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UTAH LAVI ENFORCEMENT PLANNING AGENCY

EVALUATION

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Weber State College Criminalistics Laboratory

pject Title

Weber State College, 3750 Harrison Boulevard, Ogden, Utah 84403

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Director Phone	7(0.1.1 (0.1.1	Evaluator			
	-74-D-1-1 (2nd year) arch 22, 1974	January 9, 1975			
Grant No Date	Awarded	Date - Report Completed			
\$1	0,090 Fed- \$3,462 State- \$13,552 total				
Grant Amount (FE	D-State-Local-Total)	Date - To RAAC			
Ja	inuary 1, 1974 to December 31, 1974				
Project Period		Date - To Council			

Third year application (S-74-D-1-2) is presently being reviewed for funding. It will be considered by the Executive Committee in January. The purpose of this report is to examine the efficiency of operation of the laboratory and to determine its impact upon the criminal justice system. Based on these two factors, a recommendation concerning refunding will be made. This report is not a description on the delivery of criminalistic services in Utah. Questions that will be answered in this report are:

Is this project filling a need? Can performance be improved? Should LEAA support be continued?

On January 7, 1975, the Executive Committee approved funding of the Weber State College Criminalistics Laboratory, including the additional services of a chemist. Utah Law Enforcement Planning Agency will also undertake a detailed study of the need for laboratory services and the availability of services by the various federal, state, and local agencies.

(Comments received after general printing of this document include:

page 4, item b - toxicologist performs semen analysis, not blood typing.

page 5, item 3 - toxicologist offers field investigation service on all cases where he will likely conduct any subsequent analysis

page 19, item 4 - chemist should be skilled in controlled substance analysis and have experience in providing expert testimony in court.

SUMMARY

For almost two years the Weber State College Criminalistics Laboratory has been providing analyzation and identification services to law enforcement agencies in Utah. In 1974, 50 agencies utilized the laboratory services and over 600 cases will be processed.

Identification and analysis are made of (with the portion of the total cases handled in 1974) narcotics and dangerous drugs (71.0%), physiological fluids (6.5%), firearms and toolmarks (5.6%), hairs and fibers (2.8%), paint (3.8%), trace evidence and miscellaneous (6.5%), arson accelerants (.4%), and fingerprints (3.4%).

Eight-two percent of the user agencies contacted in a sample survey felt that laboratory services had helped increase their case solution and conviction rates.

The project has successfully accomplished or is accomplishing the objectives and continued funding is recommended.

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DESCRIPTION AND OBJECTIVES

The Weber State College Criminalistics Laboratory has been in operation since January 1, 1973. A third year application for continued funding until December 31, 1975, is now being reviewed by the Utah Law Enforcement Planning Council.

In 1973, the laboratory was funded as a regional project to provide criminalistic services primarily to police agencies in Morgan, Weber, and Davis counties. In 1974, the project was funded to provide criminalistic services statewide to all law enforcement agencies.

Staff consists of the project director and an evidence technican. These two individuals are the only ones who conduct the actual analysis of evidence. The project director is responsible for the operation of the laboratory, performs analyses, identification and other criminalistics tests, and serves as an expert witness for narcotics identification and other physical evidence analysis, as identified in Figure 1. The evidence technican also conducts analyses and occasionally testifies in court. He has a bachelors degree in police science with an emphasis on chemistry and is working on a second bachelor's degree in chemistry.

The laboratory was developed to provide swift and accurate evidence analysis to law enforcement agencies. Problems that the laboratory was to solve were:

- 1. The lack of proximity of criminalistic services to local agencies.
- 2, Frequent inability to secure timely service due to large work loads.
- 3. FBI analysis is available only on felony cases.

4. Lack of personal communication between investigation and laboratory personnel. (Provision of technical assistance in evidence collection or preservation, or when additional circumstances come to light after the evidence has been sumitted.)

Figure 1 describes the services presently performed by laboratory staff and identifies other providers of these services.

Objectives of the 1974 grant are:

- 1. The major objective of this project is to increase the criminalistics support offered by the Weber State College Criminalistic Laboratory to the criminal-justice agencies throughout the state; the major benefits will be felt by police agencies.

