

UTAH PROSECUTION COUNCIL MEETING AGENDA

Wednesday, October 4, 2017, 8:30 a.m.

Hilton Garden Inn
Boardroom
1731 S. Convention Center Drive
St. George, Utah

*Pre-meeting Reminder: The meeting is recorded and the equipment is pretty sensitive.
It does pick up sidebar conversations.*

1. Approval of the minutes from the June 28, 2017 meeting - Steve **Tab A**
2. Financial Report - Bob
 - a. Conference Financial Reports, **Tab B**
 - b. Proposed FY18 Budget, **Tab C**
 - c. Surcharge FY18 and Year to Date, **Tab D**
 - d. FY17 Budget Closeout Report, **Tab E**
3. Past and Upcoming Conferences, **Tab F**
 - a. UMPA Conference, August 3, 4, 2017
 - b. Basic Prosecutor, August 13-18, 2017
 - c. Fall, October 4-6, 2017
 - d. Civil, October 18-20, 2017
 - i. Funding/reimbursement/oversight for this conference
 - e. County Executive, November 16, 17, 2017
4. Training Committee
 - a. Planning Meeting, October 16, 17, 2017
 - b. New members
 - c. Draft by-laws
5. UPAAs Report - Marilyn/Haley
6. Resource Prosecutor Reports
 - a. Tyson: **Tab G**
 - b. Sexual Assault/Domestic Violence Resource Prosecutor (SADVRP) New Hire
7. IT Issues - Ron and Bob
 - a. eProsecutor **Tab H**
 - i. Oversight Committee
 - ii. Fee for system administrator
8. Other Business
 - a. *Brady/Giglio* Oversight Committee, Scott Stephenson, Director POST, Commissioner Squires Designee
 - b. POST Recording Fees
 - c. GRAMA Requests
9. Next meeting: January 5, 2018, 1:00 p.m. (UCDAA 8:30 a.m., SWAP 10:30 a.m.)
10. Adjourn

Director's Summary of UPC Agenda Items

1. Approval of the Minutes.
 - a. See the enclosed pending minutes from the April 26, 2017 , meeting. **Tab A**
2. Financial Report - Bob
 - a. Conference Financial Reports, **Tab B**
 - i. UMPA
 - ii. Basic Prosecutor
 - (1) Still don't have all the numbers so will report on that at the next Council meeting.
 - b. Proposed FY18 Budget, **Tab C**
 - c. Surcharge FY18 and Year to Date, **Tab D**
 - i. Monthly totals since last meeting.
 - (1) Jun 17:\$49,717.27 Jun 16:\$39,007.86
 - (2) Jul 17: \$36,286.88 Jul 16: \$41,366.32
 - (3) Aug 17: \$41,482.06 Aug 16: \$41,134.12
 - d. FY17 Budget Closeout Report, **Tab E**
 - i. Still waiting for final, year-end data from finance.
3. Conferences, **Tab F**
 - a. Regional Legislative Updates
 - i. We trained 385 law enforcement officers and 19 attorneys.
 - ii. Airport security has asked that we come train them. Will be coordinating dates and times.
 - b. Conferences Since Last Council Meeting
 - i. UMPA Conference
 - (1) August 3-4, 2017
 - (a) Well attended with
 - (2) Good comments regarding the conference.
 - (a) One of the best I have attended. Fantastic job by our colleagues and guests.
 - (b) Excellent topics.
 - (c) Relevant and useful topics.
 - (3) Most helpful topics:
 - (a) K9
 - (b) DRE/DUI
 - (c) Immigration Implications
 - (d) DV topics
 - ii. Basic Prosecutor Course
 - (1) August 14-18, 2017
 - (2) 20 students
 - (3) Great comments about the course.
 - (a) Although I had some experience coming in, I was able to

learn much more to add to my bag of tricks and knowledge bank.

