

**UTAH PROSECUTION COUNCIL**  
**Friday, June 13, 2014**  
**Morgan Search and Rescue Building**  
**862 East Mahogany Ridge Road**  
**Morgan, Utah**

**APPROVED MINUTES**

UPC : Stephen Foote, Chair, Duchesne County Attorney  
Marlesse Jones, Assistant Layton City Attorney (*designee Steven Garside, Assistant Layton City Attorney*)  
Paul Bittman, Cedar City Attorney  
Jann Farris, Morgan County Attorney  
Sim Gill, Salt Lake District Attorney  
Barry Huntington, Garfield County Attorney  
Scott Reed, Chief Deputy Attorney General (*designee of Attorney General Sean Reyes*)  
Kelly Sparks, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)  
Scott Sweat, Wasatch County Attorney

EXCUSED: Sean Reyes, Utah Attorney General  
Commissioner Lance Davenport, Utah Department of Public Safety  
CeCelia Zarbock, UPAA Chair, Provo City Attorney's Office  
Donna Kelly, Staff Attorney

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

GUESTS: Matthew Bates, Deputy Summit County Attorney  
Paul Boyden, Executive Director, SWAP  
Jami Brackin, Deputy Summit County Attorney  
Jared Eldridge, Juab County Attorney  
Dale Eyre, Sevier County Attorney  
Dee Smith, Weber County Attorney  
G. Mark Thomas, Uintah County Attorney  
Troy Rawlings, Davis County Attorney  
Ryan Robinson, West Valley City Attorney  
Dave Wilde, Deputy Salt Lake District Attorney  
Kelly Wright, Deputy Salt Lake District Attorney

**I. WELCOME AND APPROVAL OF THE APRIL 9, 2014 MEETING MINUTES**

- A. The Council members were welcomed and the meeting convened.
- B. Jann Farris moved to approve the minutes from April 9, 2014, seconded by Sim Gill. The motion passed unanimously.

## II. UPC UPDATE

Bob gave the following report highlighting upcoming UPC projects and events:

- A. Donna Kelly - Trauma Informed Response:  
Donna has been working with Detective Justin Boardman of West Valley City Police Department on the Trauma Informed Interview protocol and has received attention from the National Institute Justice. Among other projects, please refer to Donna's in depth report below.
- B. Ed Berkovich - Upcoming Regional Training/workshops and Google Forum:  
Ed has spearheaded some regional skills workshops. The first one will be held in Vernal, Utah on August 15, 2014. David Cole from the Davis County Attorney's office has agreed to be a co-presenter. The focus will be on electronic documents, introducing them, etc. Ed is also working on launching a new UPC Google Forum. Among other projects, please refer to Ed's in depth report below.
- C. Greg Ferbrache - New AG Justice Division Director:  
There have been many changes within the Attorney General's office. Greg Ferbrache is the new Justice Division Director and Kristine Knowlton is his Deputy Director.
- D. Law Clerk:  
John Orr is the new UPC law clerk. He is a "rising" 2L and is attending S.J. Quinney College of Law at the University of Utah. Go Utes!  
Also, John is the editor of the UPC Newsletter. Bob and John are working with ITS on establishing a UPC Newsletter email address so prosecutors throughout the state can submit any articles, suggestions, photos, cases etc., they would like published in the newsletter. Bob invited the council to use that email address when it goes on line.
- E. My Transition:  
Bob reported that the transition has gone smoothly. Mark Nash has been invaluable in helping Bob with the John R. Justice application process and finalizing the budget.

**III. PIMS/IT REPORT:** In addition to the detailed report in the Director's Summary, Ronald Weight and Bob Church gave the following PIMS report. Bob referred the Council to the handout "Ron Weight Report PIMS Assessment and Options, 4-16-14" outlining the status of PIMS, what the options are and what the future will be for PIMS. Bob welcomed guidance and/or a recommendation from the Council and the Governance Committee as to how to proceed with PIMS.

