

UTAH PROSECUTION COUNCIL
Wednesday, April 13, 2016
Salt Lake District Attorney's Office
111 East Broadway - 4th Floor
Salt Lake City, Utah

APPROVED MINUTES

UPC : Steven Garside, Chair, Layton City Attorney
Barry Huntington, Chair-elect, Garfield County Attorney
Paul Bittmenn, Cedar City Attorney
Jann Farris, Morgan County Attorney
Stephen Foote, Duchesne County Attorney
Sim Gill, Salt Lake District 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: 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
Tyson Skeen, 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
Scott Garrett, Iron County Attorney
Matt Lloyd, Assistance Attorney General
Chad Platt, Deputy Salt Lake County District Attorney
Kelly Wright, Deputy Salt Lake County District Attorney

I. WELCOME AND APPROVAL OF THE JANUARY 8, 2016 MEETING MINUTES

- A. The Council members were welcomed and the meeting convened.
- B. Jann Farris moved to approve the minutes from January 8, 2016, seconded by Stephen Foote. The motion passed unanimously.

II. REPORT FROM MATT LLOYD, COUNCIL REPRESENTATIVE ON STATE BAR CRIMINAL LAW SECTION

Matt encouraged the Council to become more involved and welcomed its participation in the journal. He indicated that many good articles have been submitted and would like to see more involvement in the criminal law section. The fee to join the criminal law section is \$25.

III. COUNCIL ELECTIONS

Steve Garside indicated that it wasn't until after last Council meeting that it was realized that Jeff Buhmann was ineligible to be elected to the Council. Apologies were extended to Jeff. Therefore, 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.

Jann Farris made the motion to nominate Barry Huntington to be the UPC Chair-elect. Stephen Foote seconded and the motion passed by acclamation.

IV. UPC CONFERENCES

A. Completed Conferences

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

1. Human Trafficking - January 28-29, 2016, Salt Lake County Government Building. It was well attended. No cost to UPC.
2. Train the Trainer - February 8-12, 2015, Layton Courtyard Marriott
UPC was awarded \$16,000 grant from NHTSA/NAPC plus a budget of \$27,000. Total budget was \$43,000. There was no registration fee required. Net cost of the conference was \$21,014.60 to the good. Excellent training from the faculty and a great group of future trainers.

B. 2016 Conference Schedule

In addition to the UPC 2016 Training Schedule the following was mentioned:

1. Spring Conference - April 14-15, 2016, Salt Lake Sheraton
Registration numbers are still coming in. Registration is at 310 participants, but encouraged to receive a few more registrants. Also, this will be Laura Dupiax's last case law update.
2. Regional Legislative Updates (RLU)
A schedule was distributed for the Council's review. City and county attorneys and their staff were invited to attend the updates as the AG's office will have a short presentation on what AG's services are available to them.
3. CJC Symposium/DV Conference - May 16-18, 2016, Snowbird Resort
This year's conference will have a track designated for prosecutors.
4. UPA Conference - June 22-24, 2016, Park City Marriott
Will feature two out of state speakers.
5. UMPA Summer Conference - August 4-5, 2016, Ruby's Inn. The focus will be on drug related driving and will be discussing the effects of legalized marijuana and traffic related offenses.
6. Basic Prosecutor Course - August 15-19, 2016, University Inn, Logan, Utah
Draft agenda has been set.
7. Fall Prosecutor Training Course - October 5-7, 2016, Uintah Conference Center, Logan, Utah.
Draft agenda has been set.
8. Government Civil Practice Conference - October 19-21-2016, St. George Hilton Garden Inn.
Planning committee will meet on April 25, 2016

