

UTAH PROSECUTION COUNCIL
Wednesday, January 8, 2016
Salt Lake District Attorney's Office
111 East Broadway - 4th Floor
Salt Lake City, Utah

PENDING MINUTES

UPC : Stephen Foote, Chair, Duchesne County Attorney
Steven Garside, Chair-Elect, Layton City Attorney
Paul Bitmenn, Cedar City Attorney
Jeff Buhman, Utah County Attorney
Sim Gill, Salt Lake District Attorney
Barry Huntington, Garfield County Attorney
Kelly Sparks, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)
Scott Sweat, Wasatch County Attorney
Christine Stevens, UPAA Chair, Millard County Attorney's Office

EXCUSED: Jann Farris, Morgan County Attorney
Sean Reyes, Utah Attorney General
Commissioner Lance Davenport, Utah Department of Public Safety

UPC Bob Church, Director
STAFF: Marilyn Jaspersen, Training Coordinator
Donna Kelly, Staff Attorney
Ronald Weight, IT Director

GUESTS: Paul Boyden, Executive Director, SWAP
Andy Choate, Assistant United States Attorney, District of Utah
Greg Ferbrache, Justice Division Director, Utah Attorney General
John Huber, United States Attorney, District of Utah
Matt Lloyd, Assistance Attorney General
Chad Platt, Deputy Salt Lake County District Attorney
Tyson Skeen, UMPA President, West Jordan City Attorney

I. CHANGE OF CHAIRMANSHIP

The Council expressed thanks to Stephen Foote for his leadership the last two years. Steve Garside assumed responsibility as Chair.

II. ELECTION OF CHAIR-ELECT

A. Pursuant to §67-5a-2(5), "The council shall elect by a majority vote one of its members as chair at its first meeting and then annually." Many years ago the Council adopted three resolutions, never memorialized in statute:

1. A person elected as UPC Chair should serve for two years;
 2. Creation of the position of Vice-Chair / Chair Elect, with the intent that the Chair Elect would succeed to the office of Chair upon the end of the previous Chair's term; and
 3. Rotation of the chair so the chair will be held by a member from a large county, followed by a small county, followed by a city.
- B. Jeff Buhman was nominated and voted in as Chair-Elect.

III. WELCOME AND APPROVAL OF THE SEPTEMBER 16, 2015 MEETING MINUTES

- A. The Council members were welcomed and the meeting convened.
- B. Paul Bittmenn moved to approve the minutes from September 16, 2015, seconded by Stephen Foote. The motion passed unanimously.

IV. UPC CONFERENCES

A. Completed Conferences

Bob Church gave an in depth report the following completed conferences. Please refer to the Director's Summary for details.

1. **Fall Conference Report:**
The Fall Conference was very well received. Total budget was \$24,500. Expended 97.5% of the budget. Net cost of the conference came to \$9,751.93 to the good. Bob stated that there were a few defense attorneys in attendance. He asked the Council's guidance regarding increasing the registration fee of \$150 for public attorneys/employees. After some discussion, Jeff Buhmann made the suggestion in the form of a motion to increase the registration fee for public attorneys/employees from \$150 to \$300 effective Spring Conference 2016. Paul Bittmenn seconded the suggestion in the form of a motion and the Council agreed unanimously.
2. **Government Civil Report:**
Overall Civil Conference was a great success. Total budget was \$11,000. The gross cost came in at \$11,221.61. After crediting the registration fee, the net cost of the conference was \$3,106.61 to the good.
3. **County Executive Seminar:**
The discussions had at the seminar proved to be productive and beneficial. John Huber, United States Attorney General, District of Utah and Andy Choate, Assistant United States Attorney General, District of Utah was introduced and they were invited to address the group. Total budget for this event was \$1,500.00, net cost is pending as not all expenses have been accounted for.
4. **White Collar Crime Conference:**
After several years, UPC and the Salt Lake County District Attorney's Office co-hosted this conference. It was well received even though registration was lower than expected. The AG's office will host this type of conference in the future. Appreciation was expressed to the Salt Lake County District Attorney's Office for procuring the venue at no cost. Total budget was \$3,000. The gross cost came in at \$3,000.64. After crediting the registration fee, the net cost of the conference was \$900.64 to the good.

5. National Association of Prosecutor Coordinators (NAPC):
Bob and Marilyn attended the Winter 2016 NAPC Conference that was held in Savannah, Georgia. UPC was selected to host its winter 2017 conference in Springdale, Utah.
- B. 2016 Conference Schedule
- In addition to the UPC 2016 Training Schedule the following was mentioned:
1. Human Trafficking - January 28-29, 2016, Salt Lake County Government Building
 2. Train the Trainer - February 8-12, 2015, Layton Courtyard Marriott
UPC was awarded \$16,000 grant from NAPC.
 3. Spring Conference, April 14-15, 2016, Salt Lake Sheraton
This will be Laura Dupiax's last case law update. The Council wants Bob to present her with a small token of appreciation for her service.
 4. CJC Symposium/DV Conference - May 16-18, 2016
This year's conference will have a track designated for prosecutors. Special keynote presentation entitled "Getting the Right One: A Serial Abuser is Convicted of Murder will be given by Staley Heatly and Jeff Case from Texas.

