

These minutes have been approved by the Utah Prosecution Council.

**UTAH PROSECUTION COUNCIL
Friday, June 29, 2018
Historic Coalville Court House
60 N. Main Street
Coalville, Utah**

APPROVED MINUTES

UPC : Barry Huntington, Chair, Garfield County Attorney (*designee of Jann Farris, Morgan County Attorney*)
Robert Cosson, Chief Prosecutor, St. George City Attorney
Steven Garside, Layton City Attorney
Kathy Locker, UPAA Co-Chair, Salt Lake District Attorney's Office (*designee of Haley Christensen, UPAA Chair, Utah County Attorney's Office*)
Will Carlson, Deputy Salt Lake County District Attorney (*designee of Sim Gill, Salt Lake County District Attorney*)
Ann Marie Howard, Deputy Juab County Attorney (*designee of Ryan Peters, Juab County Attorney*)

EXCUSED: Haley Christensen, UPAA Co-Chair, Salt Lake County District Attorney's Office
Jann Farris, Morgan County Attorney
Stephen Foote, Chair-elect, Duchesne County Attorney
Sim Gill, Salt Lake County District Attorney
Ryan Peters, Juab County Attorney Sean Reyes, Utah Attorney General
Commissioner Keith Squires, Utah Department of Public Safety
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*) *via telephone*

UPC Bob Church, Director
STAFF: Marilyn Jaspersen, Training Coordinator
Marlesse Jones, Staff Attorney
Tyson Skeen, Staff Attorney
Ronald Weight, IT Director

GUESTS: Chris Allred, Weber County Attorney
Jami Brackin, Deputy Summit County Attorney
Jeff Buhman, Utah County Attorney
David Carlson, Justice Division Director, Utah Attorney General
Patricia Cassell, Deputy Summit County Attorney
Ric Cantrell, Chief of Staff, Utah Attorney General
Darcy Goddard, Police Advisor, Salt Lake County District Attorney's Office
Johnnie Miller, Chief Executive Officer, Utah County Indemnities Pool
Margaret Olsen, Summit County Attorney
Reed Richards, SWAP Legislative Liaison, Deputy Weber County Attorney
Ryan Robinson, West Valley City Attorney
James Swink, Cache County Attorney

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I. WELCOME AND APPROVAL OF THE MINUTES - APRIL 25, 2018

- A. The Council members were welcomed and the meeting convened. Council members thanked Margaret Olsen for hosting the meeting.
- B. Will Carlson (*proxy of Sim Gill*) made the motion to approve the April 25, 2018 minutes. Barry Huntington seconded the motion and it passed unanimously.

II. FINANCIAL REPORT

- A. Financial Reports
 - Bob Church gave an in depth financial report up to the month of May. June receipts were not available.
 - Surcharge FY18 and Year to Date
 - 1. Monthly Totals Since Last Meeting
 - a. Apr 18: \$47,117.21 Apr 17: \$49,389.48
 - b. May18: \$48,471.43 May 17: \$43,946.73
 - 2. YTD Surcharge Totals
 - a. May 18: \$463,012.34 May 17: \$461,076.90
 - 3. YTD Court Receipts
 - a. DC 2018: \$2,849,419.18 DC 2017: \$3,155,892.74
 - b. JC 2018: \$13,060,147.90 JC 2017: \$12,705,236.80
- B. FY18 Year End Budget
 - 1. We have yet to receive year end numbers from the AG's office before this year's books can be closed. Typically, finance runs 6-8 weeks behind before we get those figures.
 - 4. Bob will give a final report at the next September meeting.
- C. Draft FY19 Budget
 - 1. Bob has yet to meet with the AG's finance director in order to finalize the new fiscal year numbers. Conservatively, he estimated that UPC would receive \$537, 000 of surcharge dollars.
 - 2. Projected Surcharge Carryover: At least \$150,000, for two reasons.
 - a. It is anticipated that this year's carry over will be \$40-50,000
 - b. Bob projected that approximately \$92,300 in a carry over because a SADVRP was not on board until October. A portion of those funds will sponsor three scholarships to send prosecutors to NDAA's Prosecuting Sexual Assault Conference. UPC paid for their registration fees from this year's funds and the balance will be carried over into next year.
 - 3. \$30,000 from the AG's office.
 - a. The funds will be used for DV training. \$12,000 of that for Basic as the case scenario is DV based. The remaining balance will go toward scholarships to send up to eight prosecutors to NDAA's Prosecuting Domestic Violence Conference.
 - b. Those funds will be a pass through only for this year.
 - 4. Advanced Trial Skills

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This course hasn't been held in almost 4-years. Training committee is looking at revamping the curriculum.

