

Ex #1

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

EDITOR'S NOTE:

The following documents are exhibits the Mohave County Attorney's Office has filed in a bar complaint made in May 2018 against a lawyer and his law firm representing The Church of Jesus Christ of Latter-day Saints and obtained by The Salt Lake Tribune. Any redactions or notations were made by Mohave County.

Arizona Stake

Dear :

Please know that my heart goes out to you during this difficult time. The issues you shared with me regarding your : have deeply saddened me. I am here to help you in any way that I can.

As you know, I have encouraged you to report your father's conduct to the authorities to bring healing to you and to protect others who may be at risk. I particularly encouraged you and your mother to obtain professional counseling services and to report the matter to Child Protective Services and local law enforcement. I explained to you that a counselor would be obligated to report. You indicated to me, however, that you do not want counseling, and that you are disinclined to contact the authorities. While I respect your feelings, I continue to reiterate that this matter should be reported. In fact, I would be happy to make a report to the authorities if you direct me to do so. I am bound, however, by Church doctrine and by the law of the land to honor your request for confidentiality. It is my strong personal preference and the position of the Church that such matters be reported. Should you change your mind and desire to let me report, please advise me as soon as possible.

May the Lord bless you and watch over you in all that you do, and help you to heal through the power of the atonement.

Sincerely,

Bishop :

Arizona Stake

Ex #2
(2 pages)

MOHAVE COUNTY ATTORNEY



Main Office:
P.O. Box 7000
315 N. 4th Street
Kingman, AZ 86402-7000
Telephone (928) 753-0719

MATTHEW J. SMITH
County Attorney

JAME SCHOPPMANN
Chief Deputy

✓ Victim/Witness Program:
P. O. Box 7000
325 Pine Street
Kingman, AZ 86402-7000
Telephone (928) 718-4967
Fax (928) 718-4966

Branch Offices:
Bullhead City - (928) 758-0727
Lake Havasu City - (928) 453-4144

SALT LAKE TRIBUNE

Date: January 19, 2018
To: Matt Smith / Mohave County Attorney
From: Steve Auld / Mohave County Attorney, Investigator

Sir:

On January 19, 2018 at around 0925 hours I accompanied Matt Smith and James Schoppmann, both from this office, to the _____ building to speak to Gremlich.

This contact was in regards to a report that Gremlich had received information regarding a possible child molestation / sexual misconduct. Gremlich is a Bishop with the LDS church, and had reportedly received information about a member of the Church having been the victim in this case.

The information given to me was that Gremlich had contact with an attorney named Joseph Osmond. Osmond was connected to the LDS church, and was to provide legal advice to members when requested. Osmond had reportedly told Gremlich not to speak to investigators, if anyone came around asking questions. The report also indicated that Osmond may have provided Gremlich with a letter which Osmond wanted Gremlich to give the victim in this matter. The letter encouraged the victim to report the incident to the proper authorities. It was reported that Osmond also provided Gremlich with a letter to be signed by the victim and the victim's mother. This additional letter was to indicate that the victim and the victim's mother were asking the Bishop to not report the sexual abuse. This letter allegedly pre-dated the letter discussed in the previous paragraph.

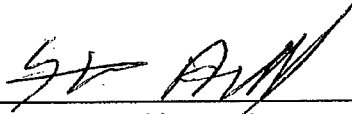
Matt Smith gave Gremlich the information contained in ARS 13-3620, which is the "Duty to Report" statute. Gremlich was informed that he had received what this office deems to be bad legal advice, and that he fell under the mandatory reporter's definition.

During the course of the contact with Randall Gremlich, he confirmed:

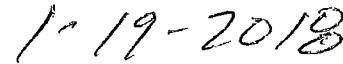
- He is a Bishop with the LDS church, in the Ward which the victim and her family moved into.
- The first he was aware of the situation with the victim and the church member was when Joseph Osmond contacted him
- Osmond told him that a member of the church moved into his Ward, and that there were ongoing legal issues.

