

UTAH PROSECUTION COUNCIL
Friday, June 19, 2015
Morgan Search and Rescue Building
862 East Mahogany Ridge Road
Morgan, Utah

APPROVED MINUTES

UPC : Steve Garside, Co-Chair, Layton City Attorney (*designee of Stephen Foote*)
Paul Bittman, Cedar City Attorney (*designee of Chris Stevens*)
Jann Farris, Morgan County Attorney
Barry Huntington, Garfield County Attorney
Kelly Sparks, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)
Scott Sweat, Wasatch County Attorney (*designee of Commissioner Sim Gill*)

EXCUSED: Stephen Foote, Chair, Duchesne County Attorney
Sim Gill, Salt Lake District Attorney
Sean Reyes, Utah Attorney General
Commissioner Lance Davenport, Utah Department of Public Safety
Chris Stevens, UPAA Chair, Millard County Attorney's Office
Ronald Weight, IT Director

UPC STAFF: Robert J. Church, Director
Edward Berkovich, Staff Attorney
Donna Kelly, Staff Attorney
Marilyn Jasperson, Training Coordinator

GUESTS: Matthew Bates, Deputy Summit County Attorney
Paul Boyden, Executive Director, SWAP
Jami Brackin, Deputy Summit County Attorney
Tim Taylor, Deputy Utah County Attorney
G. Mark Thomas, Uintah County Attorney
Ryan Robinson, West Valley City Attorney
James Swink, Cache County Attorney
Kelly Wright, Deputy Salt Lake District Attorney

I. WELCOME AND APPROVAL OF THE APRIL 15, 2015 MEETING MINUTES

- A. The Council members were welcomed and the meeting convened.
- B. The minutes were approved as there were no comments and/or additions.

II. UPC CONFERENCES

In addition to the detailed report in the Director's Summary, Bob Church and Marilyn Jasperson gave the following report.

- A. Completed Conference
 - 1. Spring Conference: The gross cost of the conference came in at \$24,135.85. After crediting registration fees of \$27,450, the net cost of the conference ended at \$3,314.15 to the good. Attendance for this year was at 346 versus

360 from last year. The low numbers were attributed to less law enforcement attendance. Overall the conference received high marks with the exception of the civility presentation given by Judge Lowe. A few Utah County attorneys felt some of his remarks were misrepresented.

- B. Upcoming Conferences and Remainder of Year
 - 1. Utah Prosecutorial Assistants Association (UPAA) - June 24 - 26, 2015, St. George, UT
 - 2. Utah Misdemeanor Prosecutor Association (UMPA) - August 6, 7, 2015, Moab, UT
 - 3. Basic Prosecutor Course - August 17 - 21, 2015, Logan, UT
 - 4. Fall Prosecutor Training Conference - September 16-18, 2015, Park City, UT
 - 5. UPC Training Committee Meeting - October 12, 13, 2015, Moab, UT
 - 6. Government Civil Conference - October 14, 16, 2015, Moab, UT
 - 7. White Collar Crime - November 12, 2015, South Jordan, UT
 - 8. County Executive - November 12, 13, 2015 St. George, UT

III. FY 15 FINANCIAL REPORT

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

- A. Surcharge report:

