



## SUMMIT COUNTY ATTORNEY'S OFFICE POLICY TRANSPARENCY

WHEREAS, in the 2020 General Session the Utah State Legislature enacted HB 288 relating to Prosecutor Data Collection Amendments;

WHEREAS, [Utah Code § 63M-7-216\(7\)](#) requires that all Prosecutorial agencies shall publish specific office policies before January 1, 2021. If the agency does not maintain a policy on a topic in this subsection, the agency shall affirmatively disclose that fact. Policies must be published online on the following topics:

- (a) screening and filing criminal charges;
- (b) plea bargains;
- (c) sentencing recommendations;
- (d) discovery practices;
- (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
- (f) collection of fines and fees;
- (g) criminal and civil asset forfeiture practices;
- (h) services available to victims of crime, both internal to the Prosecutorial office and by referral to outside agencies;
- (i) diversion programs; and
- (j) restorative justice programs.

WHEREAS, the Summit County Attorney's Office is dedicated to providing our community with a safe place to live, work, and play by holding the guilty accountable, protecting the innocent, and preserving the dignity of victims. The members of this office serve to minimize the impact of the criminal justice system upon the lives of victims and witnesses by supporting them to overcome the effects of crime and guiding them as they participate in the criminal justice system;

WHEREAS, the Summit County Attorney's Office is further dedicated to recognizing and overcoming the effects of systemic racism and implicit bias in prosecution and in the criminal justice system at large. Similarly, we strive for equity in the pursuit of justice; namely, persons of means and connection should not receive different or better justice than the indigent or disenfranchised;

NOW, THEREFORE, and always subject to the existence or absence of aggravating circumstances, co-occurring crimes, victim and societal impacts, protection of the public, criminal history, and the overriding interests of justice we hereby publish the following policies in compliance with the law:

**A. Screening and Filing Criminal Charges**  
(Last Revised December 2020)

All criminal cases are screened with care and precision by individual Prosecutors on a ‘vertical prosecution’ basis. In other words, the attorney screening the case is the assigned Prosecutor through case completion.

While our case management system allows for data input on race and ethnicity, by long standing practice and agreement, these databases are not filled out until after sentencing in a case. This is in accord with our mission statement, above, to seek equity and justice in a manner to overcome implicit bias, systemic racism, and disparate outcomes in criminal cases.

The Summit County Attorney’s Office files criminal cases and charges that can be proven beyond a reasonable doubt with admissible evidence and for which there is a reasonable likelihood of conviction. We do not charge counts of criminal conduct to procure a plea to other counts, or overcharge cases in order to get a plea in others.

**B. Plea Bargains**  
(Last Revised December 2020)

No criminally accused person or defense lawyer should expect to receive any plea bargain offer; nor is any defendant ever entitled to one. We believe that cases in which guilt, facts, or evidence are disputed should be settled by a jury. This principle is in keeping with the important rights of citizens enshrined in the United States Constitution, the Bill of Rights, and the Utah Constitution.

Prosecutors in the Summit County Attorney’s Office are autonomous, experienced professionals with control over the disposition of their own cases. Case dispositions may be staffed with the Criminal Division team from time to time and at the discretion of the individual Prosecutor.

However, it is possible and perhaps likely that facts and evidence not known at the time of screening may come to light. Evidentiary or witness complications may develop. Summit County Prosecutors reserve the right to amend the Information, offer a compromised resolution, or otherwise resolve any case in the interests of justice, truth, and fairness.

As a general rule, the following plea bargain guidelines are endorsed by Summit County Prosecutors:

- a. In a case where a person’s blood or breath alcohol level is .16 or above and the bac can be proven beyond a reasonable doubt, Impaired Driving will not be discussed.

- b. Cases in which a victim has been subjected to choking or obstruction of the ability to breathe will be considered at a higher risk level than certain other forms of domestic violence.
- c. Persons with the ability to pay full and immediate restitution should not expect their cases to be dismissed or compromised on that basis.
- d. All information in mitigation of criminal conduct will be fairly considered by Summit County Prosecutors and balanced against the interests of justice and protection of the community.

### **C. Sentencing Recommendations** (Last Revised December 2020)

No person convicted of a crime or defense lawyer should expect to receive any specific sentencing recommendation. If sentencing recommendations are made, they will be made after considering the charge(s), the facts of the case(s), the defendant's level of acceptance of responsibility, other aggravating and mitigating circumstances, as well as input from the victim.