- Osmond told Gremlich to contact him (Osmond) if anyone came around asking questions about this situation
- Gremlich also stated he received the text of both letters from Joseph Osmond.
- He thinks the mother of the victim will cooperate with investigators.
- That he (Gremlich) put the text of the letters on letterhead from his Ward of the LDS church
- He had the victim and the victim's mother sign the letters and he is pretty sure he mailed the signed documents back to Osmond
- He admitted he has spoken to the victim, the victim's mother, the suspect and the victim's grandfather about this situation.
- He wanted to contact Joseph Osmond and he wanted to reach out to attorney lance Wickman before he would submit to a more formal interview with investigators.
- He knew that investigators from the Sheriff's Office were going to be conducting some sort of follow-up with the suspect, this morning at 9:00 A.M.

This conversation was left at, Gremlich would contact Osmond and Wickman and call me back. At that point my intention is to get the Sheriff's Office investigators in touch with Gremlich for a complete interview on this situation.



Steve Auld-Investigator



Date

Exhibit # 3 (31 pages)

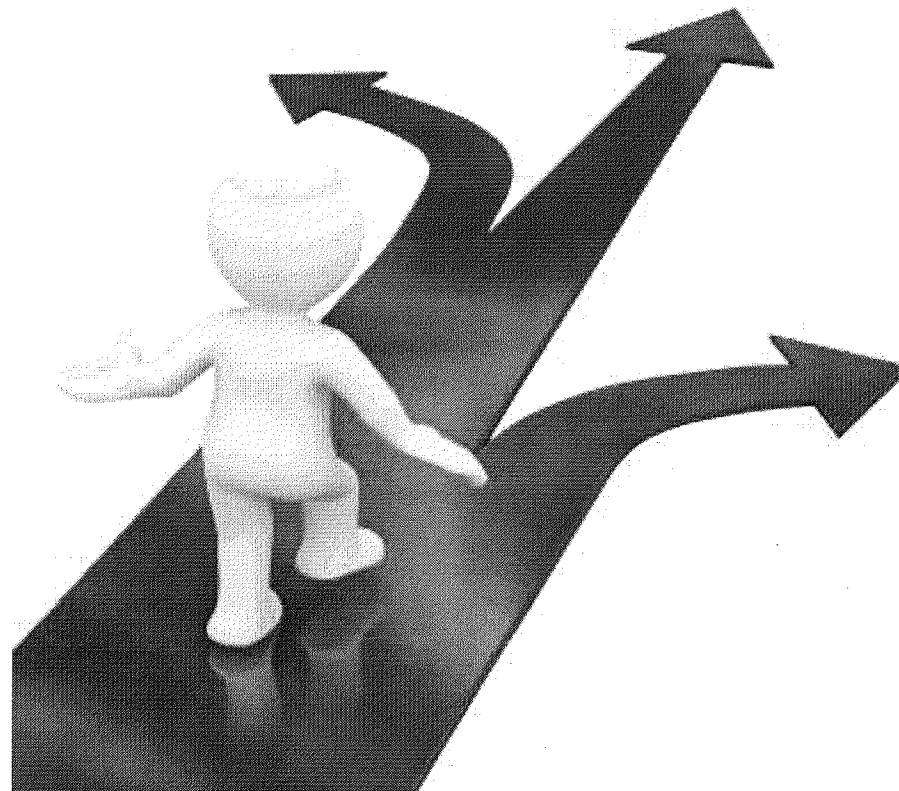
KIRTON | McCONKIE

LDS Church Response
to Child Abuse

Jason W. Beutler

Joseph V. Osmond

Responding to Child Abuse



“[T]he terrible, vicious practice of sexual abuse is beyond understanding. It is an affront to the decency that ought to exist in every man and woman. It is a violation of that which is sacred and divine. It is destructive in the lives of children. It is reprehensible and worthy of the most severe condemnation.”

Gordon B. Hinckley, 1994

“The Church’s position is that abuse cannot be tolerated in any form. Those who abuse . . . are subject to Church discipline. They should not be given Church callings and may not have a temple recommend.”

