

UTAH PROSECUTION COUNCIL
Friday, April 15, 2015
Salt Lake District Attorney's Office
111 East Broadway - 4th Floor
Salt Lake City, Utah

APPROVED MINUTES

UPC : Stephen Foote, Chair - Duchesne and Daggett County Attorney
Steven Garside, Chair-elect, Assistant Layton City Attorney
Spencer Austin, Chief Deputy Utah Attorney General, (*designee of General Sean Reyes*)
Paul Bittmann, Cedar City Attorney
Paul Boyden, Executive Director, SWAP (*designee of Sim Gill, Salt Lake District Attorney*)
Jann Farris, Morgan County Attorney
Barry Huntington, Chair - Garfield County Attorney
Kelly Sparks, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)
Chris Stevens, UPA Chair, Millard County Attorney's Office
Scott Sweat, Wasatch County Attorney

EXCUSED: Sim Gill, Salt Lake District Attorney
Sean Reyes, Utah Attorney General
Commissioner Lance Davenport, Utah Department of Public Safety
Donna Kelly, Staff Attorney

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

GUESTS: Jeff Buhman, Utah County Attorney
 Jared Eldridge, Juab County Attorney
 Scott Garrett, Iron County Attorney
 Chad Platt, Deputy Salt Lake District Attorney
 Tyson Skeen, Assistant West Jordan City Attorney
 Kelly Wright, Assistant Salt Lake District Attorney

- I. WELCOME AND APPROVAL OF THE JANUARY 11, 2013 MINUTES**
- A. The Council members were welcomed and the meeting convened.
 - B. Jann Farris moved to approve the minutes of September 10, 2014, seconded by Steve Garside. The motion passed unanimously.
 - C.

II. UPC UPDATE, CURRENT ISSUES, ISSUES TO BE ADDRESSED AND SUMMARY OF EVENTS

Bob Church gave the following report. Please refer to the in depth report as outlined in the Director's Summary

A. Completed Conferences

1. *New County Attorney Seminar*: The seminar was well represented with nine new county attorneys in attendance. Everyone felt that the training was very beneficial. Bob expressed appreciation for those who presented and who helped to make this a successful seminar.
2. *Mental Health 101 Conference*: At the County/District Attorney's Executive Seminar, Jared Eldridge suggested the need for a training that addressed mentally incompetent individuals who continue to commit crimes. It was held March 5th at the State Hospital and was very well received with 47 in attendance. Bob also expressed appreciation to the planning committee that included Jared Eldridge, Jeff Buhman, Craig Johnson, Don Rosenbaun, and UPC staff. The entire event was taped and will be posted on the UPC website. It was approved for 6.5 MCLE hours which included one hour of ethics.

B. Upcoming Conferences

1. Spring Conference - April 16, 2015 held at the Salt Lake City Sheraton Hotel. Bob expressed a special thanks to Mark Nash for formatting, compiling, indexing, preparing the Table of Contents of the summaries and delivering a final product. This year's registration was at 345. Last year's registration was at 360.
2. Remainder of the Year - Bob referred Council members to the 2015 Training Schedule. With the exception of the Basic Prosecutor Course, agendas for the year have been planned.
3. Regional Legislative Updates - Bob referred Council members to the 2015 Regional Legislative Update schedule.

C. Logo

1. Bob distributed a copy of the new UPC logo to Council members. At the last January meeting, Bob was authorized to hire a logo designer with a budget of \$500. After going through the bid process, Trent Lowe was awarded the job. Trent designed the logo for \$390.

D. Web Page

1. Along with the changes Ron made to the web page, Trent was consulted in a number of areas, for a nominal fee of \$150. His input was very helpful to Ron.
2. Ron continues to update the web page making it more streamlined and added more resourceful information such as the Tool Box, a members only link, the newsletter, motion bank link, a MCLE report link, etc. The new version is online and is available on all mobile devices. Ron invited Council members to view the website and welcomed any input. Also, after an in depth discussion regarding the motion bank and briefs being subject to GRAMA requests, Council members agreed that motions submitted to UPC (motion bank) should be watermarked as a "draft."