 Moreover, all criminal-justice units are welcome to submit evidence and all will ultimately benefit from the increased efficiency of evidence examination.
- 2. It is expected that the number of examinations conducted by the laboratory will increase in the coming year. This year's case load is expected to approach 400 cases; 375 cases completed as of December, 1973.
- 3. To develop within Utah, speedy and accurate criminalistic services for all forms of physical evidence. Projected services will include:
 - a. Analysis of high volume routine cases involving narcotics within24 hours of delivery.
 - b. The immediate analysis of most types of physical evidence when the attention or release of a suspect depends on the analysis.

c. Routine analysis and processing of most physical evidence within 7 days of its delivery. It is acknowledged that speedy analysis depends upon adequate personnel and that certain cases may require greater time periods.

The 1975 proposed application contains the same objectives, with Objective No. 2 slightly modified: The number of examinations will increase by 200 in the coming year (1975). This year's (1974) case load will exceed 600 cases. There were 400 examinations completed in 1973. Thus 1975 examinations are approximated at 700-800.

Figure 1: Description of Services Provided by the Weber State College

Criminalistics Laboratory (and Comparable Services Provided by Other Agencies).

EF

All services are provided free of charge to all law enforcement agencies. Comparisons are made with agencies who regularly perform services for criminal justice agencies. The FBI will, upon request, and in felony cases only, perform many of these services. Materials are sent to Washington and processed. Final report is sent to the agency, usually within 8 -10 days, and expert witnesses are made available for testimony at no cost to requesting agency. (More information in Appendix.)

- 1. Examination, identification, comparison and interpretation of all types of physical evidence (except questioned documents and body fluids suspected of containing toxins). Included in this examination will be:
 - a. The identification of arson accelerants. (Also performed by state fire marshal and University Fire Research Center. Over 100 cases have been processed in 1974 and 88 in 1973, at no cost to requesting agency.)
 - b. Typing and species identification of blood, semen, saliva, hairs, and other physiological speciments. (State toxicologist performs blood analyses at no cost to requesting agency.)
 - c. The classification and comparison of hairs, fibers, paints, glass, plastics, etc. Collections and files of appropriate reference standards will be maintained for this purpose. (State Department of Agriculture occasionally analyzes paint samples.)
 - d. The examination of incandescent lamp filaments to determine their operating condition.

- e. Restoration of obliterated serial numbers on firearms, motorcycles, etc.
 - f. Comparison of toolmarks and bullets to determine a common origin.
 - g. Examination of firearms to determine their legality and working condition.
 - h. Examination of gunshot wounds and patterns for distance determinations.

 (State medical examiner conducts such examinations.)
 - i. Identification of narcotics and dangerous drugs (limited to identification of drugs previous to ingestion). (The State Division of Health and the Salt Lake City-County Department of Health provide drug analysis at no cost to requesting agency. Average processing time, although not documented, has been established by these agencies as 24 hours from receipt to conclusion).
- 2. Expert testimony before the courts concerning the examination. Testimony will be provided by the person conducting the examination who will be available on subpoena to either the defense or prosecution. (All other agencies provide the same service in conjunction with their type of analysis.)
- 3, <u>Assistance</u> in the field investigation of major criminal cases. This will be limited to important felonies where special help is required in the collection, preservation, or interpretation of physical evidence. (State Toxicologist offers this service.)
- 4. Coordination between other labs operating similar type programs.
- 5. The publication and preparation of reports as required to perform the functional duties of the lab.

Source:

BUDGET

Analysis of the budget on November 27, 1974, with monthly reports through October indicates that the project is operating at 104% of optimum. There have been no grant adjustments.

GRANT NO. S-74-D-1-1

Present Budget:

	ULEPA	STATE	TOTAL
Personnel*	2,940	2,479	5,419
Equipment	4,700	0	4,700
Travel	334	0	334
Supplies & Operating	2,116	<u>983</u>	3,099
	10,090	3,462	13,552

With 83% of the grant period gone:

	BUDGET	ACTUAL	ACTUAL:BUDGET		
ULEPA Personnel	2,940.	2,115.53	72.0%		
State Personnel	2,479.	1,784.06	72.0%		
ULEPA Equipment	4,700.	3,387.95	72.1%		
ULEPA Travel	334.	283.28	84.8%		
ULEPA Supplies	2,116	2,074.31	98.0%		
State Supplies	983	2,123.16	216.0%		
	13,552.	11,768.29	86.8%		

The Monthly Cost Reports have been well prepared, but always late. There is a need for a grant adjustment to cover the over-run in supplies and operating.

