

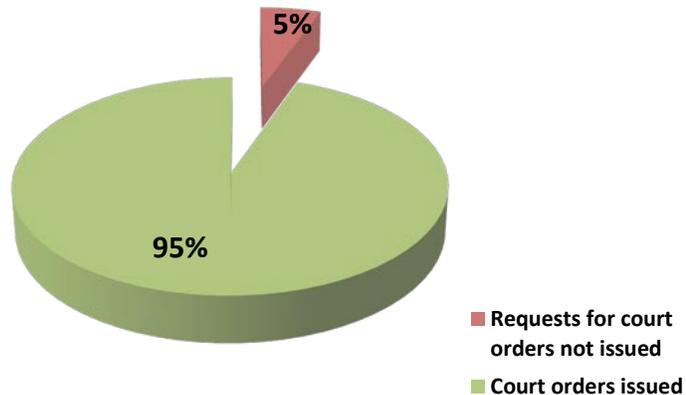


2014 Administrative Subpoena Reporting Survey Results

Legislation creating this reporting requirement is authorized in 77-22-2.5.¹ The Utah Commission on Criminal and Juvenile Justice was tasked with collecting and analyzing this information. For general questions about the survey and this report, please contact Richard Ziebarth at (801) 538-1812 or rzebarth@utah.gov.

There were 43 agencies that responded to the 2014 Administrative Subpoena survey (see the list of agency names in Table 3 on p. 4). The vast majority of respondents indicated they had no requests for court orders and therefore no orders issued for the court in 2014 (> 90%). Survey responses reflected a total of 184 requests for court orders under Section 77-22-2.5 with 174 court orders issued (95%) in 2014 (see Figure 1). The Office of the Attorney General reported 169 of these 184 requests for court orders (see Figure 2). All of the Attorney General's 169 requests were issued for by the court and pertained to Internet Crimes against Children.

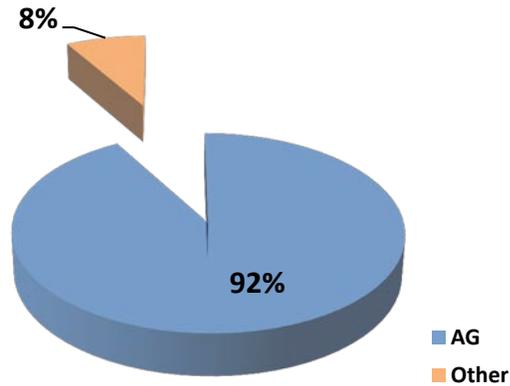
Figure 1. % of Requests for Court Orders Leading to Court Orders Issued - All Agencies



¹ 77-22-2.5 (Subsection 2)

61 (2) When a law enforcement agency is investigating a sexual offense against a minor,
62 an offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under
63 Section 76-5-301.1, and has reasonable suspicion that an electronic communications system
or
64 service or remote computing service has been used in the commission of a criminal offense

Figure 2. % of Requests for Court Orders by Agency - AG vs. “Other” Agencies



The agencies were asked to select from three categories of offense type(s) associated with each issued order (more than one offense type could be selected for each order). All of the 169 issued orders for the Attorney General’s office fell into category number one (see Table 1). In addition to the Office of the Attorney General, there were only five other orders issued for the responding agencies. These included the Tooele County Attorney (4 issued orders) and the Weber County Attorney (1 issued order).

Table 1. Offense Types by Order Issued

Offense Type	AG Response Rate	Other Agencies Response Rate
1. When investigating a sexual offense against a minor - when there is reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense	100%	100%
2. An offense of child kidnapping (under Section 76-5-301.1) - when there is reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense	0%	0%
3. An offense of stalking (under Section 76-5-106.5) - when there is reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense	0%	0%

Out of the 169 issued orders for the Attorney General’s office, 33 (19.5%) led to criminal charges being filed.² The agencies were asked to identify from five categories the type of offense(s) charged for each

² When asked to confirm this percentage, the AG’s office indicated the following: “ ... many of these cases required several judicial orders per each case; other orders resulted in cases being referred to the feds or other jurisdictions, in state (including referrals for juveniles to local prosecuting entities) as well as out of state; some resulted in finding open Wi-Fi spots that were utilized by offenders and we could not determine who was using those open Wi-Fi spots; many cases are pending forensics results, of the electronic devices seized pursuant to search warrants (due to lab back log, we have to wait anywhere from 3 to 8 months+ for reports, thus delaying formal charges).”

order issued. All of the issued orders for the Attorney General’s office (that led to criminal charges being filed) fell into category number one while 75 percent of the “other” agencies issued orders (that led to criminal charges being filed) fell into category number 1 (see Table 2).