Gordon B. Hinckley, 2002

LDS Church's "Helpline"

“[T]he Church has established a Helpline to assist bishops and stake presidents in cases of abuse . . . These leaders should call the Helpline if they: (1) become aware of physical or sexual abuse involving Church members; (2) believe that a person may have been abused or is at risk of being abused; (3) become aware of the viewing, purchasing or distributing of child pornography. When calling the Helpline, leaders will be able to consult with professional counselors and legal specialists who can help answer questions and formulate steps to take.”

Handbook 1, pg. 164

Handbook
Administering the
2010

Handbook 1
Stake Presidents and Bishops
2010

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

LDS Church's "Helpline"

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

LDS Family
SERVICES

**Travis S. Baer –
*Counseling Team Supervisor***

- Thirty years as clinician with focus on abuse
- Twenty-two years at LDS Family Services, including Helpline supervision
- Volunteers on the Utah Coalition for Protecting Childhood and the Utah Suicide Prevention Coalition

KIRTON | McCONKIE

**Randy T. Austin –
*Legal Team Supervisor***

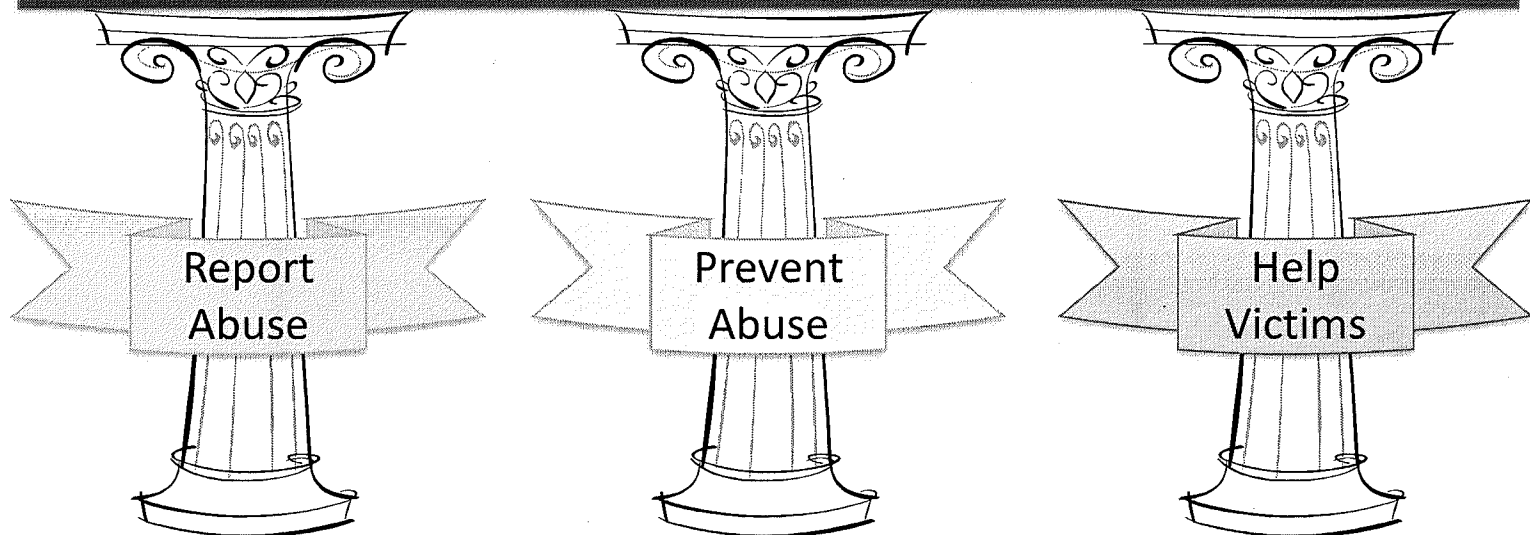
- Twenty-five years litigation and risk management
- Judicial clerk for Charles Wiggins, Ninth Circuit Court of Appeals
- Involved with implementation of Helpline in early 1990's

LDS Church's "Helpline"

- **20 licensed therapists from LDS Family Services**
 - 24 hours a day, 7 days a week
 - Coordinates counseling referrals and explains victim sensitivity
 - The therapists are at master's level, some have a Ph.D.
- **15 attorneys at Kirton McConkie and elsewhere**
 - Outside of Utah, local counsel (Arizona: Osborn Malledon)
 - Facilitate reports, victim support, avoid interfering with police
 - Includes a former prosecutor, a former police officer, a former CPS worker, a member of the CJC boards in Utah, and one current Utah state legislator
- **6 paralegals/assistants at Kirton McConkie**
 - Track individuals to be annotated, security issues, and other matters

Why a “Helpline”?