III. FINANCIAL REPORT

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

- A. Surcharge Report: Bob referred the Council to the spreadsheet showing surcharge receipts. He explained that the month of March surcharge collection came in at \$52,186. Overall, the budget appears to be in good shape.
- B. Comparison Report: To date 63.9% of the budget has been expended with the following notations.
 - 1. PIMS Income through March came in at 246% of budget. Bob explained that he underestimated the amount of income and hoped that we would've had a case management system and/or that more users would leave PIMS.
 - 2. Conference materials showed an increase because of the embroidery fee for UPC SWAG.
 - 3. Training Committee expenses in the mileage category was high. Bob indicated that he would adjust for that cost in next year's budget.
 - 4. Out of state travel for the winter NACP meeting came in at 117% of budget. Given what the grants pay, Bob will readjust for the increase as well.
 - 5. TOX-E is a mini grant Ed applied for and received funding for developing training materials for the toxicology lab.
- C. Detailed Expense Report:
 - 1. *Cost of New County Attorney's Conference:* The conference budget was \$2,000. The net cost of the conference was \$1,768.73 with \$231.27 to the good.
 - 6. *Cost of the Mental Health 101 Conference:* This was the first mental health training presented by UPC. Conference expenses were \$1,026.92, less registration fees leaving \$1,223.08 on the books.

IV. U.C.A. 51.9-406

Bob began by explaining that CCJJ (Ned Searle manages Donna's grants) indicated that Donna's federal domestic violence grant funding may not be renewed in 2016. CCJJ recognizes the contributions Donna's makes to the state and does not want to lose her expertise. CCJJ has been looking for other ways to fund Donna's salary beyond grants. CCJJ brought to Bob's attention this section of the code that provides .5% of the surcharge to the Attorney General's office for training municipal and county attorneys in the area of domestic violence. Bob/UPC is not aware if the AG's office has conducted DV training for municipal and county attorney's recently. The AG's office helped with the editing of the DV 101 manual and may have presented a stalking seminar in Davis County. Bob asked if Spence knew how these funds were being used. Spence did not but said that Werner Haidenthaller, the AG's budget director would be able to answer that question. In an effort to offset a potential shortfall in Donna's grant, Bob proposed looking at this funding source as a way to fund Donna's salary. Bob will contact Greg Ferbrache, Justice Division Director, Attorney General's Office and work with him to see if UPC would be able to access the funds as well as determine what Donna's obligations would be in terms of whether she would have any specific obligation to the AG's office, etc. Bob will keep Council members apprised.

V. CASE MANAGEMENT

Bob Church gave the in depth case management report as outlined in the Director’s Summary.

- A. Summary of events: Bob reported that having met with Representative Hutchings and representatives from the Attorney General’s office the request(s) for funding of a state-wide case management at this point has now become bifurcated. The AG’s office made a specific request for funding for their office. The AG’s office made it clear to UPC and Rep Hutchings that UPC’s request could not jeopardize the AG’s request for funding. Rep Hutchings continued to seem hopeful that additional funding could be found for both the AG’s request and UPC’s request. Days before the end of the session Bob attempted to contact Rep Hutchings through his legislative aide to see how things were progressing. He did not hear back. At the same time, CCJJ told Bob that there might be unappropriated grant funds that could be used to purchase a case management system. This did not happen as all extra funds were devoted to HB384. Bob was contacted by Clair Webster at CCJJ that he was applying for a grant under the National Criminal History Improvement program (NCHIP.) CCJJ told Bob to submit a proposal to receive \$500,000 under CCJJ’s application for funds for the FY2015 NCHIP grant. The grant would require a 10% match of cash or services. Therefore UPC will apply for the grant with the understanding that if awarded it would require any recipient of a case management system to pay a portion of the 10% match. Scott Sweat made the motion to continue seeking grant money as well as working with the Legislature. Jann Farris seconded the motion and the motion passed.
- B. Lessons Learned: Will work more closely with the Legislature next year.
- C. Journal Technologies, Formerly New Dawn: Bob reported that he was contacted by Shaw Moser, JT Sales representative who assumed Bob was POC for cities and counties and/or a facilitator in negotiating statewide contracts. Bob clarified that he was not POC or representative for city, county or state, but he would inform the Council of their desire to enter into some sort of a collective agreement with those respective counties and cities who maybe interested in purchasing their product. Steve Garside indicated he would be willing to contact UAC and UMAA and see if they would be like to join the effort of having a single case management system via an inter-local agreement.