PROJECT PERFORMANCE

In 1973, 431 cases were analyzed by the criminalistics laboratory. In 1974, as of October 1, 504 cases had been processed. At that rate, well over 600 cases will be be processed in 1974.

Figures 2 and 3 provide information on the number and types of cases, and the agencies that requested services.

Type of Cases

Over 70% of the cases handled in 1973 and 1974 are narcotics cases. This group and two other categories--Physiological fluids (5-7%) and Firearms and toolmarks (6-7%) -- comprise about 83% of the laboratory's workload.

Requesting Agencies

In 1974 (as of October 1, 1974), 50 different agencies utilized the criminalistic services of Weber State College Lab. These agencies were:

- 27 city police departments
- 11 county sheriffs' offices
 - multi-county task force
 - 3 federal agencies
 - state agencies
 - out-of-state police and sheriffs' offices 3

Figure 2: Weber State College Crime Lab Caseload for 1973 and 1974

1973

Type of Case	Number	Percentage
Narcotics and dangerous drugs	307	71.2%
Physiological fluids	22	5.1
Firearms and toolmarks	31	7.2
Hairs and fibers	15	3.5
Paint	11	2.6
Trace evidence & miscellaneous	31	7.2
Arson accelerants	4	. 9
Questioned documents	3	. 7
Fingerprints	7	1.7
TOTAL	431	

1974 to October 1

Type of Case	Number	Percentage
Narcotics and dangerous drugs	358	71.0%
Physiological fluids	33	6.5
Firearms and toolmarks	28	5.6
Hairs and fibers	14	2.8
Paint	19	3.8
Trace evidence & miscellaneous	33	6.5
Arson accelerants	2	.4
Fingerprints	17	3.4
TOTAL	504	

Source: Weber State College Criminalistics Laboratory records (Nov., 1974)

Figure 3: Utilization of Weber State College Crime Lab By Area

Agencies in:	<u>1973</u>	1974 to Oct.
Box Elder County	24	61
Cache County	25	49
Davis - Morgan Counties	39	75
Duchesne County	6	9
Federal Agencies		32
Grand County	2	1
Millard County	1.	0
Rich County	1	2
Salt Lake County	5	11
State Agencies	37	32
Tooele County	0	1
Uintah County	8	8
Utah County	0	10
Weber County	206	191
Other	2	5

Source: Weber State College Criminalistics Laboratory (Nov. 1974).

Of these 50 agencies, 40 used the laboratory 8 or fewer times. Six to 10 agencies are the principal users of the laboratory. Six agencies presented 57.5% of the cases. Ten agencies presented 65.9% of the cases. Using all 50 agencies average cases per agency is 10, excluding the major users, average cases per agency is 4 to 5. The major users are (with cases submitted in 1974):

1.	Ogden City Police Dept.	92
2.	South Ogden City Police Dept.	57
3.	Logan City Police Department	48
4.	Davis-Morgan Task Force	35
5.	Box Elder County Sheriff's Office	30
6.	Brigham City Police Dept.	28
7.	Utah Highway Patrol	17
8.	Weber County Sheriff's Office	14
9.	Hill Air Force Base	12
10.	Cache County Sheriff's Office	9

Processing Time

The average time from receipt of evidence to submission of final report is identified in Figure 4. Average time per quarter for all cases has varied from 10.8 days to 4.1 days. Narcotic cases which previously required 1.2 to 2.6 days required 3.5 days during July through September, 1974.

Court Time, Field Assistance, Coordination

In 1974, as of December 1, the project director had appeared in court to testify 118 times. The evidence technician had appeared to testify approximately 20 times. In all cases, where testimony was given, they were accepted as expert witnesses. On-site field assistance for evidence collection has been provided in several cases. The project director has also provided technical assistance in the expansion of the Ogden City and Salt Lake City police laboratories.

Challenges

In September 1974, the Weber County Attorney, Robert L. Newey, advised all law enforcement agencies in Weber County to not send controlled substances for analysis to the Weber State Crime Laboratory, but rather to the state toxicologist.