To Protect Children





Arizona's
Statute

Clergy
Confidentiality

Child Abuse Reporting Statutes

Arizona's Statute

Ariz. Rev. Stat. § 13-3620(A)(1)-(5)

- Specific individuals are required to report
 - “physician,” “counselor,” “social worker,” “peace officer,” “parent,” “school personnel,” “clergy,” etc.
- Exception for clergy who receive “confidential communication or a confession” (i.e., *privilege*)

Child Abuse Reporting Statutes

Arizona's Statute

Ariz. Rev. Stat. § 13-3620(A)

Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor.

Arizona Statistics

Population = 7.02 million (2017 Census)

LDS Church Membership = 428,069 (6%)

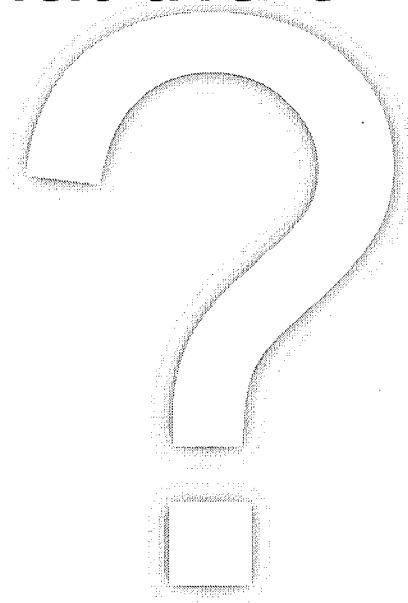
- Missions = 6 (approximately 900 missionaries)
- Stakes = 115
- Wards = 824
- Branches = 77
- Temples = 6

Child Abuse Reporting Statutes

Policy Questions

- Why did Arizona's legislature exclude a "confidential communication or a confession" from the reporting statute?
- ARIZ. REV. STAT. § 13-3620(J) provides immunity, so why doesn't the Church report regardless of privilege?
- What does "immediately" mean? Am I in trouble for waiting 5 minutes, 5 hours, 5 days?
- What if there's a third-party present when talking to the bishop? Does that destroy the privilege?
 - *State v. Archibeque*, 221 P.3d 1045 (Ariz. App. 2009)
 - Depends on "nature of the meeting and the relationships between the parties." *Id.* at 1050.

If there's no *legal* duty to report,
is that the end of it?





Facilitate a Report

“If confidential information indicates that a member’s abusive activities have violated applicable law, the bishop or stake president should urge the member to report these activities to the appropriate government authorities.”

Handbook 1: Stake Presidents and Bishops 2010, pg. 57

Church Discipline

“A disciplinary council *must* be held when evidence suggests that a member may have committed any of the following transgressions. . .”

- Incest; or
- Child abuse
 - Defined as a sexual offense against or physical abuse of a child.

Handbook 1: Stake Presidents and Bishops 2010, pg. 57

Report of Church Disciplinary Action

Except as noted below, send to:
 OFFICE OF THE FIRST PRESIDENCY
 47 E SOUTH TEMPLE ST
 SALT LAKE CITY UT 84150-1010

Instructions

Use this form to report the proceedings and action of a disciplinary council resulting in (1) disfellowshipment, (2) excommunication, (3) reinstatement after disfellowshipment, or (4) readmission after excommunication. **If the result is formal probation, complete this form but do not send it to the Office of the First Presidency.** In such cases, the stake or mission should keep the form until the formal probation is terminated (see Church Handbook of Instructions, Book 1, 104).

A disciplinary council must be held when evidence suggests that a member may have committed child abuse or certain other transgressions (see Church Handbook of Instructions, Book 1, 95-96).

If a person is disfellowshipped or excommunicated for child abuse or certain other serious transgressions, the approval of the First Presidency is required before he or she may be reinstated or readmitted (see Church Handbook of Instructions, Book 1, 105-6).