- (b) I did not expect to enjoy this conference as much as I did. The format kept me engaged and enjoying myself while learning so much.
 - (c) The faculty [was] amazing.
 - (d) Overall, I am very grateful for the obvious amount of work that went into this conference. Everyone was very well prepared. Everything was also very entertaining and engaging. It seemed like it would be difficult to coordinate so many break out sessions and alternate assignments everyday but it worked out well. Also, all the topics were very relevant to what I run into every day.
 - (e) Really enjoyed it; everyone was helpful; felt like a safe environment to fail.
- (4) Students overwhelmingly wanted evidence lecture brought back. Will do so next year.

c. Upcoming Conferences

i. Fall Conference

- (1) October 4-6, 2017
- (2) St. George

ii. Civil Conference

(1) Date/Location

- (a) October 18-20, 2017
- (b) St. George

(2) **Payment for this conference and future conferences**

- (a) UPC has paid for this conference for many years. As you will recall, we researched the issue and discovered that Mark Nash, on behalf of UPC, agreed that UPC would sponsor and put on the conference. UPC had the manpower and skill to do so. There was also a loose gentlemen's agreement that SWAP would reimburse UPC the cost of sponsoring the conference, but there was nothing in writing.
- (b) Because the surcharge was healthy for a number of years, Mark never asked SWAP to reimburse UPC.
- (c) Last year at Paul Boyden's suggestion, we asked SWAP to reimburse UPC the cost of the past several years expenses.
- (d) There was disagreement on the SWAP board about the need to reimburse UPC for anything. Jami Brackin's position was, and still is, that regardless of the number, a few of those attorneys who attend Civil Conference also prosecute cases in their jurisdictions. That is a true statement.
- (e) SWAP did reimburse us the cost of the 2016 civil conference.

- (f) UPC's statutory obligation is to train prosecutors. The surcharge funds we receive are to be used to train prosecutors. Until the language of the statute is changed, our mandate is to train prosecutors, not civil attorneys in state and local offices. To continue to use limited surcharge funds to pay for the civil conference is an unreasonable request. Those funds could, and should, be used for other necessary expenses.
 - (i) Pay for part-time secretary.
 - (ii) Top Gun, DV 101, Train the Trainer, etc.
- (g) **I am asking the Council to vote to no longer fund this conference.**
- (3) Organizational oversight for this conference
 - (a) With the reorganization of SWAP and the contemplation of hiring its own support staff, that person could easily handle the planning of this conference, with assistance from the civil conference planning committee and the SWAP board.
 - (b) The execution and hosting of the conference could be accomplished by that person, the training committee and SWAP board members.
 - (i) UPC could continue to be a resource but would no longer bear the responsibility for the planning and execution of this conference.
 - (c) This would free up time and resources of UPC staff.
 - (d) **I am asking the Council to divest UPC of the responsibility for planning and hosting this conference and turn it over to SWAP.**
- (4) The Utah Municipal Attorney's Association (UMAA) factor.
 - (a) UMAA has been planning and hosting their own civil conference for many years with no financial or administrative support from UPC.
 - (b) Like SWAP, UMAA members pay membership dues.
 - (c) City attorneys, who are also prosecutors, attend the UMAA conference.
 - (d) While I am not suggesting UPC fund or have any administrative oversight on this conference, the same arguments for continuing to fund the civil conference could be made for UPC to start funding UMAA's conference.
 - (e) In looking at their agenda's, they cover many of the same topics of Civil conference. To save costs, capitalize on speakers and develop better relationships among county and city civil attorneys, perhaps looking at combining these conferences in the future, with county and city specific breakout sessions, might be worth considering.

- iii. County Executive
 - (1) November 16-17, 2017, St. George
- 4. Training Committee
 - a. Scheduled to meet October 16, 17, 2017 to plan next year's calendar.
 - b. Two new members:
 - i. Troy Little, Iron County
 - ii. Jake Summers, City of Orem
 - c. Thanks to Letitia Toombs, Deputy Weber County for her past service.
 - d. Need to draft by-laws to address issues such as:
 - i. Term of service
 - ii. How many members and from what types of jurisdictions
 - iii. Attendance at planning meetings
 - iv. Etc.
- 5. UPAA Report - Marilyn/Haley
 - a. Two positions for board membership will be opening shortly.
 - b. These will be open to county support staff.
- 6. Resource Prosecutors
 - a. TSRP, Tyson: **Tab G**
 - b. SADVRP Position
 - i. My thanks to the interview committee, Marilyn Jaspersen, UPC; Haley Christensen, UPAA Chair, Council Member; Greg Ferbrache, AG Office, Council Member; MAJ Brian Redd, DPS and Donna Kelly, SLCDA and myself.
 - ii. The interview committee unanimously selected Peter Leavitt and is recommending him to the Council. Each candidate interviewed had excellent credentials and would have done a great job but Peter had the "total package."
 - iii. The question of his salary needs to be addressed as outlined in my previous e-mail.
- 7. IT Issues
 - a. eProsecutor
 - i. Because I have sent a couple recent, detailed e-mails regarding the status of this project I am attaching them at **Tab H** rather than retype the information here.
 - ii. Contract with Journal technologies for eProsecutor is in the processing of being signed.
 - (1) Copies of the contract have been previously sent.
 - (2) Signed copy can be viewed in my office.
 - iii. Once the contract is signed, I will send out the Joinder Agreements and MOA's to each of the cities and counties that want the product.

