who enjoy the aesthetics the canals provide and potential walking trails.

**Civil Division** directly assists the Water Engineer in preserving and protecting water resources in Cache County to provide for a growing population where the State Water Engineer has declared that Cache County has no more water shares that may be allocated hereto.

**The Ordinance Review Committee** continues to examine the suitability of the current ordinances and put into motion the mechanisms to affect necessary changes to better serve the interests of Cache County residents.

#### **Numbers at a Glance**

*9 Ordinances completed*

*29 Resolutions passed*

*68 Contracts and Agreements*

## Support Staff



Support Staff consists of six employees who work together to ensure that the office is run smoothly and efficiently. There is an administrative assistant who works closely with the County Attorney, an office manager/legal assistant, and four additional legal assistants. Their work is invaluable and consists of research, filing of motions, case organization, and ensuring paperwork and files are processed appropriately and timely. They must stay current on legislation and case law and are imperative to ensuring cases are ready for court.

The Office Manager has additional duties regarding payroll, ordering of supplies and materials, budget and accounting, ensuring the quality of work put out by the support staff, and evaluating and implementing policy and procedure changes.

The administrative assistant to both the Chief Deputy and the Cache County Attorney is an invaluable resource. The work is dynamic; the demands on the time and schedules of these attorneys are varied and ever-changing; this person must be flexible in meeting their needs.

Two legal assistants work in the adult Drug and Mental Health Courts respectively. This unique partnership involves weekly meetings and court sessions, as well as working with customized forms specific to each court. At times, these assistants must custom design forms and processes to streamline work activities. They engage in specialized trainings and are integral in ensuring the success and smooth operation of these programs.

Considerable progress has been made in implementing SIRE, our paperless filing system, and in integrating it with the prosecutorial software, PIMS. Within the coming year, we hope to extend the usage of this program to law enforcement, allowing them to directly download reports into our computer system, saving man hours and supply costs.

### NUMBERS AT A GLANCE

**Cases logged in and cited into First District Court  
by Cache County Attorney's Office Legal Assistants: 1,631**



## Children's Justice Center

*The Cache CJC is part of a 15-center statewide network that functions under the auspices of the Cache County Attorney's Office and the Utah Attorney General's Office.*

The Cache County Children's Justice Center (CJC), located in Logan, provides a child-friendly facility where child victims of sexual and/or physical abuse are interviewed, medically assessed, and treated. In 2010, there were 265 interviews of victims which took place along with 82 medical assessments.

An additional mandate of the CJC is to provide training in child abuse investigative and prosecutorial techniques to local detectives, juvenile court staff, therapists, prosecutors, and case workers. The CJC met this responsibility by providing several hundred man hours of local training in 2010. Topics at the Annual Training Retreat included child abduction, interview techniques, and information from prosecutors. The Center also financed specialized training at nationally recognized conferences which greatly benefited the agencies and personnel working with child victims.

The CJC enjoys a productive and cordial relationship with other helping agencies in the region and serves children and families from Rich and Box Elder counties as well as Cache County. The Center is staffed by two full-time employees, an intern from Utah State University, a part-time pediatric nurse practitioner, and two on-call registered nurses. The nursing staff is funded under a contractual agreement with Primary Children's Medical Center.

A notable case in which the Children's Justice Center was an integral part was that of the arrest of alleged child pornographer Antonio Cardona. Cardona had befriended and "groomed" a young Cache Valley boy over a period of four years and eventually victimized him in child pornography photographic images. This came to the attention of the FBI, and, through subsequent investigation, a child pornography ring with national and international ties was discovered. The victim in this case was interviewed at the Cache County Children's Justice Center and Cardona was charged and prosecuted for federal crimes.

### **CJC Numbers at a Glance**

*265 Victim Interviews*

*82 Medical Assessments*

# Accomplishments / Highlights



The first **Family Summit** was implemented and successfully completed with a great attendance and many positive remarks regarding the value of offering this type of high-quality training at a local level. Plans are in place to continue this as an annual event.

**Spice**, a synthetic marijuana-like substance, was banned in many jurisdictions of the county, as well as by Bear River Health Department. County Attorney James Swink, was integrally involved in presenting information to many government entities about the dangers, and regarding criminal cases which Spice had been a component of, and in some cases attorneys in the office helped to draft the legal language to ensure its applicability for law enforcement.