9. County/District Attorney's Executive Seminar - November 10-11, 2016, Dixie Center, St. George, Utah

V. FINANCIAL REPORT

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

- A. Surcharge Report:
 1. As of February 2016 surcharge receipts ended at \$40,969.33 as compared to the 2015 February surcharge receipts that end at \$48,282.88. March numbers were not available. Overall the budget is in good shape, but Bob will keep a close eye on how the decline of PIMS affects the budget's bottom line.
- B. FY16 Budget/Comparison Report:
 1. Fifty-eight percent (58%) of the budget has been expended. 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 March 18, 2016.
 1. Finalized the remainder of the training calendar.
 2. Still working on ways to best reach rural areas/offices who are not able to come to conferences on the Wasatch Front.
- B. Top three locations recommended for the 2017 Fall Conference include 1st choice Moab, 2nd choice St. George and 3rd choice Springdale. Marilyn was assigned to find the best price with the three recommended locations. Also, include Cedar City and county facilities.
- C. The Training Committee recommended holding Train the Trainer (TtT) once every third year instead of holding it every five years. Then on the off year hold a TtT refresher or Top Gun Trainer (TGT). This course would include TtT master trainers and a select number of students from a previous course. It would be 2-3 days of intense instruction and workshop focusing on honing instructional and critiquing skills. Participants would be used primarily as trainers for TtT, Basic and Trial Skills Courses as well as presenters.
- D. The Salt Lake County District Attorney's announced they are co-sponsoring an NDAA Homicide Conference for prosecutors and law enforcement. It will be held November 2-3, 2017 at the Salt Lake Sheraton Hotel. The focus will be on prosecution and investigation with break out sessions for each respective discipline and then a general session for both. There will be 150 scholarships available. Contact Rich Hamp for registration details.

VII. UPAA

Christine Stevens gave the following UPAA report.

- A. The UPAA conference will be held June 22-24, 2016 at the Park City Marriott.
- B. There are two board positions available. The Board decided to take applications at the conference. Notice of the vacancies will be sent out a month prior to the conference.

VIII. RESOURCE PROSECUTORS REPORTS

- A. Donna Kelly referred the Council to the in depth SA/DVRP report as outlined in the handouts. Donna had the opportunity to assist David Wayment in a DV case that went to trial. She indicated it was a great experience and would like to do more if her schedule allowed.

- B. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. He expressed an interest in getting out to each county attorney and learn what he can do best to serve their jurisdiction.

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. PIMS:
 - 1. Ron has been resolving problems when users use Windows10 and newer browsers. For now things are working as they should.
 - 2. PIMS will continue to run as long as the software will support it and as long as Ron is around.
 - 3. Ron has developed an online conference evaluation program. It will be launched at the 2016 Spring Conference. There will be a paper back-up as needed.
- B. Case Management Issues
 - 1. Under Jeff Buhmann’s lead, several jurisdictions met with representatives from Justware/NewDawn and had a phone conference with Karpel. As a result of the discussion, Jeff reported that Karpel did not seem very interested and were not flexible to “our” needs. Justware’s proposed pricing depended on how many people sign up on the UPC grant funded program. They proposed a user and hosting fee as they want to host the data. For 1 to 150 users \$1,000 per license plus \$500 hosting fees for a total of \$1500. To get a cost-effective price an agency would need 200 users. Higher than 200 users there would be the potential for the grant to pay for part of the fees. Also, there is an additional 30% cost to add in law enforcement, etc. Jeff felt this would be doable given the grant.

Sim Gill reported that the SLDA’s office is in the final stages of their RFP process. The AG’s RFP has closed. They received fewer responses than anticipated. Bob thanked Sim, Lisa Ashman and others in the SLDA’s office for allowing UPC to plagiarize from their RFP. UPC’s first RFP draft has been submitted to state purchasing for their review. Bob will make an update report at the next meeting.

X. JOHN R. JUSTICE GRANT

In addition to the in depth report in the Director’s Summary, Bob Church reported 2016-17 JRJ grant application period is now open. Approximately \$32,000 will be available this year. DOJ announced that beginning with this award grantees will have to provide matching funds. Because there is no money in the budget to match these funds, this will be the last year UPC will be able to participate in this program.

XI. LEOJ

Paul Boyden has agreed to conduct at least one more LEOJ course.

XII. UPPAC

Next UPPAC meeting will be held 12:00 p.m., Thursday, April 14 at the Sheraton Hotel.

XIII. OTHER BUSINESS

- A. Meeting with AG Reyes -
Bob will be meeting with General Reyes and will make a report to the Council at its next meeting.
- B. UPC's Statute
This item was tabled for another meeting.

XIV. CLOSED DOOR MEETING

Barry Huntington made the motion to go into an Executive Session. Sim Gill seconded the motion and the motion passed unanimously. The Council went into closed door session. At the conclusion of their session, the Council reconvened and formally adjourned.

XV. NEXT MEETING

It was decided to hold the next Council meeting in Park City in conjunction with the UPAA conference.

Friday, June 22, 2016
12:30 p.m.
Park City Marriott
1895 Sidewinder Drive
Park City, Utah

XVI. ADJOURN