That said, a recent audit by the Utah Commission on Criminal and Juvenile Justice revealed that Summit County incarcerates low level drug offenders at the lowest rate in the State of Utah. This is explained by our commitment to restorative justice principles (below), our participation in a County-wide, comprehensive behavioral health and mental wellness plan, and one of the most successful [Justice Reinvestment Initiative](#) programs in the state (Summit County Probation).

### **D. Discovery Practices** (Last Revised February 2020)

It is the policy of this office to promptly disclose to the defense all information material to the case, particularly that which may tend to exculpate the accused or which may be used to impeach the credibility of state witnesses.

The [Utah Rules of Criminal Procedure](#) start the inquiry as to whether information should be disclosed, but the rules are not the only source of law to be considered. The following is to be considered only a brief outline, not an exhaustive review of the law of disclosure.

#### 1. Scope of Discovery

- a. Brady v. Maryland, 373 U.S. 83, 87 (1963) all "material" information must be provided to the defense by the prosecution.
- b. "Material" evidence includes exculpatory evidence as well as impeachment evidence concerning government witnesses. Strickler v. Greene, 527 U.S. 263, 281-82 (1999).
- c. If any law enforcement agent possesses the information or evidence, the Prosecutor has an obligation to learn the information and turn it over to the defense. Kyles v. Whitley, 514 U.S.419 (1995).
- d. The defense does not have to request the information; the Prosecutor has the obligation to turn it over. United States v. Agurs, 417 U.S. 97 (1976).

- e. Suppression by the state, whether intentional or not, of material evidence favorable to the defendant violates the constitutional guarantee of due process.

2. Brady Material. Brady material refers to evidence or information that could be used by a defendant to make his/her conviction less likely or a lower sentence more likely. The following are some general categories of Brady material:

- a. Evidence tending to show that someone else committed the criminal act.
- b. Evidence tending to show that the accused did not have the requisite knowledge or intent.
- c. Evidence tending to show the absence of any element of the offense, or which is inconsistent with any element of the offense.
- d. Evidence that either casts a substantial doubt upon the accuracy of evidence including but not limited to witness testimony the Prosecutor intends to rely on to prove an element of any crime charged, or which may have a significant bearing on the admissibility of the prosecution's evidence.
- e. Evidence tending to show the existence of an affirmative defense, such as entrapment or duress; and
- f. Evidence tending to show the existence of past or present circumstances that may reduce the defendant's sentence.

Prosecutors must disclose this information even if they do not believe such information will make a difference between conviction and acquittal.

3. Giglio Material. Giglio material refers to evidence or information that could be used by a defendant to impeach a government witness or affiant. This may include but is not limited to:

Bias

Specific Instances of Misconduct (*See* ¶ 7.C. below)

False written statement, report or other document

Misconduct that reflects on truthfulness

Misconduct that indicates a racial, religious or other personal bias

Misconduct that indicates promises, offers or inducements, including the offer of  
Immunity

Misconduct involving handling of evidence or property

Misconduct that involves the use of force

Misconduct that involves harassment

Misconduct that involves the inappropriate or unauthorized use of government data

Misconduct that reflects on credibility

Criminal Conviction

Prior Inconsistent Statements

Untruthful character

Issues in Perception and Recollection

4. Other Impeachment Evidence. The Brady disclosure obligation includes impeaching information for witnesses. United States v. Bagley, 473 U.S. 667, 676 (1985).