- A. Ron's Report/Proposals:
  1. As it sits, PIMS is a viable product. There is no money in the UPC budget to cover the costs of e-filing integrations or further expansions. Ron estimated those costs would be \$600 per user per year which would be equal to or more than a third party enterprise would charge. Also, should the number of users decline, the remaining user's costs would increase. Ron estimated the life span of PIMS is approximately three to five years or until Microsoft upgrades its operating systems. Ron doesn't anticipate that happening for, at least, five years, but there is no way of knowing when that will occur. Another problem is whether AOC will decide to change the way they accept e-filings. Overall, Ron recommends continuing supporting PIMS as is with minor fixes or until it phases out.
  2. E-Filing:  
Blake Nakamura reported that there have been e-filing problems with AOC. Blake has tried to contact AOC to address the issue but AOC has either declined or they have not responded at all. It appears that other prosecutor

offices are experiencing the same problems. Also, it appears that AOC is having issues with their own system. Part of the problem is AOC did include the prosecution side in their initial design. After a lengthy discussion, Sim Gill made the motion to create a small committee consisting of a representative(s) from UPC, SWAP & UCDA and any county attorney who would like to be included to meet with AOC and express the concerns and try to resolve the problems directly. Jan Farris seconded the motion and the motion passed unanimously. Bob and Blake will work together in establishing a committee and will contact AOC to schedule a meeting.

B. Future of PIMS:

1. It was determined that UPC would not continue e-filing integration, but can continue as it is with making minor fixes. The down side is that those agencies who continue to use PIMS will have to figure out their own e-filing patch.
2. Funding to keep PIMS viable. Bob reported that the number of PIMS users has gone from 607 to 278 and could potentially continue to decline. After a lengthy discussion regarding the financial impact in keeping PIMS operating for existing users, the Council determined that user fees remain at \$103 per user for the next six months effective July 2014 to December 2014 and then reassess at the January 2015 meeting.
3. For those agencies who are or will be replacing PIMS with a third party vendor, Sim Gill welcomed other agencies to be part of his RFP proposal. This will help keep costs down. Also, the hope is to find a system that all or most agencies statewide can use and maintain some uniformity.
4. Legislative approach. Bob reported that in April, Donna Kelly was involved in a meeting with Rep. Hutchings where he recognized that UPC needed additional funding for training. Bob explained that in a recent meeting with Spencer Austin regarding replacing PIMS, Mr. Austin was supportive in approaching Rep. Hutchings, as an overture to training, for one-time legislative funding to purchase a third party vendor. The Council agreed that Bob and other county attorneys should meet with Rep. Hutchings and make a presentation as explained above. Also, it was suggested to apprise Rep. Hutchings of the AOC e-filing situation and see what help he can offer. Sim Gill and Jared Eldridge stated that they would like to be involved in that meeting. Sim Gill made the first of two motions that PIMS maintain its status quo with minor fixes as well as maintain the offense table, to discontinue any e-filing integration or future development. The motion was seconded by Paul Bittman and it passed unanimously. Sim Gill made the second motion that representatives from the Council and/or any other interested county attorney approach the Rep. Hutchings for one time monies from the legislature for a statewide system including the implementation. The motion was seconded by Barry Huntington and it passed unanimously.

C. PIMS Governance Committee: Council Decision on Future of PIMS.

It was suggested that Bob keep the PIMS Governance Committee apprised on the situation as things develop from the meetings with the AOC and with Rep. Hutchings and PIMS Governance Committee continue to report and make its recommendations to the Council.

D. Non-payment

Bob distributed the hand out entitled "PIMS Users Current and Projected Remaining Users User Fees Not Paid. The Council agreed that Bob continues sending invoices to PIMS users for payment in a six-month increment. Sim Gill made the motion that UPC

PIMS users be billed a user fee of \$103 per user in a six-month increment effective July 2014 to December 2014. However, if the legislature comes through with any funding the user fee would be adjusted beginning the next billing cycle. Scott Sweat seconded the motion and the motion passed unanimously.

- E. IT-UPC needs Ron regardless of what happens to PIMS  
Bob informed the Council that Ron is an invaluable part of the UPC team. Ron has been with UPC for more than 15 years and he has many other responsibilities besides PIMS. In short, if there were no PIMS, UPC would still need to keep Ron.