The surcharge totals seem to be trending down in comparison to last years. Surcharge receipts in April came in at \$57,988.06 and May was at \$51,538.72. The year to date total is \$593,385.28. There was a discussion in developing a strategy in collecting surcharges from Justice Courts as well as to contact POST and see what their strategies is (i.e., HB 85) and mirror them in an attempt to have reliable funding every year.
- B. Comparison Report - Budget vs. Actual
 - 1. PIMS Income: The income amount was under estimated as Bob anticipated more jurisdictions to leave PIMS. To date, however, more than expected jurisdictions were showing. Most likely that trend will not continue.
 - 2. Conference Materials: This included the new UPC jackets and the Travel Council Calendars which were more expensive than expected.
 - 3. SVRP Training:
 - a. At \$3,709.76, the total cost of SVRP Training was \$3,209.76 than the \$500 budgeted. Bob explained that Donna was invited to two national DV conferences this year. Bob felt it was important for her to attend in order to stay current on informed trauma response training, lethality assessments, etc.
 - b. Expended 11.6% of budget on Legislative Update training and only 9.8% on Regional Workshops which was used partially to cover SVRP training.
 - 4. Council Meetings: At \$4,500, the total cost of the meetings was \$6,386.79 leaving an overage \$1,886.79. Next year's budget will be increased to fully cover meals, mileage and lodging expenses.
 - 5. Training Committee: At \$7,000 budgeted, the total cost of the Training Committee meetings was \$7,964.56 leaving \$964.56 as an overage. Bob will account for the increase in next year's budget.
 - 6. Out-of-state Travel:
 - a. NAPC: At a total of 108.7% expended. Budgeted \$8,350.00, the

total expenses came to \$9,078.19 leaving an over budget of \$728.19. Donna acknowledged that these meetings were not as useful for her to attend so she will no longer go to these meetings.

7. Personnel Services: Salary and benefit are at a variable amount due to overlapping between old and new FY year. This should be resolved by next council meeting when Finance close FY15 year end in July.
- C. Detailed Expense Reports for Spring Conference: As shown above under II. A. 1. Hearing no questions, Jann Farris made the motion to approve the FY15 Budget as explained. Paul Bittman seconded the motion and the motion passed unanimously.

IV. FY16 BUDGET

A. The Budget Itself

Bob proposed the FY 16 budget using the same conservative methods as last years.

1. Based on Mark's advice, Bob budgeted for \$574,000. Projected what our FY15 YTD surcharge total would be then add 5% coming to a total of \$593,385.
 2. Keeping in mind that Donna's grant reimbursements continue to go down and it is anticipated this downward trend will continue. So, UPC will pay \$28,697.39 of Donna's salary. Also, Ed's grant pays 90% of his total salary. UPC pay \$12,127.33 of Ed's salary.
 3. PIMS User Fee income is anticipated to be low in case there are a large number of users who leave PIMS. If the numbers remain relatively the same, this figure will be higher at the end of the FY.
 4. FY16 Income
 - a. Surcharge receipts, as stated above, should come in at \$593,385.28. plus 5% of that total (\$28,265.97.)
 - b. Non-lapsing funds comes to an average of \$48,881.00. This amount is based on the last five years.
 5. Legislative Update budget was substantially reduced from \$7,000 (last year's budgeted amount) to \$1,500 because of going paperless.
 6. Train the Trainer (TtT) will not be in the budget this year. NHTSA will be sponsoring a \$20,000 TtT grant which Bob will apply for.
 7. Incentive Awards for UPC staff - \$5,000 was budgeted but maybe used for other expenses as needed.
 8. Unusual Prosecution Expense was not included in the budget to date. However, it could be included depending on final numbers at year end.
 9. UPPAC line item reflects \$1,000 that would cover mileage, catering, supplies, etc. Bob proposed this amount should the Council approve the creation of this advisory committee.
 10. Net Income ended at \$891.53 based upon available current figures. Hearing no questions, Barry Huntington made the motion to approve the FY16 Budget as explained. Jann Farris seconded the motion and the motion passed unanimously.
- B. If the surcharge remains low: Bob presented possible ways to address budget concerns as outlined in the Director's Summary. The council discussed each suggested item which included looking into no-cost venues, soliciting corporate sponsors to evaluating staff attorney grants should they go away. It was suggested that Donna require all of her travel expenses be covered by those requesting her

training services (i.e., meals, mileage, lodging and airfare.) It was suggested to find out what are Donna's mileage expenses when she travels around the state to train law enforcement. The Regional Legislative Updates should be included in that calculation as well.

V. TRAINING COMMITTEE REPORT

Steve Garside gave the Training Committee Report for Training Committee Chair Steve Garside.