- a. Where a witness's reliability may well be determinative of guilt or innocence, disclosure of evidence affecting credibility falls within the Brady rule.
  - b. Incentives offered to witnesses, including plea bargains, offers of favorable treatment and payments to witnesses must be disclosed. Plea bargains to cooperate must be disclosed even if made by another office.
  - c. Prosecutors are required to disclose prior written or recorded statements of witnesses and summaries of oral statements.
  - d. The complete criminal record of witnesses must be disclosed.
5. Disclosure is not the same as admissibility.
- a. There is no obligation to communicate preliminary, challenged, or speculative information. United States v. Agurs, 417 U.S. 97, 109, n16 (citing Giles v. Maryland, 386 U.S. 66, 98 (1967)).
  - b. Whether evidence is admissible under state law is not dispositive of the question of required disclosure. If the evidence in question could have led to the discovery of admissible impeachment evidence, disclosure is required. See United States v. Morales, 746 F.3d 310, 315 (2014); Wood v. Bartholomew, 516 U.S. 1 (1995). As a result, evidence that would not be admissible under Utah law must still be assessed for the possibility that disclosure could lead to impeachment information on a case by case basis.
6. Disclosure. Law enforcement agencies are required to produce any impeachment information known about witnesses, including law enforcement witnesses, to the prosecution.
- a. Disclosure shall be as prompt as possible.
  - b. Individual Prosecutors will determine whether or not a witness with known impeachment problems pursuant to Brady/Giglio is necessary to the presentation of the case, and make disclosures as required.
  - c. Law enforcement officers with known impeachment issues will not be relied upon by this office to sign a verified complaint, affidavit or search warrant application without disclosing all known impeachment issues to the court. See Franks v. Delaware, 438 U.S. 154, 171-72 (1978).
7. Summit County Policy.
- a. The Summit County Attorney's Office shall at all times comply with the Utah Rules of Professional Conduct:  
  
Rule 3.8. Special Responsibilities of a Prosecutor. The Prosecutor in a criminal case shall:  
  
(d) Make timely disclosure to the defense of all evidence or information known to the Prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense all unprivileged mitigating

information known to the Prosecutor, except when the Prosecutor is relieved of this responsibility by a protective order of the tribunal;

Comment

[1] A Prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the Prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. See Rule 3.3(d), governing ex parte proceedings, among which grand jury proceedings are included. Applicable law may require other measures by the Prosecutor and knowing disregard of those obligations or systematic abuse of Prosecutorial discretion could constitute a violation of Rule 8.4.

. . .

[3] The exception in paragraph (d) recognizes that a Prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.

b. The Summit County Attorney's Office will also rely on the admonition of Justice Stevens in United States v. Agurs: "Because we are dealing with an inevitably imprecise standard, and because the significance of an item of evidence can seldom be predicted accurately until the entire record is complete, the prudent Prosecutor will resolve doubtful questions in favor of disclosure." 427 U.S. at 108 (1976).

It is strongly suggested that any questions regarding discovery disclosures be brought to the attention of the team in our weekly staff meetings. If for some reason this is not possible or advisable, discovery disclosure questions should be discussed with the Chief Prosecutor and/or County Attorney.

c. For any cases where disclosure of impeachment material for Specific Incidents of Misconduct by an individual peace officer is required, the Prosecutor shall first ask defense counsel for a stipulation to a protective order for the information. If this is refused, the Prosecutor should seek a protective order with the court. If a protective order is denied, the impeachment material shall be disclosed.

**E. Prosecution of Juveniles**  
(Last Revised December 2020)

Chief Prosecutor Patricia Cassell has spent much of her 28 year career working on juvenile justice and is currently serving on the Utah Governor's Commission for Juvenile Justice as a board member. She is considered one of the foremost juvenile prosecution experts in the state and is deeply invested in excellence and justice in this arena.

We recognize that juvenile prosecution is a specialized practice. Juvenile prosecution is a priority in the Summit County Attorney's Office. The Prosecutors staffed in the juvenile court are dedicated to the court and desire to intervene effectively in the lives of youth and deter them from future criminal conduct. Office assignments provide for stability of Prosecutors assigned to juvenile court and minimize turnover. In addition, Prosecutors in juvenile court receive ongoing specialized training and professional development.

The primary duty of a Prosecutor is to seek justice. Prosecutors have a duty to give effect to the [purpose of the Utah Juvenile Courts](#) which is to promote public safety and individual accountability through the imposition of appropriate sanctions on those who have committed acts in violation of law by ordering appropriate measures to promote guidance and control, preferably in the minor's own home, as an aid in the prevention of future unlawful conduct and the development of responsible citizenship, and where appropriate, order rehabilitation, reeducation, and treatment for person who have committed acts bringing them within the court's jurisdiction. Furthermore, Prosecutors should, where it is consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and strengthen family ties.

To that end, the Summit County Attorney's Office's juvenile court policy is to balance community safety, offender accountability to victims and communities, and competency development in offenders. We seek to resolve juvenile prosecutions as quickly as possible, without compromising due process, fairness, and thoroughness.