When a member receives Church discipline for any of these serious transgressions, formal or informal probation is not an option. If circumstances appear to warrant an exception, the stake or mission president should contact the Office of the First Presidency.

- This form (completed and signed by you and the clerk)
- A copy of the letter notifying the person of the council (include certification of delivery)
- A copy of the letter informing the person of the council's decision
- A copy of the person's membership record
- If readmission does not require First Presidency approval, include a copy of the Baptism Record and the Confirmation Record/Baptism and Confirmation Certificate
- If readmission or reinstatement requires First Presidency approval, include the completed Application to the First Presidency form (35789) and all required supporting documents (see instructions on the form)
- Other supporting documents (if any)

Stake or Mission President

1. Review the completed form(s) and supporting documents.
2. Sign the completed form(s).
3. Send the form(s) and supporting documents to the Office of the First Presidency at the address above located on the back of the form.

All _____
 Dis _____
 Pre _____
 Pre _____
 1 _____
 2 _____
 Indr _____
 Full _____
 File _____
 C-2 _____

“When a member receives Church discipline for any of these serious transgressions, formal or informal probation is not an option.”

Disciplinary Council Information (Complete at time of meeting)

Date of council	Type of council <input type="checkbox"/> Ward <input type="checkbox"/> Stake <input type="checkbox"/> Mission	Did the person attend? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was the person extremely convicted as a result of the transgression? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Action pending
Were other Church members involved in the misconduct? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were the stakes or other involved members notified about the misconduct? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the person apologize Church funds? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, amount: _____
Was the person involved in sexual misconduct with anyone under the age of 18? <input type="checkbox"/> Yes <input type="checkbox"/> No	Reported misconduct: <input type="checkbox"/> Voluntary confession <input type="checkbox"/> Admission at court when confronted <input type="checkbox"/> Demand of guilt	At the time of the misconduct, the person was: <input type="checkbox"/> Temple president <input type="checkbox"/> Mission president <input type="checkbox"/> Stake president <input type="checkbox"/> Paragon <input type="checkbox"/> Bishop <input type="checkbox"/> Missionary <input type="checkbox"/> None of these	
Decision of disciplinary council: <input type="checkbox"/> Formal probation <input type="checkbox"/> Disfellowshipment <input type="checkbox"/> Excommunication <input type="checkbox"/> Reinstatement of formal probation <input type="checkbox"/> Reinstatement <input type="checkbox"/> Readmission	Was contact given by the excommunicated person for the Church to maintain contact? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, and if the person moved, indicate the new stake or branch president.		
Presiding officer of the disciplinary council	Position of presiding officer		

Signatures

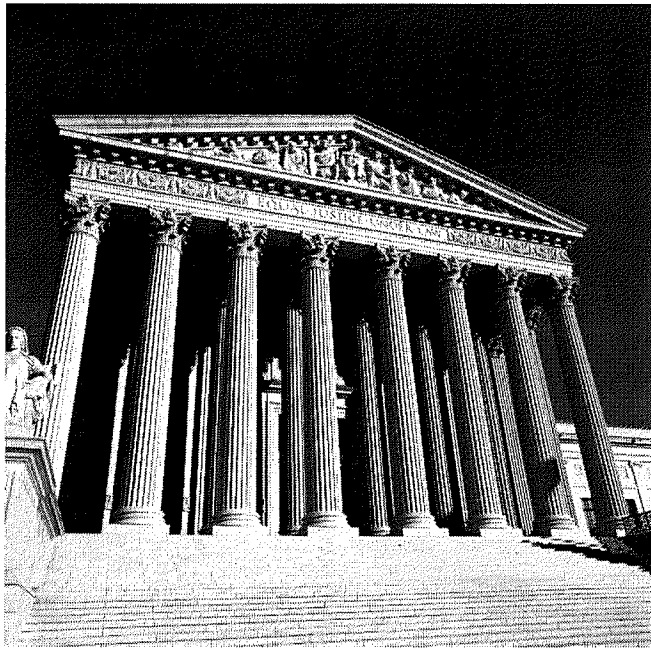
Signature of presiding officer of the disciplinary council	Signature of clerk
Signature of stake or mission president (if not presiding officer of the council)	Date of stake or mission president's review

