

**UTAH PROSECUTION COUNCIL**

**Friday, June 24, 2016**

**Park City Marriott**

**1895 Sidewinder Drive**

**Park City, Utah**

**PENDING 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  
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: Brock Belnap, Washington County Attorney  
Jeff Buhman, Utah County Attorney  
Wade Faraway, Assistant Attorney General  
Greg Ferbrache, Justice Division Director, Utah Attorney General  
Darcy Goddard, Deputy Salt Lake County District Attorney  
Will Carlson, Deputy Salt Lake County District Attorney  
Jason Sant, Spanish Fork City Attorney  
Robert Van Dyke, Kane County Attorney

**I. WELCOME. MEMORIES OF CHAD**

- A. The Council members were welcomed and the meeting convened.
- B. Fond memories were expressed in behalf of Chad Platt who passed away recently.

**II. APPROVAL OF THE JANUARY 8, 2016 MEETING MINUTES**

- A. Jann Farris moved to approve the minutes from April 13, 2016, seconded by Paul Bittmenn. The motion passed unanimously.

### **III. REPORT FROM MATT LLOYD, COUNCIL REPRESENTATIVE ON STATE BAR CRIMINAL LAW SECTION**

Bob Church gave the following report as Matt was excused. Bob reported that Matt and Tegan Troutner, AAG presented an ethics training at the Bar on “Social Media Pitfalls.” The CLE was presented by the Criminal Law Section. Clayton Sims co-presented and gave the criminal defense perspective. After the training elections were held. Joel Kittrell was voted in as the Chair, and John Gunderson, Defense Attorney, as Vice Chair. Also, Mike Bohem, SLDA's Office was made a member of the committee. There was a new member of the committee assigned to work on CLE. Colleen McGee, past Chair, expressed thanks to UPC for Matt's appointment. Bob indicated that he was not aware that UPC should track this appointment, but will watch it more closely in the future. Bob encouraged anyone who would like to submit scholarly articles to the Utah Journal of Criminal Law are welcome to do so.

### **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. Regional Legislative Updates
  - a. Was well received. Over 300 officers attended.
  - b. Greg Ferbrache and others from the AG's Justice Division was a new addition to the training. They discussed the various task forces in the AG's office and other services they can provide. They mentioned the VIRTRA trainer. We plan to have them come every year.
2. CJC/DV Conference
  - a. Held May 16-18, 2016
  - b. Great attendance from prosecutors. Great reviews asking for the same prosecutor track next year.
  - c. Keynote speakers were almost all suggested by Donna/UPC.
3. UPAA Conference
  - a. June 22-24, 2016, Park City Marriott
  - b. This conference concluded just an hour before the Council meeting. Please refer to VII below for the full UPAA report.

#### **B. 2016 Conference Schedule**

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

1. 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. There will be some UMPA business matters addressed (i.e., new UMPA By-Laws, election of President, President Elect and Executive Representative and more involvement in MIS-LAC.)
2. Basic Prosecutor Course - August 15-19, 2016, University Inn, Logan, Utah  
Draft agenda has been set. AnnMarie Howard has been invited to be part of the full time faculty. She replaces Matt Bates. AnnMarie is a recent graduate of Train the Trainer. There will also be other graduates from Train the Train to start teaching at the course.
3. Fall Prosecutor Training Course - October 5-7, 2016, Uintah Conference Center, Logan, Utah featuring Creighton Horton! The title or theme of the conference is mental issues, “Magical Mystery Tour: What Happens When Your Case Involves Mental Health Issues.”  
Draft agenda has been set.
4. Government Civil Practice Conference - October 19-21, 2016, St. George Hilton Garden Inn.

- Draft agenda has been set.
- 5 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:

The surcharge report includes receipts through to May 2016. Below are the monthly totals since the last meeting.

- |    |                     |                     |
|----|---------------------|---------------------|
| 1. | Mar 16: \$53,799.07 | Mar 15: \$52,186.65 |
| 2. | Apr 16: \$48,853.94 | Apr 15: \$57,988.06 |
| 3. | May 16: \$55,338.18 | May 15: \$49,032.16 |

B. FY16 Budget/Comparison Report:

1. Final grant reimbursement numbers for Donna's and Tyson's salaries and grants will be available until July.
2. Conference registration and PIMS fees continue to come in.

C. Proposed FY17 Budget

1. Reimbursement from SWAP
  - a. Several years ago SWAP had agreed to reimburse UPC for the costs of Civil Conference. Paul Boyden approached Bob and proposed reimbursing UPC \$42,437.40 for the last five years conferences. UPC has not sought or asked for reimbursed since taking over the coordination of this conference. After a lengthy discussion, it was decided to table this item and forward it to SWAP for their full consideration and response.
3. Non-lapsing Carryover - \$50,000
  - a. This is only a projection based on the past four years.
4. PIMS Income
  - a. The following is how Bob determined the amount:
    - (1) He subtracted those agencies who have already gone to a third party vendor from the list of PIMS users. That would mean UPC would receive approximately \$20,000 in PIMS income.
    - (2) Bob planned for UPC having its own case management system sometime in the next fiscal year.
    - (3) Not everyone will come on board during the next fiscal year, simply due to the amount of time it takes to install the software and work out the bugs.
    - (4) Therefore, Bob projected that our PIMS income would be reduced by half next year and accounted for PIMS income of \$10,000.00.
5. \$105,190.00 carry over.
  - a. Bob didn't show this as income on the first comparison report sent out last week. With this additional income UPC is in a good position financially.