#### **F. Collection of Fines and Fees**

(Last Revised December 2020)

The Summit County Attorney's Office does not participate in the collection of fines and fees; notwithstanding, as a general rule we do not advocate for a person to be jailed or imprisoned on Orders to Show Cause based solely upon an inability\* to pay.

(\*Inability to pay is used in this context as indigency, not unwillingness to be penalized in a financial manner).

#### **G. Criminal and Civil Asset Forfeiture Practices**

(Last Revised February 2019)

This Policy and Procedure outlines steps necessary to comply with the Utah Forfeiture and Disposition of Property Act ([Utah Code, Title 24](#)) and subsequent pronouncements of the Utah Supreme Court.

1. Receipt. When Property is seized, the peace officer or the Seizing Agency shall provide a Receipt to the Person From Whom the Property was Seized<sup>[1]</sup>.
2. Holding Seized Property. If the Property is cash or currency, it shall be deposited into Summit County's separate, restricted, interest-bearing account<sup>[2]</sup> ("the Statutory Account"). If the Property is personal property<sup>[3]</sup>, it shall be booked into evidence.

3. Case Number and Probable Cause Statement. When Property is seized, even if no citation is issued, the peace officer shall assign a case number, draft a probable cause statement detailing the probable cause for the stop or detention and inventorying the Property seized. A copy of the Receipt shall also be kept.

4. Notification of Supervisor and Chief Prosecutor: Within 24 hours of seizing Property, the peace officer shall (a) notify his/her direct supervisor and the Summit County Chief Prosecutor.

5. Notice of Intent to Seek Forfeiture: If the Property is not properly the subject of a federal administrative, civil or criminal federal forfeiture, and within 30 days from the date the Property is seized, the Summit County Sheriff's Office shall serve a Notice of Intent to Seek Forfeiture upon Any Claimants Known to the Agency<sup>[4]</sup>. A PERSON WHO HAS DISCLAIMED OR ABANDONED PROPERTY IS, BY DEFINITION, A 'CLAIMANT KNOWN TO THE AGENCY.' If there is a question as to who, in any particular case, is a 'Claimant Known to the Agency', the peace officer shall consult with the Summit County Attorney's Office to identify the proper individuals and insure due process of law.

6. Transfer of Property. The Seizing Agency MAY NOT DIRECTLY OR INDIRECTLY transfer Property out of the Statutory Account or evidence to any federal agency or other governmental entity without:

- (a) prior written approval of the Summit County Attorney's Office (if prior to the issuance of a Notice of Intent to Seek Forfeiture in paragraph 5); or
- (b) a Turnover Order. For Turnover Order procedure, see paragraph 7 below.

7. Amounts Greater than \$50,000. If the amount seized by the Seizing Agency is greater than \$50,000, law enforcement shall also notify the United States Attorney's Office. If the United States Attorney's Office decides to pursue the forfeiture federally, they will prepare a written request to the Summit County Attorney, together with a draft motion and proposed form of order<sup>[5]</sup>.

Upon receipt, the Summit County Attorney's Office shall promptly review the request and may, in its discretion, file the Petition for a Turnover Order.

8. Written Request from Seizing Agency: Pursuant to [Utah Code § 24-4-103](#) and in addition to the requirements above, the Seizing Agency shall present a written request for forfeiture to the Summit County Attorney within 60 days of the seizure. Said written request shall include a description of the Property to be forfeited and copies of all reports, supporting documents and other evidence necessary to determine the legal sufficiency for filing a forfeiture action, including the Receipt and Notice(s) of Intent to Seek Forfeiture. In most cases, the written request is submitted to the Summit County criminal paralegal who shall forward the written request to both the assigned Prosecutor (in the event there is an associated criminal screening) and to the assigned attorney who handles all civil asset forfeiture.

9. 75 Day Deadline to File: Either a criminal information or a civil forfeiture complaint must be filed within 75 days after the property is seized. The assigned Prosecutor (if there is one) and the attorney assigned to handle civil asset forfeiture shall work together to ensure that this deadline

is met. By statute, failure to file in a timely manner requires that the Seizing Agency return the seized Property and the County Attorney may take no further action to effect the forfeiture of the Property.