The reasons for Mr. Newey's actions were that Mr. Caskill is not a chemist (he has degrees in zoology and entomology), and therefore, his chemical analyses of controlled substances could be challenged by defense attorneys and that in two recent cases Mr. Gaskill's conclusions differed from the conclusions of the state toxicologist. As of December, the Weber County Attorney was still advising agencies to use the state toxicologist for controlled substance analyses. In accordance with this advice, the Ogden City Police Department and the South Ogden Police Department, the lab's top two users, are not submitting drug cases for analysis. Both agencies and the Weber County attorney said satisfactory services were always provided in the past by the lab and that they will begin to submit evidence for drug analysis when a chemist is hired to perform the analyses.

Figure 4: Average time per type of case from receipt of evidence by Weber State

College Crime Lab personnel to submission of report to agency - 1973 and 1974.

	JanMar.	AprJune	Jul-Sept.	OctDec.
	1973	1973	1973	1973
Narcotics & Drugs	N/A	N/A	N/A	2.6 days
All Cases	7.5 days	7.5 days	5.8 days	10.8 days
	1974	1974	1974	1973
Narcotics & Drugs	1.6	1.2	3.5	
All Cases	8.8	4.1	4.5	
Arson Accelerants			2.0	
Physiological Fluids	9	13.9	9.1	9
Hairs & Fibers	. . 8	10	8.0	
Firearms & Toolmarks	7.5	4	2.7	14
Fingerprints	7	8.5	5.5	14
Trace Evidence & Misc	10	15.1	7.5	13
Paint	10	6.1	13.5	20
Toolmarks			22.5	

Source: Weber State College Criminalistics Laboratory records (Nov. 1974).

Accomplishments of Objectives

The first objective--to increase criminalistic support offered by Weber State

College to law enforcement agencies--is addressed in the Evaluation Section.

Objective two -- to handle 400 cases in 1974--has been accomplished with the processing of 504 cases in the first nine months of 1974.

Developing speedy and accurate services, Objective 3, is addressed in three parts:

- a. To process narcotic cases in 24 hours shortest time per case in one quarter 1.2 days, latest quarter (& longest time) 3.5 days.
- b. Immediate analyses when commitment, detention or arrest is necessary-cases designated "priority" are handled as quickly as analysis will allow.
- c. Routine analysis of all types in 7 days--average time per case including drugs was 4.5 days for July through September, 1974, and 4.1 for April through June, 1974. For other than drug analysis, average process time for at least two of the three quarters in 1974 was: less than 7 days for arson accelerants, firearms and toolmarks, fingerprints, --more than 7 days for hair and fibers, physiological fluids, trace evidence and miscellaneous, and paint and toolmarks.

Solutions to Problem Identification

Lack of proximity of criminalistic services has been affected. Of the 50 agencies who utilized services in 1974, 70% (39) are within 45 miles of Weber State College.

Prior to this grant, 10 of these 39 agencies were more than 50 miles away from the criminalistic services available in Salt Lake City. Only 58% (29) of these 50 agencies are within 45 miles of Salt Lake City. Thirty-eight percent (19) of the 50 agencies are within 10 miles of Weber State College. Only one (Utah Highway Patrol) of these 19 agencies is within 10 miles of Salt Lake City. Of the 10 major users of the Weber State College Laboratory, 6 are within 10 miles of Weber State College. The other four agencies are all located north of Ogden City.

Analysis and assistance in evidence collection is available immediately if requested. The inability of agencies to receive timely services seems to not be a problem. Communication between both laboratory personnel and officers is good. Services are available on felony and misdemeanor cases.

EVALUATION

Of the six objectives and sub-objectives set for this project, two--Expanded Caseload and Immediate Analysis When Necessary--have been achieved. Two objectives, Narcotic Processing in 24 Hours and Other Analysis in 7 Days--while not being precisely met--are being favorably achieved. In most cases processing times are adequate and on this basis it can be concluded that speedy and accurate services are being provided (another objective). The remaining objective - Increasing Criminalistic Support, is an ambiguous objective and cannot be quantifiably determined. More different agencies (at least 11 so far) utilized services in 1974 than did in 1973, and, of course, more cases were analyzed.