5. Cyber Crime Conference
Marilyn attended Idaho's prosecutor assistant's conference and brought back several great ideas for speakers and conferences. One of those ideas was a presentation given by Michele Stuart on Internal Profiling and Intelligence Gathering. Her presentation was an all day, intense, and interactive presentation. The thought is to develop a Cyber Crime Conference around Ms. Stuart's material and include local presenters for a day and a half training.
6. DV101 Bootcamp.
Should there be the carryover as anticipated, we will sponsor and hold a DV101 Bootcamp conference sometime next year. The format will be similar to Basic but with an intense focus on DV issues.
7. Part-time Secretary
Hopeful to have a part-time secretary, however, this will be the first expense cut if the funds do not materialize as projected.
8. PIMS to eProsecutor. As PIMS income has been trending down, Bob anticipates that trend to continue to decline.
9. Tyson's grant accounting has been redefined in QuickBooks so we have a better view of his income and expenses. Also, Bob noted that Tyson's recent salary increase was absorbed by the grant and not UPC.
10. Bob has asked for a break down of the \$35,700 administrative fees UPC pays to the AG's office to make sure we are not doubling our costs for items such as office furniture, etc.
11. Budgeted \$2,000 for a new county attorney training which will be held sometime in January 2019.
12. A donation of \$2500 to the Utah Journal of Criminal Law as approved by the Council.
13. Continuing to budget \$2,000 for LEOJ.

Dave Carlson made the motion to approve the proposed budget as of this date with the understanding the budget will be finalized come September's meeting. Will Carlson (proxy of Sim Gill) seconded the motion and the motion passed unanimously.

D. John R. Justice Grant

The committee met June 18th. Steve Garside gave the JRJ Grant report as Bob was out of town when the committee met. Steve Garside stated that the number of applicants has gone down and the committee divided the funds of approximately \$38,000 as evenly as possible between those selected. The funds were divided in half meaning that defense attorneys' received more than prosecutors as there were more prosecutor applications, everyone did receive something. Notifications will be forthcoming.

III. TRAINING COMMITTEE REPORT

In addition to Steve Garside's, UPC Training Committee Chairs, report, please refer to the Director's Summary for details. The Training Committee met last March. Their next meeting will be October 15-16 in Moab at the SpringHill Suites & Inn. He highlighted the following that will be discussed at the next committee to be held in October.

A. New Conferences to Plan

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1. The Advanced Trial Skills Course
 2. Top Gun (a Train the Trainer refresher course)
 3. DV 101 Bootcamp
 4. Cyber Crime Conference (as mentioned above)
- B. Upcoming Conferences
1. Fall Prosecutors Training Conference - Provo Marriott - Sept. 19-21, 2018 (the District Judicial Educational Conference will be held the same time.)
 2. Basic Prosecutor Course - The Riverwoods Conference/SpringHill Suites - August 20-24, 2018. New location and different date.
 3. Civil Conference - Moab SpringHill Suites by Marriott - October 17-19, 2018
 4. UMPA - Moab SpringHill Suites by Marriott - November 8-9, 2018
 5. County Attorney Executive Seminar - St. George Dixie Center - November 15-16, 2018.
- C. (Reminder) 2019 Fall Conference will be held at one of the following locations 1st choice, Moab or 2nd choice St. George. Marilyn was asked to find a venue that will honor the state rate.

IV. UPAA REPORT

Kathy Locher and Marilyn Jaspersen reported made the following UPAA report.

- A. The UPAA Conference was held June 20-22. It was very well received with 87 in attendance. A banner year!
- B. They announced there are two open board member positions and welcomed any recommendations.
- C. Marilyn reported that this year's UPAA appropriation came under budget.