- iv. We currently have 120 committed users interested in receiving eProsecutor.
- v. We need to establish/continue the case management oversight committee. I am proposing the RFP Review committee continue and become the oversight committee.
 - (1) We will need to replace Jared Eldridge.
 - (2) Haley Christensen served on that committee and I appreciate her help. Since Utah County will not be receiving eProsecutor I am proposing an admin person from a jurisdiction that will be receiving the program be appointed to the committee. Since JoEll Rowley, a county admin person, is already on the committee I want to appoint an admin person from a city.
 - (3) Angie Jackson, Spanish Fork City, has volunteered. Spanish Fork has been very active in working with Journal and Utah County to make the program city/misdemeanor user friendly. Of major concern to city prosecutors is the fact that the majority of their cases are commenced by citation. This issue needs to be addressed with Journal to make sure eProsecutor meets this need.
 - (4) The oversight committee will be responsible for determining what changes, modifications, additions, etc. will be added to the program. Journal will not work with individual jurisdictions. Instead, we have to appoint an administrator to be the POC between UPC/individual users and Journal.
 - (5) UPC's Director of IT, Ron, will be this person.
 - (a) Because this will take up quite a bit of Ron's time, I am proposing that each jurisdiction be assessed a fee for this service. Does the Council want to set this or let the oversight committee determine an appropriate cost and bring it to the Council?
- vi. The Grant has been extended 12-months. Gives us some breathing room to get a product in place before we actually pay for it.
 - (1) That was CCJJ's biggest concern.
- vii. CORIS
 - (1) Salt Lake has not gone live because of the AOC's unwillingness to allow eProsecutor to get calendar information directly from CORIS. Lisa Ashman, SLCD's office has put together a group to try and address this problem.

8. Other Business

- a. Establishing a *Brady/Giglio* Oversight Committee, Scott Stephenson, Director POST, Commissioner Squires Designee wants to address the Council on this issue.
- b. POST Recording Fees
 - i. POST can no longer record our conferences for free. Like all agencies, they are having to tighten theirs. In the past we paid Chris Fielding's travel expenses to record Fall and Civil Conferences with POST picking up his salary, equipment, and time spent editing the videos.

- ii. POST is willing to pay for half of those costs. The bill to UPC would be in the amount of \$2,975. The fee includes:
 - (1) Equipment gathering
 - (2) Equipment setup
 - (3) A/V support at the event
 - (4) Event recording
 - (5) Equipment takedown
 - (6) Editing footage and creating a master DVD of the event
 - iii. Is the Council willing to absorb these costs?
 - iv. UPC has small, handheld cameras that record, but not to the level and quality as provided by POST.
- c. GRAMA Issues
- i. Reclassification of October 21, 2015 Council Meeting Minutes
 - (1) Mr. Berkovich appealed the “private” classification of the minutes from this meeting. He waived any privacy interest in those minutes. With that waiver the minutes were reclassified as public and were disclosed to him.
 - ii. Mr. Berkovich requested an unredacted copy of the Memo and packet of information I provided to the Council during the October 21, 2015 Council Meeting.
 - (1) I urged the AG’s office to not release them and asked the AG’s office to classify them as protected. The documents included my Memo to the Council, a statement from Ms. Jasperson regarding two previous incidents involving Mr. Berkovich that included her thoughts on the matter, as well as a copy of an e-mail chain from Mr. Berkovich that Ms. Jasperson had written notes on.
 - (2) The AG’s office denied Mr. Berkovich’s request, classifying the records subject to the attorney-client privilege as well as records prepared in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding.
 - (3) No appeal to the state records committee has been filed yet.
 - iii. Copies of all documents are in my office should any Council Member wish to review them.
9. Next Meeting: October
- a. January 5, 2018, 1:00 p.m. (UCDAA 8:30 a.m., SWAP 10:30 a.m.)
 - b. Location TBD
10. Adjourn