



April 18, 2018

Chief Larry A. Stott
University Police
2120 JKB
Brigham Young University
Provo, Utah 84602

RE: APPEAL OF DENIAL OF GRAMA REQUEST BY BYU POLICE

Dear Chief Stott:

I am appealing the denial of my GRAMA request for an unredacted copy of the police reports related to Incident **Report 17BY05023** relating to the BYU Police Department's investigation of Joseph Bishop in November and December of 2017.

I made my GRAMA request by letter dated March 30, 2018, a copy of which is enclosed. In it, I specifically request an unredacted copy of the police reports. I understand that it is proper and lawful for government agencies to redact the names and identifying information of parties named in reports of this sort.

What is not appropriate or lawful is to redact entire sentences where it is clear more information is being redacted than what is permitted pursuant to the law. I also sent to the BYU Police Department relevant pages of the 9-page police report, and specifically identifying lengthy redactions that are obviously more than just identifying information.

I want to specify those to you, as well, for purposes of this appeal, and am enclosing a full set of the 9-page police report for your review.

Page 6 contains several lines that have been completely redacted, particularly at the end of the second-to-last paragraph, where two lines are completely redacted; and also at the end of the last paragraph on page 6 where four lines have been completely redacted.

Page 7 contains lines that have been completely redacted.

Page 8 contains two lines that have been completely redacted.

Page 9 contains three lines that have been completely redacted.

I am also enclosing for purposes of this appeal the notice of denial I received from Lt. Steven Messick of the Brigham Young University Police in response to my request.

It merely states, "A less redacted report will not be issued."

This cursory response is not sufficient under the GRAMA law.

In the first place, **GRAMA 63G-2-205(2)(b)** requires the notice of denial to contain "citations to the provisions of this chapter, court rule or order, another state statute, federal statute, or federal regulation that exempt the record or portions of the record from disclosure." In short, the notice of denial must contain a legally cognizable reason to support the denial. There is no such explanation contained in Lt. Messick's notice of denial.

In the second place, **GRAMA 63G-2-205(2)(c)** requires the notice of denial to contain "the time limits for filing an appeal." This also is not contained in the notice of denial.

CONCLUSION

In conclusion, I am appealing the notice of denial of my public records request for the above reasons. Law requires that you grant my appeal and that the BYU Police Department provide me a copy of the police reports in question that have been redacted ONLY INsofar as required to protect the names and identifying information of the parties involved; or provide a legally cognizable reason in support of the denial.

Thank you in advance for your consideration of this appeal. I look forward to hearing back from you regarding your decision. I am hopeful we can resolve this matter amicably without taking the matter to court.





March 30, 2018

Brigham Young University Police
Attn: Custodian of Records
2120 JKB
Provo, UT 84602

RE: Government Records Access and Management Act (GRAMA) Request

Dear Custodian of Records:

Pursuant to the Government Records Access and Management Act, I am requesting any and all records relating to **Incident Report 17BY05023** relating to your investigation of Joseph Bishop in November and December of 2017.

Specifically, there remain redacted portions of four lines at the bottom of page 6 and two redacted lines a paragraph above that I am requesting **not** be redacted in the copy you send me. There are similar redactions of entire sentences on page 7 and also page 9 of the report. Copies of these pages are enclosed for your reference.

To be clear, I am requesting a copy of these police reports with these sentences unredacted.

Thank you in advance for your cooperation with this request.



ORIGINAL

April 10, 2018



I have no record of you having previously requested the information attached to your request. Here is the information that is being released on this case. A less redacted report will not be issued.

Notice of appeal

You have the right to appeal this denial to the chief administrative officer. Please direct your appeal to:

Chief Larry A. Stott
University Police
2120 JKB
Brigham Young University
Provo, Utah 84602

Best Regards

Lt. Steven Messick

Brigham Young University Police

Steven_messick@byu.edu



Brigham Young University Police

Incident Report 17BY05023

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*****PROTECTED RECORD NOTICE*****

This document is a PROTECTED RECORD under UCA 63G-2-305(10),(11) and (25). Further and secondary release would interfere with an ongoing criminal investigation or case, jeopardize the life or safety of an individual, and/or is a clearly unwarranted invasion of personal privacy. Release or dissemination of any summaries, transcripts, and video/audio recordings or CJC interviews are also prohibited unless authorized by UCA 77-37-4(5) and (6).