10. Criminal Forfeiture vs. Civil Forfeiture: If the total value of property seized (inclusive of real property and intangible and tangible personal property including money, rights, privileges interests, claims and securities of any kind) is \$10,000 or less, the Prosecutor intends to file a criminal information, and the claimant is to be criminally prosecuted for conduct giving rise to the forfeiture, the proposed forfeiture shall be included in the criminal Information. If the total value of property seized is more than \$10,000 and the Prosecutor intends to file a separate criminal Information, the attorney assigned to handle civil asset forfeiture shall determine whether to file a complaint for civil forfeiture with the assistance of the Prosecutor's office. In the event there is no associated criminal case/screening, the attorney assigned to handle civil asset forfeiture shall decide if there are grounds to file a civil asset forfeiture complaint, regardless of the total value of property seized.

11. Criminal Forfeiture: If to be handled criminally, the Information shall have a separate paragraph that states the defendant's interest in the property is subject to forfeiture and the basis for the forfeiture. An example is as follows:

"Notice is hereby provided that the [description of the seized property] and your interest in this property is subject to forfeiture pursuant to Utah Code §24-4-105. The State believes that this [description of the seized property] was used to facilitate or was the proceeds of the crime of distribution of [name of drug]."

Upon conviction of a defendant for conduct giving rise to criminal forfeiture, the assigned Prosecutor shall ask the finder of fact to make a specific finding as to whether the property or any part of it is subject to forfeiture. The Court shall then enter a judgement and order the property forfeited to the state upon the terms stated by the court in its order.

12. Civil Forfeiture: If to be handled civilly, the complaint for civil forfeiture filed by the attorney assigned to handle civil asset forfeiture shall describe with reasonable particularity the property that is the subject of the forfeiture proceedings, the date and place of seizure and the factual allegations that constitute a basis for forfeiture. The attorney shall follow the provisions outlined in [Utah Code §24-4-104](#).

14. Restrictions on Forfeiture. The Summit County Attorney's Office does not seek civil or criminal forfeiture in cases involving simple possession of a controlled substance.

15. Record Keeping. The Summit County Attorney's Office has internal record sharing controls to ensure that communication and documents are shared between the Criminal Division and the Civil Division.

16. Cooperation and Settlement: In cases where there are both a criminal matter and a separate action for civil asset forfeiture, the assigned Prosecutor and attorney assigned to handle civil asset forfeiture shall work closely and cooperatively. For instance, if there is a proposed plea

bargain/negotiation in the criminal matter that could possibly involve the seized property, the Prosecutor and attorney assigned to handle civil asset forfeiture shall work together to determine a possible global resolution of the two cases. In instances where there are, for example, possible suppression issues that may implicate the civil asset forfeiture case, the assigned Prosecutor shall notify the attorney assigned to handle civil asset forfeiture of these issues and assist the attorney with any necessary briefing and/or hearings.

17. Orders: In the event the Court orders property forfeited, the assigned attorney shall notify the Seizing Agency of the forfeiture, including in the notification a copy of the order and directions regarding the seized funds.

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<sup>[1]</sup> [Utah Code § 24-2-103\(1\)\(a\)](#).

<sup>[2]</sup> [Utah Code § 24-2-103\(5\)\(a\)](#).<sup>[SEP]</sup>

<sup>[3]</sup> Personal property includes motor vehicles and all things which may be moved.<sup>[LTL]</sup><sup>[SEP]</sup>

<sup>[4]</sup> [Utah Code § 24-4-103\(1\)](#).

<sup>[5]</sup> [Utah Code § 24-4-114](#).

## **H. Services Available to Victims of Crime** (Last Revised December 2020)

The Summit County Attorney's Office does more than file criminal charges. This office also provides and facilitates vital services to crime victims.

1. **Victim Assistance Program.** Our Victim Advocates notify victims of crime in criminal cases for class A misdemeanors and felonies (and for limited other misdemeanor offenses), attend hearings with them, and provide court information and updates during the proceedings. Victim Advocates set up meetings for victims with prosecutors to help prepare them for court. They also will engage with a victim of crime for safety planning in his/her situation.
2. **Crime Scene Response.** As requested by law enforcement and when approved by the on-call Prosecutor or County Attorney, Victim Advocates respond to crime scenes 24/7.
3. **Protective Order and Stalking Injunction Information.** Victim Advocates provide information about orders of protection and will help a victim file a Petition. (No legal advice is rendered).
4. **Crime Victim Reparations.** Victim Advocates render assistance with applications and followup.
5. **Other.** Victim Advocates provide referrals for counseling, legal assistance, reparations or restitution, and other resources as needed.
6. **Court Ordered Restitution.** The Summit County Victim Assistance Program helps crime victims request court-ordered restitution for crime-related financial losses such as property damage, medical bills and loss of income.