#### **IV. FINANCIAL REPORT:**

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

- A. FY14, year to date:
  - 3. Surcharge report:
    - a. The surcharge report includes receipts through May of 2014. Surcharge receipts in April came in at \$48,676 which was the lowest in four years. May was higher than last year coming at \$51,806.94. The year to date total is \$443,731.
  - 4. PIMS User Fee Income Report: Bob Church distributed a report reflecting all PIMS user fee received to date. Bob invited questions. Hearing none, he moved to the next item.
  - 5. Detailed Expenditure Report: Bob Church distributed detailed expenditure reports covering the months of April and May and invited questions. Hearing none, he moved to the next item.
  - 6. Budget Comparison Report: Bob Church distributed the budget comparison report for FY 14. Most of the conferences ended the year under budget. The Sexual Assault Conference and Spring Conference ended with a surplus. Bob noted that the total for TSRP training came in at 237%. However, most of those costs were offset by the TSRP grant. Also, there was no pay out for Unusual Prosecution Expenses as no applications were received. To date, we net an income of \$22,717.70 pending the figures for June. Should there be any money left on the table, Bob would like to purchase new computer equipment and update UPC's audio visual equipment.
- B. FY15
  - 1. Proposed Budget
    - a. Bob Church distributed three proposed budgets including: 1) UPC Proposed Budget FY 2014-15 - PIMS Income, Minimal Maintenance (Essentially Ron's Option 6)," 2) PIMS Income, E-filing Patch (A mix of Ron's Options 4, 5 but having state DTS create the e-filing patch)," and 3) "No PIMS Income, Support or Maintenance (Ron's Option 2)." Bob Church recommended Budget #1 understanding he will be making some cost adjustments because of the motion made above under III. D. Bob reviewed and discussed the proposed budget with the Council. Bob stated he will bring the proposed training items listed in his recommended budget to the next October 2014 UPC Training Committee meeting for their review and recommendation. It was suggested that Bob send out a survey to all county attorneys on what topics they would like introduced at a White Collar conference. Sim Gill made the motion to accept the tentative proposed budget #1 "UPC

Proposed Budget FY 2014-15 - PIMS Income, Minimal Maintenance (Essentially Ron's Option 6) pending the final adjustments that will be presented at the September UPC meeting. Paul Bittman seconded the motion and the motion carried unanimously.

**V. AOC, E-FILING:**

Blake Nakamura reported on the current status of e-filing at the Salt Lake County District Attorney's office. Please refer to III. A. 2 above.

**IV. TRAINING COMMITTEE REPORT:** Bob Church gave the Training Committee Report for Training Committee Chair Steve Garside.

A. The Training Committee will be meeting in October for its annual fall planning session. The meeting will be held in Springdale, Utah on October 13-14 in conjunction with the Government Civil Practice Conference will be held October 15-17, 2014 at Zion Park Inn.

**VIII. UPAA REPORT:**

Marilyn Jasperson gave the UPAA report for CeCelia Zarbock.

A. The UPAA Conference will be held June 18-20, 2014 at the Homestead in Midway, Utah. To date, 87 people have registered for the conference.

B. There are two vacant positions open on the UPAA Board. Marcy Duke left because she accepted a position with the Springville Police Department and Teresa Manzanares will be retiring. Application notices will be sent out the first of July. The Board hopes to have those positions filled by September.

**V. STAFF ATTORNEY REPORTS:**

A. Ed Berkovich, UPC TSRP and Donna Kelly, SA/DVRP reports were included in the Director's Summary.

**VI. OTHER BUSINESS:**

A. Best Practices Training.

The topic and issues on best practice is an up and coming topic. Bob Church stated that Kristine Hammon from the Department of Justice (DOJ) will be presenting on "Best Practices" at the 2014 Fall Conference. He asked the Council if they would like to meet with her prior to the Fall Conference and discuss criminal justice best practice issues. Also, Ms. Hammon has been sending Bob publications on the topic. Bob asked the Council if they would to receive them as well. Also, Bob stated that there is a Best Practice Conference that will be held in Denver, Colorado sometime in September 2014. The DOJ is sponsoring a grant to send two people from every state to the conference. Ryan Robinson, West Valley City Attorney and G. Mark Thomas, Uintah County Attorney expressed an interest in attending the conference. Sim Gill made the motion to send Ryan Robinson, West Valley City Attorney and G. Mark Thomas, Uintah County Attorney to the Best Practice Conference in Denver, Colorado on September. Barry Huntington seconded. The motion carried unanimously.

**VII. NEXT MEETING:**

Wednesday, September 10, 2014

8:30 a.m.

St. George Courtyard by Marriott

ADDRESS

St. George, Utah

**VI. ADJOURN**