Nature: SEX ASSAULT
Location:

Address: MTC S1
BYU Campus UT 84602

Offense Reported:

Offense Observed: SXRA

Offense Codes: Rape

Received By: Cunningham A (B)

How Received: Telephone

Agency: BYPD

Responding Officers: Nelson R L (BY)

Responsible Officers: Long J (BY)

Disposition: Active 11/28/17

When Reported: 11:54:16 11/28/17

Occurred Between: 06:00:40 01/01/84 and 11:53:40 03/30/84

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Radiolog:

Unit: 18A25

Enroute:

Arrived: 11:56:47 11/28/17

Completed: 12:12:02 11/28/17

REPORTTEES:

Name: [REDACTED]

[REDACTED]

Address: [REDACTED]

[REDACTED] Work Phone: () -

VICTIMS:

Name: [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]
[REDACTED] [REDACTED]

WITNESSES:

Name: [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Address: [REDACTED]

[REDACTED] Work Phone: () -

SUSPECTS:

Name: BISHOP, JOSEPH L.

Name Number: B13585

Race: W

Sex: M

DOB: [REDACTED]

Hght: ' "

Weight: 0

Hair:

Eyes:

Address: [REDACTED]

[REDACTED] [REDACTED]

NARRATIVE:

Delayed report of sexual assault on MTC property. Case closed due to statute of limitations.

SUPPLEMENTAL NARRATIVE:

Name: Nelson R L (BY)

Date: 14:27:06 11/28/17

On 11/28/17, [REDACTED] made contact with BYU Police Department to report a sexual assault that had occurred on MTC property in 1984. The case is currently under investigation.

12/23/17, Case closed due to statute of limitations.

SUPPLEMENTAL NARRATIVE:**Name:** Long J (BY)**Date:** 16:00:09 12/10/17

Supplemental report

J. Long

██████████ said her Spanish instructor in the MTC was ██████████ who possibly might remember Joseph Bishop removing ██████████ from class. I located ██████████ who lives in ██████████ I called ██████████ on 12/07/2017 and we talked over the phone.

I asked ██████████ if she taught Spanish at the MTC in 1984, ██████████ replied she did. I asked ██████████ if she remembers one of her students, ██████████. ██████████ said she does remember ██████████ but it was so long ago she would not have too much information. I asked ██████████ what she could remember about ██████████. ██████████ said ██████████ claimed that she was engaged to be married, ██████████ thought that was odd since missionaries are not normally engaged when they arrive at the MTC. I asked ██████████ if ██████████ was ever removed out of class by anyone, ██████████ said she could remember that happening. ██████████ could not provide any further details on ██████████ during her stay at the MTC.

I asked ██████████ who the MTC President was during that time, she said she couldn't remember. I asked if I gave her a name would she recognize it, she replied yes. I gave her the name of Joseph Bishop, ██████████ said he was the MTC president while she worked there. I asked ██████████ if she ever had any dealings with President Bishop, she said she never had any interaction with him. ██████████ said she was sorry for not remembering more, she also wanted to know what was going on. I told ██████████ that ██████████ had filed a police report about something that had occurred during her time at the MTC. I thanked ██████████ for her time and the call was ended.

SUPPLEMENTAL NARRATIVE:

Name: Nelson R L (BY)

Date: 15:39:48 12/19/17

Initial Report:

On 11/28/17, [REDACTED] made contact with BYU Police Department to report a sexual assault that had occurred on MTC property in 1984. After being notified by dispatch, I called [REDACTED] to gather preliminary information. [REDACTED] reported that while she was in the Missionary Training Center (MTC) preparing to serve an LDS mission, she was sexually assaulted and raped by the MTC President Joseph Layton Bishop Jr.

