

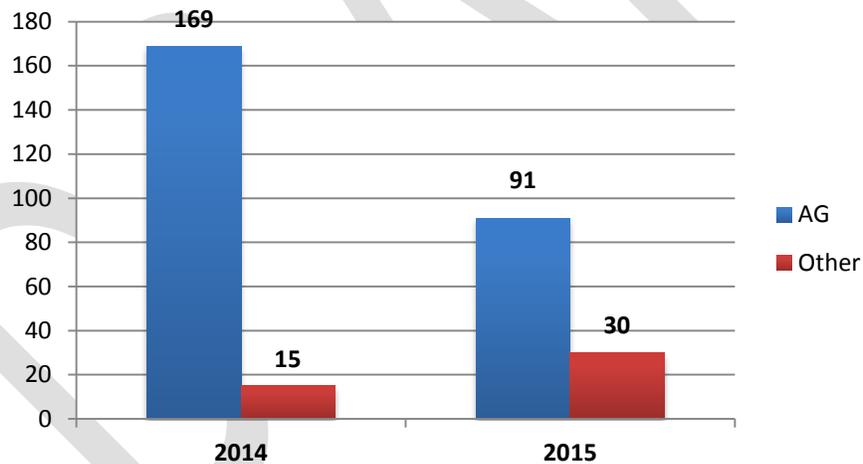


2015 Administrative Subpoena Reporting Survey Results

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.

The vast majority (> 75%) of respondents indicated they had no requests for court orders and therefore no orders issued by the court in 2015. This report organizes the agencies that reported at least one request for court orders into two groups: The Office of the Attorney General or “Other.” These ten agencies reflected a total of 121 requests for court orders in 2015 under Section 77-22-2.5. In comparison, there were 184 requests for court orders in 2014 (a 34% decrease), with the AG’s Office being responsible for 169 (92%) of those requests (see Figure 1).

Figure 1. Number of Requests for Court Orders by Agency: 2014 vs. 2015

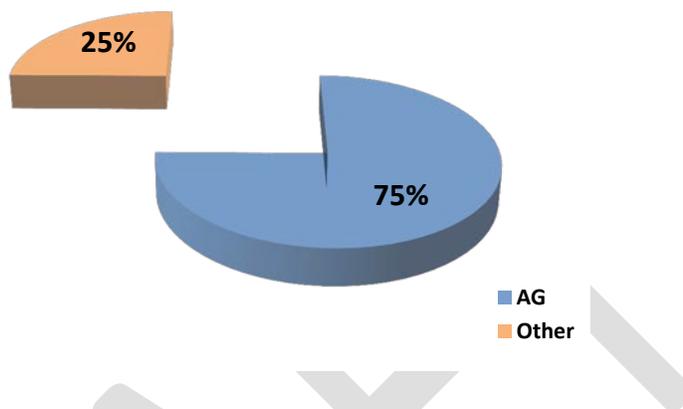


¹ 77-22-2.5 (Subsection 2)

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

The Office of the Attorney General reported 75 percent of these 121 requests for court orders (see Figure 2), a decrease from 92 percent in 2014. All of the Attorney General’s requests were issued by the court and pertained to Internet Crimes against Children.

Figure 2. % of Requests for Court Orders by Agency



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 91 issued orders by the Attorney General’s office fell into category number one (see Table 1). In addition to the Office of the Attorney General, there were 30 additional orders issued by the other responding agencies.² Out of these orders issued, 23 (77%) fell into category number one, with two of the orders issued falling into categories one and two.

² These 30 orders issued were reported by the following 9 agencies: Bluffdale City Attorney, Carbon County Attorney, Duchesne County Attorney, Lindon City, Summit County Attorney, Tooele County Attorney, Uintah County Attorney, Wasatch County Attorney, Weber County Attorney.

Table 1. Offense Types by Order Issued

Offense Type	AG Response Rate	Other Agencies Response
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	91 (100%)	23
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	9
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 91 issued orders by the Attorney General’s office, 13 (14.3%) led to criminal charges being filed.³ The agencies were then asked to identify from five categories the type of offense(s) charged for each order issued (of those that led to criminal charges being filed). All of the issued orders by the Attorney General’s office (that led to criminal charges being filed) fell into category number. The mean number of offenses (for these orders issued) by the Attorney General’s office was 9.5. Out of the 30 orders issued from the “other” agencies, six (20%) led to criminal charges being filed.⁴ The mean number of charges filed for these six orders issued was 4.8.

³ When asked why this percentage was so low, the AG’s office provided the following in clarification: “ many of these cases require several judicial orders per each case; other orders result in cases being referred to federal or other jurisdictions, both in state (including referrals for juveniles to local prosecuting entities) as well as out of state; some cases resulted in finding open Wi-Fi spots that were utilized by offenders in which investigators 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 the lab back log, we have to wait anywhere from 3 to 8 months+ for reports, thus delaying formal charges).”

⁴ It should be noted that some of these orders have not been fully adjudicated yet.

Table 2. Type of Offense Charged

Type of Offense Charged	AG Response Rate	Other Agencies Response
1. Sexual offense against a minor - sexual exploitation of a minor (includes: possession, manufacturing, distribution of child porn)	13 (100%)	2
2. Sexual offense against a minor - enticement of a minor over the internet	0%	3
3. Stalking	0%	2
4. Child kidnapping	0%	0
5. Other offense (please specify)	0%	1

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Table 3. List of Reporting Agencies

Agency Name	# of Requests for Orders	# of Issued Orders
Alpine/Highland City Attorney	0	0
American Fork City Attorney	0	0
Bluffdale City Attorney	<u>1</u>	<u>1</u>
Box Elder County Attorney	0	0
Cache County Attorney	0	0
Carbon County Attorney	<u>6</u>	<u>6</u>
Centerville City Attorney	0	0
Clinton City Attorney	0	0
Cottonwood Heights City Attorney	0	0
Davis County Attorney	0	0
Delta City Attorney	0	0
Duchesne Co. Attorney	<u>1</u>	<u>1</u>
Enoch City Attorney	0	0
Garfield Co. Attorney	0	0
Heber City Attorney	0	0
Iron Co. Attorney	0	0
Kanab City Attorney	0	0
Kane Co. Attorney	0	0
La Verkin City Attorney	0	0
Layton City Attorney	0	0
Leeds City Attorney	0	0
Lehi City (Hansen-Wright)	0	0
Levan City (Hansen-Wright)	0	0
Lindon City (Hansen-Wright)	<u>1</u>	<u>1</u>
Logan City Attorney	0	0
Mount. Pleasant Attorney (Hansen-Wright)	0	0
North Salt Lake City Attorney	0	0
Park City Attorney	0	0
Payson City Attorney	0	0
Salt Lake Co. Attorney	0	0
Sanpete County Attorney	0	0
Saratoga Springs City Attorney	0	0
Spanish Fork City Attorney	0	0
St. George City Attorney	0	0
Summit County Attorney	<u>1</u>	<u>1</u>
Tooele City Attorney	0	0
Tooele County Attorney	<u>1</u>	<u>1</u>
Uintah Attorney	<u>10</u>	<u>10</u>
Utah Attorney General's Office	<u>91</u>	<u>91</u>
Wasatch County Attorney	<u>4</u>	<u>4</u>
Washington County Attorney	0	0
Weber County Attorney	<u>5</u>	<u>5</u>
West Valley City Attorney	0	0