**Legal Lines**, a monthly publication with topics related to law enforcement, was implemented and is being sent out on an ongoing basis. It has been well-received by officers and is a means of providing up-to-date information related to legal matters in a timely manner to law enforcement officers.

## Notable Cases

**Landon Leishman** physically and sexually abused a nine year old girl for a number of years. Mr. Leishman was charged with eight counts each of Rape of a Child, Sodomy of a Child, Aggravated Sex Abuse of a Child, and one count of Harmful Material to a Minor. Following a successful prosecution, he was sentenced to two consecutive sentences of 25 years to life.

**Gary Viens** sexually abused the daughter of his live-in girlfriend. He was charged with two counts of Sodomy of a Child, Aggravated Sex Abuse of a Child, ten counts of Enticing a Minor, Rape of a Child, and Failure to Register as a Sex Offender. He was successfully prosecuted and received ten years to life in prison for his crimes. The mother of the victim was also prosecuted due to her knowledge of the relationship and failure to protect her child.

**James Ray** was with his girlfriend one night when her 19-month old baby began crying for her mother, who was sleeping. At the time, he was high on Spice and in a fit of frustration he punched the baby girl multiple times in the abdomen and caused extensive internal injuries. She was life-flighted to Primary Children's Hospital and fortunately survived the assault. He pled to second degree felony Child Abuse and was sentenced to one to fifteen years in the Utah State Prison.

**Robert Mullins** was charged with ten counts of sexual exploitation of a minor for cases involving child pornography; all were second degree felonies, and he received a prison sentence of up to 15 years in the Utah State Prison.

**Aaron Foote** committed multiple burglaries involving more than 40 victims. At times, he was breaking into residences while people were sleeping, resulting in a great deal of fear for victims. He was sentenced to zero to five yrs in prison and paid nearly \$11,000 in restitution.

# Community Partnerships

Our staff is committed to effective interagency efforts, as well as to promoting greater community education and awareness. We strongly feel that a proactive approach through outreach benefits prevention efforts. Crimes thrive in communities where there is ignorance and apathy and we believe that working with community partners will help to educate our community and effectively combat crime.

**Public education** was provided on a variety of subjects, most notably the effects of pornography, texting while driving, drugs, domestic violence, and child abuse issues. In October we hosted a Family Summit to focus on activities which target families which was well-attended by community leaders, school personnel, counselors, and law enforcement. An individual who had been arrested for child pornography spoke along with members of his family about the dangers of pornography.

**Distracted Driving** was a topic for outreach involving staff in community partnerships. The Alive at 25 program to educate youth about the dangers of distracted driving and Main Distraction awareness campaign, spearheaded by Logan City Police Department, focused on safe driving and both held activities throughout the year.

**Cache Rich Domestic Violence Coalition** is a working group of professionals and community members dedicated to fostering collaboration and creating effective services for families affected by domestic violence. The purpose is to support collaboration and partnerships to garner greater resources and community education. Advocates and a Deputy Attorney participate with this coalition.

**CART (Child Abduction Response Team)** was formed through the involvement of Victim Services; the working group includes team members from all areas of law enforcement, AP&P, 911 Dispatch, DCFS, Children's Justice Center, Search and Rescue, CCAO Prosecutor, Victim Advocate, Child and Family Support Center, and Cache County Zoning (for GIS and mapping). Ongoing meetings for training and coordination purposes continue to be a focus. Several team members attended a specialized advanced training in Albuquerque, New Mexico.

**Office participation** to foster the sharing of information with other agencies includes:

- Juvenile and Adult Mental Health Court Team;
- Children's Justice Center Multi-Disciplinary Team meeting – interagency group collaborating on child involved cases;
- Sexual Abuse Response Team (SART) – to review crimes of a sexual nature; attended by law enforcement, prosecution, Nurse Examiners, CJC, and advocates;
- Gang Meeting – attended by prosecution and advocate, juvenile probation, and law enforcement;
- Drug Court Committee;
- Tri-County Strike Force meeting;
- Law enforcement related meetings; and
- Juvenile Interagency case staffing meetings.