Annotation

“In areas authorized by the First Presidency, an annotation may be placed on the record of a member whose conduct has threatened the well-being of other persons or of the Church. An annotation helps the bishop protect Church members and others from such individuals. When a bishop receives an annotated membership record, he should follow the instructions in the annotation”

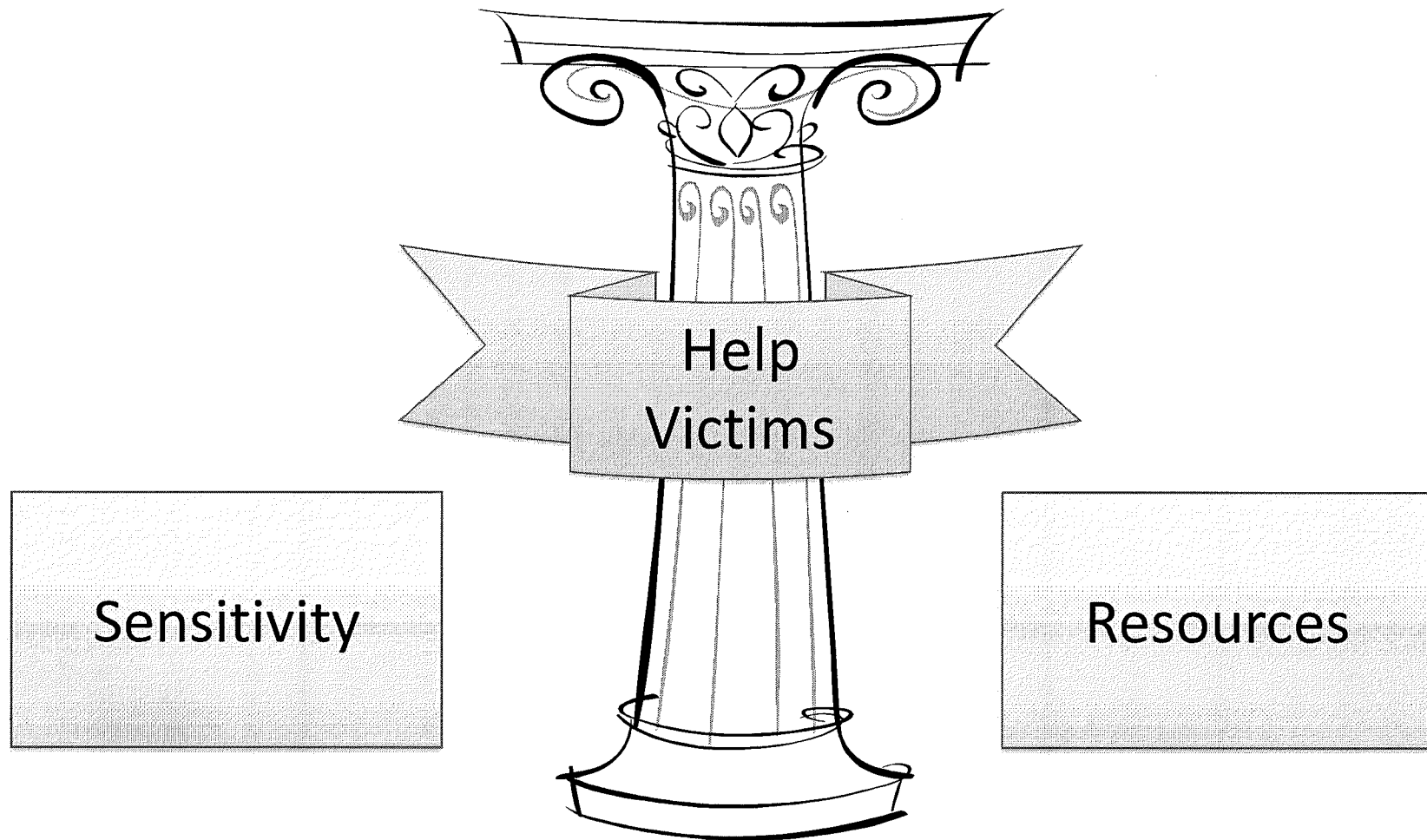
Handbook 1: Stake Presidents and Bishops 2010, pg. 70-71

Church Discipline



“Normally a disciplinary council is not held to consider conduct being examined by a criminal trial court until the court has reached a final judgment.”