- A. The Training Committee last met in March. Rich Hamp, Deputy Salt Lake County District Attorney's, has expressed a willingness to work with us on training. The Training Committee will be meeting in October for its annual fall planning session in Moab on October 12-13 in conjunction with the Government Civil Practice Conference which will be held October 14-15, 2015 at the Moab Valley Inn.

VI. UPA A REPORT

Marilyn Jasperson gave the UPA A report for Chris Stevens.

- A. The UPA A Conference will be held June 24-26, 2015 at the St. George Courtyard Marriott. Chris will report on the conference at the next meeting.

VII. STAFF ATTORNEY REPORTS:

- A. Ed Berkovich, UPC TSRP and Donna Kelly, SA/DVRP reports were included in the Director's Summary. Ed asked the Council members if they would like to be cc'd on his emails to law enforcement. The Council members agreed that would be appreciated.

VIII. IT Issues: PIMS / CASE MANAGEMENT / WEB PAGE

In addition to the detailed report in the Director's Summary, Bob Church gave the following report in Ron Weight's stead.

- A. PIMS: Ron has indicated that PIMS should be viable for another five years. Bob referred the Council to those jurisdictions who have paid for PIMS during FY14/15.
- B. Case Management: In the interest of time, Bob referred Council members to the Director's Summary.
- C. Webpage: Bob encouraged the Council members to check out the new UPC web page and sign up as a member. He mentioned the Toolbox is up and running and UPC has received quite a few samples but that they need to watermark them as a "Draft" before loading them on the page. Creating a UPC face book page was suggested.

IX. UTAH PROSECUTOR POLICY ADVISORY COMMITTEE (UPPAC)

Bob asked the Council for their approval to establish UPPAC. He directed the Council's attention to his memo outlining its details and involvement of its members. Bob highlighted the areas of focus which would include *Brady/Giglio*, Body Cameras, Officer Involved Shoots and Ethics, develop DV best practices, address 6th amendment issues. It is hoped that this committee will be an effective clearing house and resource to prosecutors around the state as well as recommending policies. There would be no binding authority. It would work closely with representatives from UPC, SWAP, UCDA A, UMPA, etc. which representatives would act as the executive committee. Bob would act as Chair, in a non-voting capacity, until the committee becomes fully functioning. After some discussion, regarding time invested, attendance of extra meetings it was felt that it would be beneficial if Utah was ahead on some of its policies in addressing the mentioned issues. It was suggested that UPPCA would be the appropriate committee to update The Prosecutor Handbook. Scott Sweat made the motion to

approve the creation of UPPAC as proposed and that the committee meet and create a synopsis outlining their role for the Council's review. Barry Huntington seconded the motion and the motion carried with Jann Farris opposing. Jann was concerned that the Council and UPC's time would not be taken away from more pressing issues.

X. CONFERENCE SOFTWARE

Bob informed the Council there is a conference management software available called EventBrite/Eventmobi. Features include e-evaluations, e-certificates, e-payment by credit cards, makes instantaneous registration/evaluation reports, etc. Cost would vary from conference to conference. This software was used at the CJC/DV Conference and might be something for UPC to consider in the future. Barry Huntington made the motion to see if a conference management software would be cost effective. Jann Farris seconded the motion and the motion carried. Bob will give an update report at the next Council meeting.

XI. STATUS OF UPC EMPLOYEES

As outlined in the Director's Summary, a meeting has yet to be scheduled. Bob will continue to try to reach Spence Austin and schedule a meeting. Until then, Bob will table drafting any UPC policy. Bob will keep the Council apprised of his progress.

VII. INTERSTATE COMPACT COUNCIL

Jann Farris made the motion to nominate Dale Eyre to serve on the Interstate Compact Council. Barry Huntington seconded the motion. The motion passed unanimously.

NEXT MEETING:

Wednesday, September 16, 2015
8:30 a.m.
Park City Marriott
1895 Sidewinder Drive
Park City, Utah

IV. ADJOURN