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UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

KODY BROWN, MERI BROWN,
JANELLE BROWN, CHRISTINE
BROWN, ROBYN SULLIVAN,

Plaintiffs,

vs.

GARY R. HERBERT, in his official
capacity as Governor of Utah; MARK
SHURTLEFF, in his official capacity as
Attorney General of Utah; JEFFREY R.
BUHMAN, in his official capacity as
County Attorney for Utah County,

Defendants.

**DECLARATION OF
MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL**

Case: 2:11CV00652

Judge Clark Waddoups

DECLARATION OF MARK L. SHURTLEFF

I, Mark L. Shurtleff, do declare:

1. I am the Attorney General of the State of Utah and have been since January 2001.
2. In my ten years as Attorney General I have had extensive contact with polygamists living and operating in the State of Utah and have visited some of their communities in Utah and Arizona.
3. I have been involved in the prosecution of Warren Jeffs of the Fundamentalist Church of Jesus Christ of Latter Day Saints ("FLDS") for accomplice to rape, and in the court case administering the United Effort Plan Trust (owned by members of the FLDS Church) under the direction of the Third District Court, State of Utah.
4. I have spoken at numerous conferences, given talks, and even written an article about the polygamist communities in the State of Utah.
5. As Attorney General, I am statutorily charged with enforcing the laws of Utah. However, under the prosecutorial discretion exercised by this office, it has been a policy of this office while I have been Attorney General not to prosecute polygamists under Utah's criminal bigamy statute for just the sake of their practicing polygamy.
6. It is the policy of this office, however, that if someone is committing child or spouse abuse, domestic violence, welfare fraud, or any other crime, and they are also a polygamist, that we will charge them with a violation of the criminal bigamy statute in

conjunction with a charge for other crimes. It is my understanding that my predecessors in recent memory have had the same policy for the last fifty or sixty years.

7. As stated on the Utah Attorney General's official website, it is the policy of this office that:

Polygamy is illegal in Utah and forbidden by the Arizona Constitution. However, law enforcement agencies in both states have decided to focus on crimes within polygamous communities that involve child abuse, domestic violence and fraud.

Available at <http://www.attorneygeneral.utah.gov/polygamy.html>.

8. Under my direction, and in cooperation with the Attorney General of the State of Arizona, attorneys in both the Utah and the Arizona Attorney Generals' offices have produced "The Primer - Helping Victims of Domestic Violence and Child Abuse in Polygamous Communities." This manual provides basic information about various polygamist communities that will assist human services professionals, law enforcement officers and others in helping victims from these communities. Available at <http://www.attorneygeneral.utah.gov/polygamy.html>.

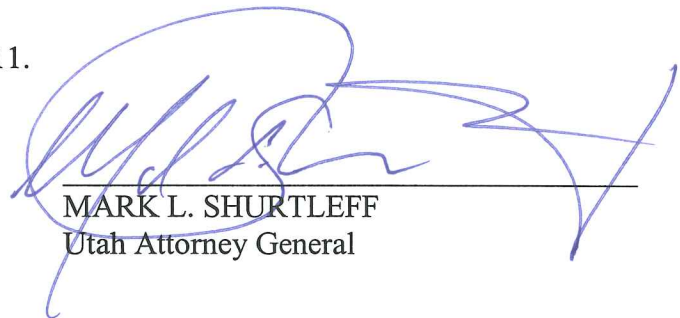
9. To my knowledge, no case has been brought in the State of Utah against a polygamist for just violating the bigamy law in the last fifty years unless it is in conjunction with another crime.

10. It is my understanding that in the 1930s and 1940s there were cases brought against polygamists in Utah in violation of Utah's bigamy statute, but the only cases I am aware of since then that have charged polygamists with a violation of Utah's bigamy statute are in conjunction with other crimes.

11. It is not the intent of the Utah Attorney General's office to prosecute the Browns for their practice of polygamy while they were living in Lehi, Utah, unless it is found that they were also committing some other crime worthy of prosecution. To date, this office does not have any information that would lead us to believe the Browns were committing any other crime. Therefore, at this point in time, we have no intention of prosecuting the Browns for the practice of polygamy.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

DATED this 25th day of August, 2011.



MARK L. SHURTLEFF
Utah Attorney General