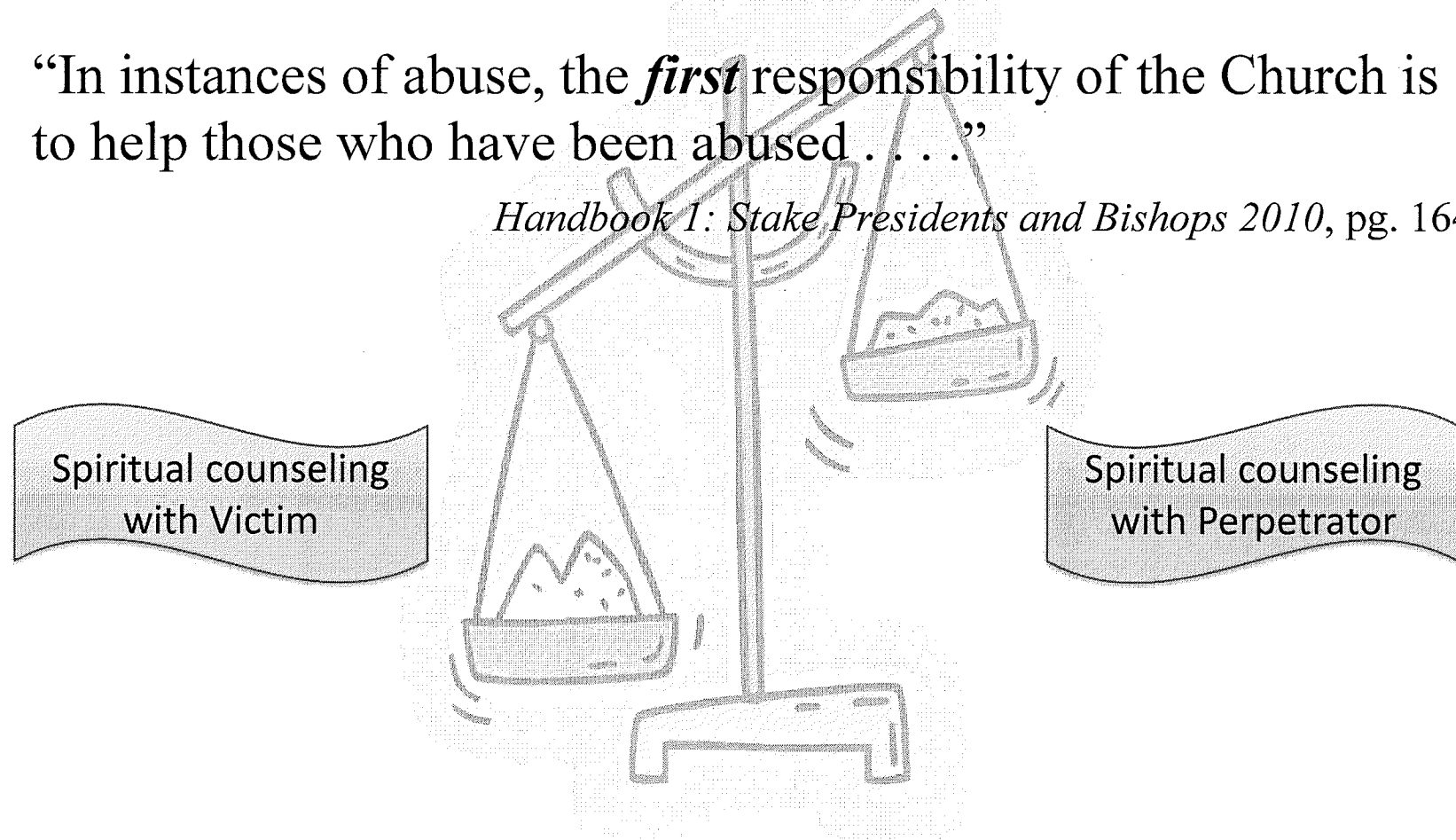
Handbook 1: Stake Presidents and Bishops 2010, pg. 66



Sensitivity to Victims

“In instances of abuse, the *first* responsibility of the Church is to help those who have been abused”

Handbook 1: Stake Presidents and Bishops 2010, pg. 164



Sensitivity to Victims



Should a Church leader testify for a perpetrator?