7. UNI Park City. Beginning September, 2019, Summit County began a relationship with a new locally contracted provider. See Utah Code § 17-43-301 et seq. In a little more than a year, the Summit County Health Department (Behavioral Health), the Summit County Attorney's Office, the Summit County MDT, and UNI Park City have been able to develop a system of communication and service that dramatically improved access and waiting times for crime victims experiencing acute trauma.

8. Children's Justice Center ("CJC"). Beginning December 2020, the Summit County MDT now has a new, state of the art facility, the Solomon Children's Justice Center of Summit County, to serve child crime victims and witnesses and their caregivers.

a. The Summit County MDT. Multi-Disciplinary Team ("MDT") consists of prosecutors, law enforcement officers and detectives, DCFS caseworkers, certified forensic interviewers, mental health professionals, child forensic pediatricians and nurses, juvenile case workers, and an assistant attorney general. When there is a report of child maltreatment, or when a child is a victim of or witness to a crime, this team responds to the CJC and performs all necessary forensic, investigative, medical, and therapeutic services to the child at the facility.

b. Director Ted Walker. Ted Walker, MSW, is the Director of the Summit County CJC. Walker has 20 years experience as a caseworker for the State of Utah Department of Child and Family Services ("DCFS"), is a licensed therapist, and holds a Masters Degree in Social Work from the University of Utah. As Director, Walker operates the facility and coordinates the Summit County MDT response.

c. Contracted Trauma Therapists. The CJC has several trauma informed therapists under contract to provide immediate trauma therapy at the CJC and for followup care.

d. State-of-the-Art Medical Facility. The CJC houses an internal, private, state-of-the-art medical facility for forensic medical examinations onsite, eliminating the need in most (if not all) cases for a child victim of crime to visit a hospital or separate medical facility. The CJC Medical Facility is overseen by Dr. Antoinette Laskey, MD, the Program Manager at Primary Children's Hospital's Center for Safe and Health Families.

e. Certified FIT Interview Specialists. The CJC has a panel of child interviewers certified in Forensic Interview Techniques (FIT). The National Institute of Child Health and Human Development (NICHD) forensic interview protocol was developed by researchers, academics, and experts in the field of child maltreatment and is an evidence-based protocol for interviewing alleged victims of child maltreatment. FIT interviewers are trained to ask sensitive questions in a non-leading or suggestive manner. Further, information is gathered by using narrative prompts.

f. Dr. Christina Sally, PhD. Dr. Christina Sally is a POST-certified Investigator employed by the Summit County Attorney's Office. Dr. Sally has 30+ years experience in law enforcement and holds a PhD in Forensic Psychology. One of her areas of expertise is child trauma victims ages 3-7. Dr. Sally is a published author of a children's book I Know You And . . .

about keeping your body safe from abuse. She lectures locally and nationally about child abuse prevention, investigation, and healing. Dr. Sally is one of the FIT Interviewers serving in our CJC and has been serving as its primary interviewer during COVID.

g. Cali. Cali is a Certified Therapy Dog who is available for children who have experienced maltreatment and trauma. Therapy dogs have been shown to be a comfort to a child in crisis.

h. Camp Safety™. Dr. Sally created and implemented Camp Safety in 2012; the same year the Summit County Children's Justice Center (SCCJC) opened. Camp Safety is a unique, one-week summer program for kindergarten and first grade children that addresses a myriad of safety issues while fostering cooperative learning. Camp Safety is a one of a kind program in the nation and builds on each lesson. Children learn about anti-bullying, pedestrian safety, bicycle safety, fire safety, body safety, gun safety, and what to do if a child is lost or separated from a trusted adult. Camp Safety teaches parents about talking to their children about sensitive subjects. Camp Safety utilizes a variety of interactive teaching modalities, with support from law enforcement, teen volunteers, and other community members.

### **I. Diversion Programs** (Last Revised December 2020)

The laws regarding the possession of recreational and medical marijuana vary among States. Drivers appearing on traffic + possession of marijuana cases in the Summit County Justice Court with driver's licenses and vehicles from States in which marijuana possession is legal are often offered an informal diversion. During the diversionary period, the driver may provide documentation (such as a medical marijuana card, etc) and, upon a period of good behavior, have his/her case dismissed.