In terms of the accomplishment of its objectives the project has favorably achieved all of them. However, if feasible, processing times need to be further reduced. The problems of distance and difficulty in obtaining collection assistance appear to have been alleviated. Determining the direct or even indirect effects of this project in the criminal justice system such as crime reduction and conviction increases is difficult to assess. As stated in the 1975 grant application:

"It must be realized, however, that support services, such as laboratory operations, are critical to the efficient operation of any police line function. The improvement in the delivery of this vital support service will enhance the effectiveness of the operational police unit, with a subsequent realization of decreased rates of criminal activity and increased rates of criminal conviction."

In order to test the effectiveness of this project, a survey of users was conducted in November, 1974. Twelve agencies, including the six biggest users, were contacted and asked about their use and satisfaction/dissatisfaction of laboratory

services from Weber State College. The contacted agencies ranged in utilization of the lab services from one or two times during 1974 to as many as 90 times in 1974.

(The questions and responses are shown in Figure 5.) The questions asked in this survey dealt with the use of lab services, the lab's performance, the quality and reliability of the rendered services, effectiveness, and suggestions for improvement.

Regarding the use of the lab services (based on police records), the average per agency was ten times during the past year, although one agency had never used it and six agencies had utilized its services 20 or more times during the past year.

Basically, the law enforcement agencies were very satisfied with the rendered services of the Weber State College criminalistic lab and stated that their services were faster than those from the FBI Crime Lab and the state toxicologist. Also, the cooperation and availability of the lab staff were cited as superior to that of the state toxicologist. Only one police agency stated general dissatisfaction with the crime lab and the complaint was that there was not enough expertise. (Another agency was not dissatisfied with the services, but said more expertise would be helpful.) In one case the chief stated that the Weber State College crime lab did not give fast enough results in a particular case. Over-all, the agencies seemed satisfied with the services of the lab.

As far as the services of the Weber State College crime lab actually increasing the case solution and conviction rate, 9 agencies stated that it had, (actual documentation i.e., number of cases, convictions, etc. that were caused by the crime lab is impossible to determine) and two agencies said that they had not used lab services often enough to cause any significant increase.

Figure 5: Survey of Users of Weber State College Criminalistic Services

- 1. Have you used services of Weber State College Criminalistic Lab?

 Yes !1; No 1.
- 2. How many times in 1974? Less than 10 5; 10 20 times 3; more than 50 times 3; 0 times 1.
- 3. Have you been satisfied with the service? Yes 9; Some Problems 2.
- 4. Are services provided fast enough? Yes 9; No 2.
- 5. Has your department's case solution rate increased because of lab services?

 Yes 9; No 2.
- 6. Has conviction rate increased due to lab services? Yes 9; No 2.
- 7. How often have lab staff testified in court on your cases? 2 times 1;
 3 or 4 times 4; 8 or 10 times 2; 20 times 1.

 Did it help? Yes 7.
- 8. Do you use FBI lab services? Yes 10; No 2.
- Do you use the services of the state toxicologist? Yes 10; No 2 (one agency uses the county lab.)
- 10. Are there advantages of the Weber State College Criminalistic Lab over the FBI lab or state toxicologist? Yes 9; No 1; No opinion 2.

 What are they? Availability and cooperation 5; Speed and convenience 6; Personal attention 1.
- 11. Suggestions for improvement? Expansion of manpower and facilities 5;

 More/better expertise and specialization 2; Speed-up services 1.

Source: Comprehensive Data Center of the Utah Law Enforcement Planning Agency
(Nov. 1974).

Of the 12 police agencies, 7 had had lab staff testify in court three or more time as expert witnesses. There was general agreement that the testimony of the lab staff was helpful in getting convictions.

All contacted agencies presently utilize or have utilized the FBI Crime Lab, the state toxicologist, or the Salt Lake Police, Sheriff or State Division of Health crime labs. However, 9 agencies felt that the Weber State College criminalistic lab provided faster services and better availability of staff. Two agencies stated that other labs were more convenient, and one agency had not used any of the available lab services extensively enough to state a preference.

Suggestions for improving the Weber State College criminalistic lab service were centered around expansion of manpower and equipment. Two agencies mentioned the need for more expertise and specialization. One agency asked for faster service.