“[L]eaders should avoid testifying in civil or criminal cases reviewing the conduct of members over whom they preside.”

Handbook 1: Stake Presidents and Bishops 2010, pg. 158

Sensitivity to Victims

Should a Church leader write letters to the Court for a perpetrator?



“We reiterate a long-standing Church policy that priesthood leaders should not testify in civil or criminal cases of members over whom they preside. This policy also applies to any written correspondence with court personnel.”

Letter from First Presidency, 2010

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
OFFICE OF THE FIRST PRESIDENCY
47 EAST SOUTH TEMPLE STREET, SALT LAKE CITY, UTAH 84150-1200

June 3, 2010

To: General Authorities; Area Seventies; Stake, Mission, and District Presidents;
and Bishops and Branch Presidents in the United States and Canada

Dear Brethren:

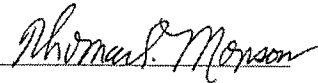
Testifying in Legal Proceedings

We reiterate a long-standing Church policy that priesthood leaders should not testify in civil or criminal cases of members over whom they preside. This policy also applies to any written correspondence with court personnel (see *Church Handbook of Instructions*, page 178).

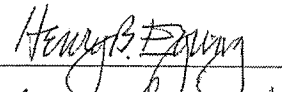
The purpose of this policy is to keep the Church from being implicated in legal matters to which it is not a party and to avoid embarrassment to the Church. However well-intentioned, the participation of priesthood leaders in legal proceedings involving Church members can sometimes be misinterpreted, and in some cases can actually be damaging to the member.

If a priesthood leader believes there are reasons why he should testify or communicate in a legal matter, he is not to do so without first obtaining clearance from the Office of General Counsel at Church headquarters.


Sincerely yours,



Thomas S. Monson



Henry B. Eyring



Lites F. Lillietos

The First Presidency

Providing Resources

- Referral to counseling (LDS Family Services or others)
- Referrals to the CAC (access to CVR; referral to other, possibly more appropriate counseling)
- Interfacing with law enforcement (not interfering with police investigation)

Providing Resources

- Educating other members
 - *Parents' Guidebook* (1985)
 - *Preventing and Responding to Child Abuse* (1997)
 - *Preventing and Responding to Spouse Abuse* (1997)
 - *Responding to Child Abuse* (Nov. 2002) - video
 - *For the Strength of Youth* (2001, 2011)
 - First Presidency letters
 - Classroom instructional materials
 - General Conference addresses
 - Articles from *Ensign* and *New Era* magazines, *Church News*
 - Child abuse statement on the Church website at www.LDS.org

What if I have a question?

Joseph V. Osmond

801-426-2118

KIRTON | M^cCONKIE



Thursday, August 10th, 2017

Childhelp

2120 N Central Ave, Phoenix, AZ 85004

(Meeting to be held in Community Room)

10:00a.m Welcome

-Approval of past Minutes –

Treasurer’s Report – Andy Nesbit, Treasurer

10:10a.m Introductions: Center/Agency Reports

Updates

Upcoming Events

Trainings

11:30a.m – Office of Child Welfare Investigations (OCWI) - Chief Jerry Gissel

12:00p.m – Lunch and Networking

1:00p.m – LDS Church Helpline – Response to Child Abuse.

2:00p.m – Training and Resources United to Stop Trafficking (Trust)

Justin Miller, Director.

2:30p.m – When Your Child Discloses Sexual Abuse - Chris Schopen

2:45p.m – Director’s Report – Trevor Umphress

3:00p.m – Dismissal

NEXT MEETING November 9th, 10a.m-3p.m Location: TBD