### **J. Restorative Justice Programs** (Last Revised December 2020)

The Summit County Attorney's Office is supportive and promotes restorative justice programs. Currently, the only formal restorative justice program available in Summit County is the Third District Court Summit County Drug Court.

A. The mission of the Summit County Drug Court is to decrease the prevalence of substance abuse and drug-related crime in Summit County by breaking the cycle of addiction, crime, and incarceration. This is achieved by diverting qualified offenders to a program of comprehensive treatment and education, offender accountability, and intensive court supervision designed to help participants gain control of their lives and stop the cycle of recidivism caused by their addiction.

The Summit County Attorney's Office promotes the mission of the Summit County Drug Court by collaborating with the Court, public defenders, law enforcement, treatment providers, case managers, social service agencies, and community-based treatment organizations to apply evidence-based practices in all aspects of the program.

The Summit County Drug Court Program is a voluntary, abstinence-based program founded on the Ten Key Components identified by the National Association of Drug Court Professionals. Drug Court provides a courtroom environment where the judge is actively involved in the progress of individual clients. Clients undergo treatment and counseling, make regular appearances before the judge, submit to frequent and random drug testing, and are monitored closely by case management staff and trained law enforcement. Graduated sanctions are imposed for program non-compliance taking into consideration the proximal and distal goals associated with substance abuse treatment.

At the discretion of the Summit County Attorney's Office, pleas are addressed in two ways:

[Plea in Abeyance](#): Clients enter a guilty plea which is held in abeyance until successful completion of the program. Upon graduation, the guilty plea is withdrawn and the criminal charges are dismissed.

Condition of Probation: Clients enter a guilty plea and work towards successful completion of the program. Upon graduation, the criminal charges may be reduced, pursuant to [Utah Code § 76-3-402](#).

The following requirements must be met for acceptance into the Drug Court Program:

1. Participants must be Summit County residents. No exceptions.
2. Participants must have a DSM-IV diagnosis of current drug dependence as determined by a clinical assessment.
3. Participants must demonstrate high risk/high needs as determined by a standardized risk/need assessment (RANT) completed prior to admission into the program.
4. Participants must have a class A misdemeanor or felony charge and must plead to either a class A misdemeanor or felony or must be on class A misdemeanor or felony probation. The County Attorney's Office will make the determination of whether the defendant receives a "plea in abeyance" or "condition of probation" offer.
5. Participants will be assessed for treatment needs by the Summit County' locally contracted provider, UNI Park City, using a standardized assessment/test. The participant must agree to follow UNI's treatment recommendations.
6. Participants cannot be currently on parole.
7. Participants must be willing and able to terminate use of lawfully prescribed controlled substances, prescriptions, and over-the-counter medications that affect the integrity and accuracy of drug screening.

8. The County Attorney, after reviewing the findings of the UNI treatment team, has final approval for inclusion or acceptance in the Drug Court program.

Individuals may be excluded from Drug Court for the following reasons:

1. The individual has one or more prior sex offenses or a pending offense that would make the individual a registered sex offender if convicted.
2. The individual poses a risk of harm to treatment providers or other participants, or cannot be managed safely or effectively in Drug Court. Except as provided herein or otherwise provided by law, current charges or prior convictions do not automatically exclude someone from Drug Court but may be considered in determining whether the individual can be safely or effectively managed.
3. The individual has restitution amounts owing in excess of \$5000.

In conjunction with input from the Drug Court Team, the Summit County Attorney's Office may elect to grant an exception after review of the facts of these offenses. All decisions will be made with the safety of the Drug Court staff and participants in mind.

Finally, individuals receive the same opportunities to participate and succeed in Drug Court regardless of race, ethnicity, citizenship, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status.

B. Summit County is a small jurisdiction and, as such, does not have the caseload for formal Mental Health Courts, Veterans Courts, etc. However, as individuals come into the criminal justice system Summit County has, from time to time, run informal programs (at times, with only one participant) to accomplish justice and render support and assistance where none other is available.

\* \* \*

ISSUED AND PUBLISHED this 30th day of December, 2020.

BY:

Margaret Olson, Summit County Attorney  
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Blake Hills, Special Victim Prosecutor  
Ivy Telles, Felony Prosecutor  
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