Conclusions

Based on the information presented in this report, the following conclusions are made:

- 1. The Weber State College criminalistics lab provides needed evidence analyzation services to over 40 law enforcement agencies in Utah. Services to these agencies that are now received, are superior to services received before the laboratory was established.
- Services are provided in a timely manner.
- 3. User agencies have been satisfied with services received from the laboratory and in most cases they use the Weber State College lab in preference to other laboratories.

- 4. Successful continued operation of the laboratory requires the addition of a chemist to the laboratory staff.
- 5. While other agencies provide some of the same services (primarily controlled substances identification), duplication in service delivery does not exist.

 (The proximity to user agencies and shorter processing time allows the Weber College criminalist lab to more effectively deliver services to many law enforcement agencies in Utah.)

Recommendations

As identified in the 1974 and 1975 comprehensive plans for improvement of the criminal justice system in Utah, speedy and accurate criminalistic laboratory services need to be available to every police agency.

Because the Weber State College criminalistic laboratory has increased the availability of these services, continued funding is recommended. In addition, the laboratory should secure the services of a chemist. Future summary records breakout cases as to type of violation being considered:

for misdemeanor violations for felony violations for information only.

APPENDIX

Since 1971 over \$100,000 has been funded for crime scene investigative projects and criminalistic laboratories. The study of available criminalistic services and the need for such services will allow the development of an adequate statewide system of evidence analysis. During the evaluation of the Weber State Criminalistics Lab, several other agencies who rendered criminalistic services were contacted and summaries of cases handled are included in this Appendix.

OFFICE OF THE SOURCES



UNITED STATES DEPARTMENT OF JUSTICE

PEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 30635

December 20, 1974

Mr. Steve Vojtecky Evaluator Utah Law Enforcement Planning Agency Room 304, State Office Building Salt Lake City, Utah 84114

Dear Mr. Vojtecky:

In reply to your letter of December 12th concerning FBI Laboratory services, it is not possible to give you an exact processing time for the different types of evidence received for examination because of many variables. These would include the nature and amount of evidence submitted for examination in a given case, the various types of examinations which may have to be conducted on evidence, and the availability of the examiner to conduct the examinations when he is not in a travel status, testifying in court, or lecturing.

As an administrative control, we have established a work delinquency schedule which requires that normal types of examinations be completed within eight working days from time of receipt. Those cases, however, requiring urgent handling, are given immediate attention. In those instances where examinations require substantially longer than eight working days, the submitting agency is advised.

During the fiscal year ending June 30, 1974, the FBI Laboratory received 91 requests for examinations from the State of Utah, involving 473 items of evidence which were subjected to 840 laboratory examinations.

All costs for services of the FBI Laboratory, including travel and testimony appearances in court, are furnished free of charge to all duly constituted law enforcement agencies in criminal matters. All such costs are borne by the FBI.

Sincerely yours,

Conkeller Clarence M. Relley Director RECEIVED STAN STATE LAW

DEC 8 6 1974

PLANNING AGRICY

Appendix II: Utah State Toxicologist Services
(Cases Submitted by County, 1974)

	February	March	April	May	Jest	July	August	September	October	Hovember	Pocumber	Totals
Beave		3	3	1	3	3	1	1 1	1	1		15
Box Elder #	1	1	1	.2	3				1	3		12
Cache &				1	1				4	1		7
Carbon 1	1	3_		1				2		2		10
Daggett												0
Davis 4 20	2	6	10	12	6	10	6	6	1	10		89
Duchesne	2						3	2				,
Emery												0
Gerfield				1				6		2		9
Grand			1		9		2			į.		12
Iron		5			1	6	2	1	1	2		18
Juab												0
Kane		1_		1		2		1				5
Hillard		1_	1	2		7						11
Horgan 4			3			2						5
Piute												0
Rich #					•				2-			2
Salt Lake 53	62	54	68	51	65	57	120	69	76	80		755
San Juan 1				3		3	3	2	4			16
Sanpeta	1						1	1				3
Sevier			9		1			2	2	1		6
Summit	1	2	2	1	2	2	3	2		8		23
Tocale	4	3	6	1	6	5	3	2	5			35
Uintah	1			-								0
Utah			*****									0
Wasatch 1				1			2	2		1		7
				1		1	3	8	2	9	•	25
Washington 1			1			L		•	-	7		1
Wayne Weber # 15	7	15	20	1	14	12	25	36	27	39		211