Interview with [REDACTED]

Detective Jeff Long and I met with [REDACTED] at her home in [REDACTED] on December 4, 2017. [REDACTED] said Joseph took her out of class on several occasions to have one on one conversations. She said some of the conversations were about [REDACTED] and some stories from Joseph were of a sexual nature. At one point, Joseph asked her if she wanted to see a room where he would sometimes prepare for his MTC duties. He took her to a small room which had a bed, TV, VHS tapes and chair. They sat on the bed and talked and at one point he tried to kiss her. She resisted and he then ripped her blouse open, pushed her on the bed, ripped her skirt, and pulled down her panty hose and garments. [REDACTED] then said sexual intercourse occurred without her consent describing brief penetration of about 2 inches but since his penis was somewhat limp, he didn't penetrate deeper. She then pushed him off and left the room.

After the attack she avoided Joseph while completing her MTC training and then went on her mission. She returned home and starting in 1998, she said she made multiple reports of the incident to the LDS church throughout several decades. In 2010, [REDACTED] contacted LDS church headquarters in an attempt to find out the results of her reports and if Joseph had been disciplined. When they told her she couldn't get that information she made a threat over the phone about killing Joseph. Pleasant Grove Police Officers met with her interviewed her. No charges were filed. [REDACTED]

[REDACTED] also told us about another missionary that may have been assaulted during the same timeframe. Her name was [REDACTED] (unknown spelling). Attempts to identify and locate [REDACTED] have been unsuccessful.

[REDACTED]

Interview with Joseph Bishop:

After interviewing [REDACTED], Detective Long and I met with Joseph at his [REDACTED] residence on December 5, 2017. Joseph's account was fairly similar to [REDACTED] except for the Rape. Joseph told us that he did go to his small MTC preparation room in the cafeteria area with [REDACTED]. Then while talking to her he asked her to show him her breasts which she did. When asked to explain why his account about the rape was different that hers, he said he either can't remember it or that [REDACTED] was exaggerating her account. Joseph said the room did not have a bed, TV or VHS tapes. [REDACTED]

[REDACTED]

Further Information:

Between the time [REDACTED] reported the rape, and her interview with us in [REDACTED], [REDACTED] had traveled to [REDACTED] and met with Joseph. She spoke with him about this incident that took place at the MTC. [REDACTED] said he admitted to everything except the rape. [REDACTED] recorded the conversation and provided us a copy of it. I listened to it and it was consistent to their interviews except the facts of the rape and the room layout. He mostly said he didn't remember when [REDACTED] confronted him about the rape. [REDACTED]

Shortly after our interview with Joseph, [REDACTED] called us and said Joseph had called her saying that he told the police everything except the facts of the rape. [REDACTED] told him that she had recorded their earlier conversation. We made contact with Joseph and told him he shouldn't have contact with the victim since he is involved in a criminal investigation as the suspect. He agreed he wouldn't and wanted to tell us that [REDACTED] said he was part of a bigger picture and that she told him she wanted to expose the LDS church to this kind of incidents. [REDACTED]

Follow up:

We relayed the facts about the case to the Utah County Attorney's Office for review. They concluded the following information:

"Bob,

After thorough review and careful consideration, I have determined that I cannot pursue criminal charges against Mr. Bishop. I have no reason to doubt the victim's disclosure, and would have likely prosecuted Mr. Bishop, but for the expiration of the statute of limitations. The alleged rape occurred in 1984. At that time the statute of limitations was four (4) years. The statute remained the same for over a decade, and I am now convinced that nothing occurred to toll it. If you have questions or want to discuss my decision in more detail, feel free to contact me at your earliest convenience.

Thanks,
David Sturgill
Deputy Utah County Attorney "

The case is now closed.

SUPPLEMENTAL NARRATIVE:

Name: Nelson RL (BY)

Date: 16:29:08 01/03/18

On December 21, 2017 [REDACTED] left a voice message on my cell phone stating that she had spoken with the Utah County Attorney's Office and received the information that due to the statute of limitations, this case could not be prosecuted. She also thanked us for our time in investigating her case. [REDACTED]
[REDACTED]

SUPPLEMENTAL NARRATIVE:

Name: Nelson R L (BY)

Date: 11:53:43 01/11/18

[REDACTED]