VI. PIMS REPORT

- A. Ronald Weight and Bob Church gave the in depth PIMS report as outlined in the Director’s Summary. Ron reported that he continues to provide support for the current format, monitors and fixes bugs, particularly e-filing with the courts. Also, the new version of JAVA creates problems when users update their computers. Steve Garside made the motion that Ron obtain a bid from DTS to find out what the cost will be to update to the newer version of JAVA while fixing the other glitches if it is not too costly. Jann Farris seconded the motion and the motion passed unanimously.
- B. Ron will still take requests for any installations. PIMS should remain viable for 3-5 years.

VII. OFFENSE TABLE

- A. UPC will continue to update the offense table as along as PIMS is viable.

VIII. TRAINING COMMITTEE REPORT:

Steve Garside, Training Committee Chair gave the Training Committee Report. The Training Committee met on March 26. The committee reviewed the agendas for Spring and Fall Conferences as well as reviewed the remainder of the 2015 training schedule. The committee recommended Moab as a first choice and St. George as second choice for the 2016 Fall Prosecutor Training Conference. Also, the committee discussed training with a broader perspective, add webinar trainings on a variety of topics that are specific - focused courses. Also, new locations including the Vernal Convention Center, the Viridian Center in West Jordan and a facility in Castle Dale were mentioned. The committee will next meet on October 12-13 in Moab, Utah.

IX. UPAA REPORT

Christine Stevens, UPAA Chair reported that the UPAA Conference will be held June 24-26, 2015. The agenda is set. The brochure will be published by the end of April.

X. STAFF ATTORNEY REPORTS

- A. Ed Berkovich gave the in depth TSRP report as outlined in the Director's Summary.
- B. Being excused, Donna Kelly's in depth SA/DVRP report is included with the Director's Summary.

XI. UTAH PROSECUTOR POLICY ADVISORY COMMITTEE (UPPAC) (BEST PRACTICES COMMITTEE) REPORT

Bob Church reported on the status of the UPPAC. Please refer to the in depth report as outlined in the Director's Summary. Utah's best practice committee will be called UPPAC. He noted the voting and non members. The areas of focus will include *Brady/Giglio*, Body Cameras, Officer Involved Shoots and Ethics. It is hoped that this committee will be an effective clearing house and resource to prosecutors around the state. There was concern by the Council that this had not been fully discussed previous to convening the committee. Questions were raised as to the committee's enabling authority, what authority they would have to make recommendations and other concerns. Further discussion was wanted.

XII. REVIEW OF BOB'S FIRST YEAR

Bob Church gave a review of his first year as UPC's Director. Please refer to the in depth report as outlined in the Director's Summary.

XIII. OTHER BUSINESS

- A. UPC / AG - Employee Relationship
Bob reported that he had been contacted by a local reporter/blogger two days prior to Council meeting who wanted information regarding UPC's efforts to purchase a case management system. Bob did not know the reporter. Because it appeared to be regarding UPC business, Bob spoke with the reporter. He made it clear to the reporter that he was not employed by the AG's office and did not speak for the AG's office. When asked about the AG's efforts to purchase a case management system Bob reiterated he did not work for or speak for the AG's office but answered the questions with the public information he knew. He reported this to AG chain of command. Bob was reminded that AG employees were not allowed to speak to reporters or the press without prior AG Exec approval. This led to a discussion of who UPC employee's work for and the limits of their authority. The Council felt that the Director and Resource Prosecutors were employed by the Council, not the AG's office. Spence felt

otherwise. Paul Boyden offered some historical information regarding the formation of UPC and why they are located within the AG's office. Revising the statute to clarify issues was discussed. It was suggested that Bob, Stephen Foote, Steve Garside, General Reyes and Spencer Austin meet to address the issues. Bob agreed to set up a meeting.

B. LEOJ Training Report

The 2015 LEOJ Training Course will be held at POST on June 10-11, 2015. In order to accommodate the demand, there was a LEOJ training session held in November 2014. UPC offered to contribute an additional \$2,000 to cover both the fall and summer course.

XIV. EMPLOYEE INCENTIVE AWARDS

Jann Farris made the motion to table this item. Paul Boyden (*designee of Sim Gill, Salt Lake District Attorney*) seconded the motion and the motion passed.

XV. CLOSED DOOR TO DISCUSS INCENTIVE AWARDS?

No close session was held because of the motion made above.

XVI. NEXT MEETING

Friday, June 19, 2015 at 11:30 a.m.

Morgan County Attorney's Office will be hosting the next meeting.

(UCDAA's meeting will begin at 9:30 a.m.

SWAP's meeting will begin at 10:30 a.m.)

XVII. ADJOURN