Table 2. Type of Offense Charged

Type of Offense Charged	AG Response Rate	Other Agencies Response Rate
1. Sexual offense against a minor - sexual exploitation of a minor (includes: possession, manufacturing, distribution of child porn)	100%	75%*
2. Sexual offense against a minor - enticement of a minor over the internet	0%	0%
3. Stalking	0%	0%
4. Child kidnapping	0%	0%
5. Other offense (please specify)	**	25%

* Note that the number of orders issued (and that led to criminal charges being filed) for “other” agencies was significantly lower than for the AG’s office and a direct comparison may therefore not be appropriate.

** The only other offense type reported by the Office of the Attorney General was Voyeurism. This offense type was reported under one issued order. This issued order also contained the offense type categorized in number one.

For these issued orders, the mean number of offenses per offense type was 19. The maximum and the most frequent number of charges observed was 20. The mean number of offenses per offense type was significantly lower for the “other” agencies. Out of the five orders issued for these agencies, four (80%) led to criminal charges being filed. The mean number of charges filed was 5 (see Figure 3).

Figure 3. Mean, Max, and Min Number of Charged Offenses per Offense Type

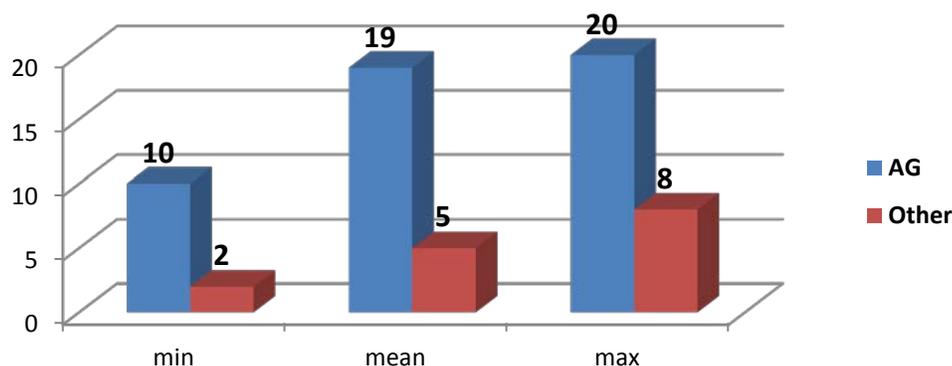


Table 3. List of Reporting Agencies

Agency Name	# of Requests for Orders	# of Issued Orders
Attorney General's Office	<u>169</u>	<u>169</u>
Bluffdale	0	0
Bountiful City Prosecutor's Office	0	0
Box Elder County Attorney	0	0
Carbon County Attorney	0	0
Centerville City Attorneys	0	0
Davis County Attorney's Office	0	0
Garfield County	0	0
*Hansen Wright Eddy & Haws, P.C.	0	0
Heber City Attorney Office	0	0
Iron County Attorney's Office	0	0
Kane County Attorney's Office	0	0
La Verkin City	0	0
Layton City Attorney's Office	0	0
Lehi City Prosecutor	0	0
Lindon City	0	0
Logan	0	0
**Olson & Hoggan, P.C.	0	0
Park City Attorney's Office	0	0
Payson City Attorney	0	0
Piute County Attorney's Office	0	0
Pleasant Grove City	0	0
Riverton City Attorney's Office	0	0
Salt Lake City	0	0
San Juan County Attorney	0	0
Sandy City	0	0
Sanpete County Attorney's Office	0	0
South Jordan	<u>10</u>	<u>0</u>
South Salt Lake City Attorney's Office	0	0
Spanish Fork City Attorney's Office	0	0
Springville City Prosecutor's Office	0	0
St. George	0	0
Summit County Attorney's Office	0	0
Tooele City Corporation	0	0
Tooele County Attorney's Office	<u>4</u>	<u>4</u>
Uintah County Attorney	0	0
Wasatch County Attorney's Office	0	0
Washington County Attorney's Office	0	0
Wayne County	0	0
Weber County Attorney's Office	<u>1</u>	<u>1</u>
West Bountiful City	0	0
West Jordan City Attorney	0	0
West Valley City	0	0

* This law firm represents: American Fork, Cedar Hills, Cottonwood Heights, Lehi, Lindon, Highland/Alpine, and Holladay.

** This law firm represents: Millville, Providence, Wellsville, Mantua, Garland, Smithfield, Lewiston, Newton, Amalga, Richmond, and Nibley.