

# Utah County's top prosecutor is moving away from drug cases — but not everyone is on board

By Jessica Miller

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Provo • In his first year in office, Utah County Attorney David Leavitt examined what cases his prosecutors pursued and decided to make some changes.

He wanted to place less effort on drug possession cases and what he considered to be smaller crimes, and focus more effort on elder abuse and financial crimes.

But implementing these changes hasn't been easy. He's already walked back one proposal after city prosecutors pushed back. And there's concern from some in law enforcement that Leavitt's plan to deemphasize drug crimes won't help the complicated problems associated with addiction.

After Leavitt took office in January, he worked with another veteran prosecutor to examine a list of all of the possible crimes in Utah County, giving them a ranking from one to five. The ones and twos should be priorities for his office, he decided, and those are many of the obvious ones like homicide and rape. The fours and fives, not so much.

Utah County Attorney Prioritized Crimes by The Salt Lake Tribune on Scribd

So which crimes are no longer priorities? A lot that made the list are ones that the Utah County Attorney's Office never prosecuted anyway — minor crimes like "misuse of a recycling bin" or "picketing or parading near court."

The most prosecuted crime Leavitt says his office will deemphasize: Drug possession. It accounted for 30% of all of the cases his office brought to court last year.

Some of those cases will instead be pushed into a diversion program, which kicks in before criminal charges are filed — allowing certain people to complete community service, life classes or drug treatment. If the participants are successful, the case goes away and nothing is ever on their permanent record.

But if they don't follow through, Leavitt said prosecutors can still file criminal charges and their cases would be prosecuted as normal.

Will Leavitt's new efforts change how law enforcement does their jobs? Utah County Sheriff's Sgt. Spencer Cannon said deputies don't alter their actions based on the decision prosecutors make.

But he said his office does have some concerns about Leavitt's office reducing drug possession prosecutions. He worries that criminals won't be motivated to change without a potential punishment hanging over their heads. Cannon said those other crimes people often commit

while in the throes of addiction — like stealing from family members — likely won't stop if people aren't being taken to court.

"They're still going to get high and get addicted," he said. "There will be all the same problems. They will still do all those awful things with no threat of consequences."

Leavitt acknowledges that many of the changes he's tried to implement have strained relationships with police chiefs in Utah County. But he says that's improving.

"No one ever walked in to change a system to find a reception that says, 'Hello, thank you for coming to change me,'" Leavitt said.

This isn't the only change that Leavitt has tried to implement that's been met with pushback.

He informed city prosecutors in a letter earlier this year that his office was planning to push their class A misdemeanor cases to the cities to prosecute. Usually, city prosecutors handle lower-level crimes, like class B and C misdemeanors and infractions.

Leavitt said his prosecutors' caseloads were too heavy, and they needed to focus on felonies.

That plan was met with opposition from city prosecutors, and Leavitt held a roundtable in May to try to address their concerns. The city attorneys told him they, too, were stretched thin and couldn't handle the extra cases. Some pointed out that it was the county prosecutor's legal obligation to take those cases — not theirs.

"You're trying to push more on us," said Spanish Fork City Attorney Junior Baker, "and we just can't do that."

Leavitt eventually walked back that decision, saying recently that he sought more funding instead from the County Commission to hire more attorneys to handle the cases — which he received.

"Our caseloads were so crushing," he said. "We're trying to refocus our priorities. [But] we didn't find a receptive response from the city attorneys."

Saratoga Springs City Attorney Kevin Thurman said recently that his office had filed a half dozen or so class A misdemeanor cases that they normally wouldn't have before they received word that the county prosecutor would take the cases back.

With criminal justice reforms lowering the penalties for drug crimes, Thurman said his office already had more cases being pushed into justice courts. He estimated if Leavitt had stuck to his plan, his office would have had 60 to 70 more cases piled on. Saratoga Springs has only two prosecutors.

"It was a big concern for us," he said.

While Leavitt has started to deemphasize many of those lower-level crimes, he said there's cases that he will refocus on instead that weren't always a priority at the Utah County attorney's office. That will include more elder abuse cases, and an emphasis on prosecuting those who don't pay child support or cases involving white collar crime and fraud.

"These are the things that devastate individuals and families, and they devastate society,"

Leavitt said. "They have a far more devastating effect than someone who possesses two grams of meth in their pocket."