V. FINANCIAL REPORT

Bob Church made the following financial report. Additional information is included in the Director's Summary.

- A. Surcharge FY15/16 Report:
 1. November 2015 surcharge receipts ended at \$40,416.50 as compared to the 2014 November surcharge receipts that end at \$36,033.08. December numbers were not available.
- B. Adjusted FY16 Budget/Comparison Report:
 1. Bob invited questions. Hearing none, he moved to the next item.

VI. TRAINING COMMITTEE REPORT

Steve Garside, UPC Training Committee Chair gave the following report.

- A. Training Committee met October 12-13, 2015 at the Moab Fairfield Inn.
- B. 2015 evaluations were reviewed and ideas were discussed regarding how to better meet training needs for Utah's prosecutors.
- C. As a follow up to the training calendar mentioned above under IV. B
 1. UMPA Summer Conference - August 4-5, 2016 - Ruby's Inn - Bryce, Utah
Paul Bittmenn was assigned to serve on conference planning committee.
 2. Basic Prosecutor Course - August 15-19, 2016 - USU University Inn, Logan, Utah
Beginning the course on Sunday was very well received and will become part of the regular agenda. Steve Garside was assigned to represent UPC on the Basic planning committee. Also, a student from the 2015 class will be invited to help with planning the course.

3. The Fall Prosecutors Training Conference agenda was developed. Historically, UPC has tried to hold this conference at the same time as the Judiciary Education Conference. Having been notified that the Judicial Education Conference will be held Oct. 5-7, 2016, nominations were open for a date and location. Sim Gill made the motion to hold the 2016 Fall Prosecutors Training Conference on Oct. 5-7, 2016 in Vernal, Utah. Barry Huntington seconded the motion and the motion passed unanimously.
 4. Government Civil Practice Conference - Oct. 12-14 - location TBD
Kelly Wright collaborates with UPC in planning this conference.
 5. Advanced Trial Skills Course will be tabled to 2017.
It was suggested that the focus should be on a specific topic (i.e., DUI, DV) incorporating advocacy skills.
 6. County/District Attorneys - Nov. 9-11, 2016 - St. George Dixie Center
- D. Other training topics mentioned was body cams; first responders; wire tapping; distance training; and make available small training modules.

VII. UPAA

Christine Stevens reported that the UPAA conference will be held June 22-24, 2016 at the Park City Marriott. The Board has met and drafted its agenda.

VIII. RESOURCE PROSECUTORS REPORTS

- A. Donna Kelly referred the Council to the in depth SA/DVRP report as outlined in the handouts.
- B. New TSRP, Tyson Skeen first day will be January 19, 2016.

IX. IT ISSUES: PIMS/CASE MANAGEMENT/WEB PAGE

In addition to the in depth report in the Director's Summary, Ronald Weight and Bob Church gave the following PIMS report.

- A. Ron is developing on-line conference evaluations and certificates beginning Spring Conference.
- B. PIMS support continues to decline but Ron will still fix any issues as they arise. PIMS will continue to run as long as the software will support it and as long as Ron is around.
- C. Ron continues work on the web page and any other electronic alternatives.
- D. Conference Management System (CMS):
Bob referred to the handout that was distributed at the County Executive Seminar. The Council had an in depth discussion regarding the \$500,000 grant. They discussed the RFP process as to individual agency/office RFP's, bundling the RFP's together to get the best price, identifying each city or county agency's need and what would the licencing fee be for each entity, etc. Jared Eldridge, Stephen Foote, Jeff Buhmann and Scott Sweat volunteered to investigate what company could best meet the needs for a statewide system. Their findings will be reported at the next meeting.

X. EYEWITNESS IDENTIFICATION ISSUES

In addition to the in depth report in the Director's Summary, Bob Church stated that Kris Hamann, Director, Prosecutor Center for Excellence, found the article and sent it to him. The Deseret News reported that the Rocky Mountain Innocence Project conducted a two-day training with Unified Police in December 2015. Kris Hamann pointed out that some of the facts taught by RMIP have been proven wrong. Bob stated he was forwarding this information to the Council for their review.

XI. APPOINTEE TO CRIMINAL LAW SECTION OF STATE BAR

Matt Lloyd, Assistant Utah Attorney General was introduced as the new appointee to the Criminal Law Section of State Bar. One of the bylaws of the criminal law section states that UPC will appoint a Vice-Chair at large to assist the Vice Chair of Continuing Legal Education.

XII. LEOJ

This item was tabled for another time.

XIII. UCDAAs OFFER OF HELP

Bob reported that James Swink, Cache County Attorney, reached out to him and wanted to know how UCDAAs could be of assistance to UPC. Hearing no comments, he moved to the next item.

XIV. OTHER BUSINESS

Wayne Jones, Assistant Utah Attorney General - Strike Force, informed the Council that he is working on a proposal to amend the forgery statute as it pertains to false identification and document tracking. He invited Council members to contact him with any questions and welcomed their feedback.

XV. NEXT MEETING

Wednesday, April 13, 2016
10:30 a.m.
Salt Lake District Attorney's Office
111 East Broadway - 5th Floor Conference Room
Salt Lake City, Utah

XVI. ADJOURN