V. RESOURCE PROSECUTORS REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. He reported on his training schedule. Tyson highlighted that he has trained a little over 1600 people and with three months remaining in his grant year end he anticipates training close to training 2000 people. To expand his audience, Tyson provided a marijuana training at Bryce Canyon at the Prevention Coalition Annual Conference which included school principles, county human services, etc. as a result several people asked if he'd be willing to present at schools or at a town hall. This would be a great outreach opportunity. Also, Tyson has been invited to present at the Justice Court Annual Conference in September and will be presenting along with a defense attorney.
- B. Marlesse Jones referred the Council to the in depth SADVRP report as outlined in the handouts. She reported on her training schedule. Her main focus for the next few months will be the HB 200 training. She has received excellent responses in regards to training of a victim's perspective. She will be reaching out to judges so they can get the same training a law enforcement and prosecutors.

VI. IT ISSUES

- A. eProsecutor

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In addition to the in depth report in the Director's Summary, Ronald Weight and Bob Church reviewed comments as outlined in the Director's Summary. Please refer to the Director's Summary.

1. Additional Grant funding (\$235,000).
Bob anticipated being notified in June but found out that the grant will not be awarded until mid-September, possibly after the next Council meeting.
2. Amended MOA
Until notified when/if the grant will be awarded, he will wait to update and send out the MOA with the final status of grant funding and what each jurisdiction could be assessed. The counties/cities who have signed the MOA include: Beaver County, Iron County, Garfield County, Sanpete County, Kane County, Summit County, Sevier County, Juab County, Cedar City, Grantsville City, Park City, Saratoga Springs City, Spanish Fork City, West Valley City, and Wasatch County.
3. Ron made the following report.
 - a. Ron has been working on the lists/drop down lists.
 - b. Has firmed up a development page that users can access and review
 - c. Still working on the juvenile and civil component that is almost ready for testing.
 - d. Overall, hoping to be ready in September for a couple of users to test it and work out any glitches. Absent any major issues, could possibly begin deployment the first of 2019.
 - e. Those who have signed the MOA will be the first to go online.
 - f. Also, hopefully by September the additional grant question should be answered.
 - g. Kathy Locher mentioned that SLCounty will be ready to go by August 1st. This will give us the opportunity to see where any issue might pop up.
 - h. City codes. Cities / counties will be defined by a code in the system and the information will only be accessible by the originating agency.
 - i. Working on a feature to search if a defendant has a pending case in another jurisdiction. Not sure if this feature can be integrated with other systems.
 - j. Question was asked if there is a way to shut off the feature involving expungments on specific defendants /cases. As part of the security system, Ron will address that issue and get back to the Council.
 - k. Interfacing with law enforcement will not be done now, but JTI will contract separately with any agency who would like this feature. Currently, this is not part of the contract but down the line could be a possibility.

VII. UPC STATUTE

In addition to the in depth report in the Director's Summary, Bob Church reviewed comments as outlined in the Director's Summary. Please refer to the Director's Summary and under Tab G that includes all the requested changes, additions, deletions, etc. from last

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Council Meeting. New material is reflected by color and underline specifically the following

1. The unusual prosecution expense reimbursement was kept.
2. 6 members constitutes a quorum “Consistent with state personnel policy” was added to the sections relating to the director’s responsibility to appoint and supervise administrative staff and the Council’s authority to establish the compensation for the director, resource prosecutors and administrative staff.
3. Absent any new changes, Steve Garside has a representative he will ask to sponsor this change.

Will Carlson (*proxy of Sim Gill*) made the motion that Steve Garside asks Senator Stephenson to sponsor legislation as discussed and address the finance issues. Steve Garside seconded the motion and the motion passed.

VIII. UMAA MEETING AND TRAINING

Bob met with Clint Drake, President of UMAA and discussed combining their conference with the Fall Civil Conference. Based on their agenda and needs, there wasn’t an over abundance of enthusiasm or support. They have a very good attendance currently filling the Hilton Garden Inn ballroom and may have to find a new location for their conference. UMAA pay dues and they are a 5013-C. However, the invitation to collaborate is still open.

IX. POST RECORDING FEES

Bob Church followed up with Director Stephenson on this issue. In short, POST is unable to reduce their video recording and production costs. The discount price is \$3,000.

XI. VIRTRA TRAINING

The response has been phenomenal. Every slot has been filled and everyone reported they had a good time. UPC is willing to continue to offer this opportunity on a monthly basis.

XII. OTHER BUSINESS

A. LEOJ

Will Carlson will follow up with Nic D’Alesandro and Vince Miester regarding who will coordinate this event. UPC will continue to donate \$2,000.

XII. NEXT UPC MEETING:

Wednesday, September 19, 2018

8:30 a.m.

Provo Marriott Hotel

XVI. ADJOURN