Stephen Foote made the motion to approve the proposed FY17 Budget. Barry Huntington seconded. The motion carried unanimously.

## **VI. TRAINING COMMITTEE REPORT**

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

The committee's next meeting will be October 17-18, 2016. They meet bi-annually, typically, in March and October.

### **A. New Presenters**

1. Steve reported that with Laura Dupaix retiring and Matt Bates taking the bench there is the need to find new presenters. The following individuals were suggested as possible presenters for Spring Conference.
  - a. Ryan Tenney, formerly from the AG's office, now at the U.S. Attorney's office, Blair Wardle with the Box Elder County Attorney's office and Peter Leavitt with SLDA's office.
  - b. John Nielsen, AG's office, has agreed to present the Supreme Court case update at Fall Conference.
6. Will Carlson was introduced. He will be Chad Platt's replacement for the legislative update. Welcome Will.

## **VII. UPAA**

Christine Stevens gave the following UPAA report.

- A. The UPAA conference concluded just an hour before the council meeting.
- B. It was a banner year with 101 in attendance. By all accounts, it was very well received.
- C. Twelve individuals took the CUPA exam. Results on how many passed the exam will be reported at the next Council meeting. The question was asked if the test could be viewed by the bosses. In order to keep the integrity, confidentiality of the test and the scores private of those who take the test, the Board has made it a practice not to release the test or test results. However, to give the bosses a sample of what is on the test a compressed exam will be made available at the County Executive meeting in November. County attorneys will have the opportunity to test their knowledge on criminal and civil questions.
- D. There are two board positions available. Chris will report on those replacements at the next meeting.

## **VIII. RESOURCE PROSECUTORS REPORTS**

- A. Donna Kelly referred the Council to the in depth SA/DVRP report as outlined in the handouts.
- B. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts.

## **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. Bar code scanners for conference registration.
  1. Ron has developed a way to create bar codes for individual attendees to scan when they attend a conference. UPAA was the first conference to try out the new feature.
- B. Case Management
  1. Received a 12-month extension through August 31, 2017.
  2. RFP Process
    - a. Met with State Purchasing and got their feedback on the RFP. Bob started making the changes but was interrupted with the legislative updates.

- b. It is hoped to have the changes made, submitted and back from Purchasing by the end of July, early August.
    - c. Will issue the RFP after that.
  - C. PIMS
    - 1. Bob anticipates at least one more year of PIMS billing. Once a contract is entered into for a CMS it will take time to get it installed across the state.

**X. UPPAC**

Nothing new to report. Bob invited questions. Hearing none, he moved to the next item.

**XI. JOHN R. JUSTICE GRANT**

Bob Church made the following report.

- A. The application process closed for this year's grant. DOJ's matching requirement does not go into effect until after next year's grant. This means two more years of JRJ.

**XII. OTHER BUSINESS**

- A. Berkovich GRAMA Request  
This item was moved to the Closed Door Meeting under IX.
- B. UPC's Statute  
Bob Church gave an in depth report on this item. Please refer to the Director's Summary for details. Bob will, however, update the Council at the next meeting on the out come of the survey. He will know more if it will be economically possible for UPC to become its own entity, relocate and whether to change the language in the statute from public attorneys to prosecutors.
- C. Sexual Assault Kit Initiative (SAKI) Training Prosecutor  
Bob Church gave an in depth report on this item. Please refer to the Director's Summary for details. In summary, CCJJ received a grant for a 3/4 time person. This person would develop a victim center approach in investigating, prosecuting and notifying victims of cold case sexual assault cases within Salt Lake County. On June 6<sup>th</sup>, Bob, Greg Ferbrache, Ned Searle and April Ensign met to discuss the position and the apparent challenges. Greg Ferbrache suggested that it might be a better fit if this person was housed with Heidi Nestel at the Utah Crime Victims Legal Clinic. April and Ned were assigned to approach Heidi. Bob will report the findings at the next meeting.

**IX. CLOSED DOOR MEETING**

Barry Huntington made the motion to go into an Executive Session. Scott Sweat seconded the motion and the motion passed unanimously. The Council went into closed door session.

**X. NEXT MEETING**

In conjunction with the Fall Prosecutor's Training Conference.

Wednesday, October 5, 2016

8:30 a.m.

SpringHill Suites by Marriott

1205 West Highway 40

Vernal, Utah

**XI. ADJOURN**