## Community Partnerships – *Continued*



Members of the CCAO participate in monthly Law Enforcement Administrative meetings. This invaluable group is made up of the heads of all local law enforcement agencies and attorneys from our staff. The emphasis is on enhanced communications and improved working relations as well as discussions related to policy, procedures, and finding solutions to problem areas or concerns. Interagency coordination of law enforcement activities and any events which take place within Cache County are also discussed during this forum.

CCAO personnel are involved with various committees, councils and boards. We feel it is important to participate with members of the community and agencies which service Cache County. These include:

- **First District Victim Rights Committee** which reviews complaints, distributes information, and works to enhance victim services;
- **Roads Committee** which works to catalog roads and rights of way and ensure the protection of valley;
- **Ordinance Review Committee** which is a county program which assists the council members and departments in researching and reviewing proposed ordinances including the personnel policy manual which will be extensively reviewed;
- **NOVA** (National Organization of Victim Advocacy) Planning Committee which sponsored a national conference in Salt Lake City in August 2010. A Victim Advocate in our office was a member of this committee. The conference was well-attended and included delegations from international countries.

### **Other Partnerships:**

- **Utah County Insurance Pool (UCIP);**
- **Bear River Board of Health;**
- **Child and Family Support Center Board;**
- **Cache County Water Board;**
- **CJC Local Advisory Board and Chair;**
- **CJC State Advisory Board; and**
- **Utah Council on Victims of Crime.**



## Looking to the Future

*“Be an opener of doors for such as come after them.”*     *Ralph Waldo Emerson*

**Further educational efforts** will take place targeting the dangers of pornography, as well as child abuse awareness. Numerous community presentations are done throughout the year by our staff.

**Look forward to a fall Family Summit** with an emphasis on domestic violence, prescription drug abuse, and other subjects that impact our quality of life. We have tremendous resources locally with experts in many fields, and we plan to draw upon these to offer a quality training program. We plan to emphasize problem-solving by bringing together people to offer ideas on prevention and intervention on a local level.

**An addition of a Civil Attorney** is something long needed to handle an ever-increasing workload and the inherent complexities of issues such as water law, right-of-way issues, and canal safety mitigation, among others. Qualified and experienced civil attorneys who can effectively research historical information and complicated laws related to civil matters are a protection for all citizens of our county. It ensures the protection of such important things as current and future water rights and allocation, and minimizes the expense of lawsuits which might be filed against our county.

**We continue to develop a justice court.** This is of great benefit to our communities by consolidating resources of current municipal courts into a more accessible and cost-effective venue. The result is greater consistency in how cases are handled, increased knowledge of repeat offenders, and more accessible hours to the public in handling minor things such as traffic tickets and citations. Plans are in place to move forward with the hiring of a city prosecutor to handle the Logan City Municipal Court and we will continue to educate the community and elected officials on the benefits of a consolidated justice court program.

## Looking to the Future *Continued*



**We will develop a system to more effectively track the activities of our office.** We are working on computer upgrades and will coordinate needs with computer programmers to enable specialized reporting methods to be generated in-house. It is our hope that the preparation and publication of this report will be of assistance in collecting and maintaining relevant statistics.

**We will evaluate ways to build upon our present website and technology initiatives** in order to better reach and serve the community. The updated website and social media efforts will be used to disseminate information to crime victims and the public we serve.

**The restoration of water to farmers and property owners** following the failure of the canal along Logan Bluff in 2009 is a priority. Cache County is the sponsor of a grant to restore water to the farmers, users, and stakeholders. Civil Attorneys will hold a vital role in the preparation of legal documents and will work in support of the County Water Engineer's efforts to foster cooperation with affected cities and residents. It is anticipated that the federal Record of Decision will be made late summer 2011 which will enable the hiring of a Project Manager to plan and coordinate construction. The actual construction could begin in early 2012 if there are no undue delays.

We hope you have enjoyed this edition of the Cache County Attorney's Office Annual Report. Our activities are varied and involve the cooperation of many entities. Through changes in our office, our goal of quality prosecutions and solid civil and criminal legal representation has remained the same. It is truly through the combined efforts of all the staff in the office along with strong community support that we have been able to achieve these notable accomplishments.



2010  
Annual  
Report

*A special thanks  
to Joan Liquin  
and Emily Nye  
for services in  
planning and  
preparing this  
report.*

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