

UTAH PROSECUTION COUNCIL

Wednesday, April 17, 2019

UAC Offices

5397 S Vine Street

Salt Lake City, Utah

APPROVED MINUTES

UPC : Barry Huntington, Chair, Garfield County Attorney
Will Carlson, Deputy Salt Lake County District Attorney (*designee of Sim Gill, Salt Lake County District Attorney*)
Robert Cosson, Chief Prosecutor, St. George City Attorney
Jann Farris, Morgan County Attorney
Stephen Foote, Chair-elect, Duchesne County Attorney
Steven Garside, Layton City Attorney (*designee of Haley Christensen*)
Ryan Peters, Juab County Attorney
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)

EXCUSED: Haley Christensen, UPAA Co-Chair, Utah County Attorney's Office
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General
Commissioner Keith Squires, Utah Department of Public Safety

UPC

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

GUESTS: Jeff Buhman, SWAP
Nic Mills, TITLE
Ed Montgomery, South Jordan City Attorney
Yvette Rodier, Deputy West Valley City Attorney
Scott Sweat, Wasatch County Attorney
Robert VanDyke, Kane County Attorney

WELCOME AND APPROVAL OF THE MINUTES - JANUARY 11, 2019

The Council members were welcomed and the meeting convened.

Stephen Foote made the motion to approve the January 11, 2019 minutes. Will Carlson seconded the motion and it passed unanimously.

Robert Church reported that Trajan Evans is UPC's new law clerk. Trajan comes

from the AG's office and shares his time between UPC and AG's office. Marilyn followed up on the non-timely payment of registration fees. Below are the percentage of outstanding fee that have been paid for only 2018.

- | | |
|-----------------|----------------|
| 1. Fall - 100% | 4. Civil - 85% |
| 2. Spring - 45% | 5. Basic - 95% |
| 3. UMPA - 50% | 6. UPAA - 50% |

Offices and individuals interested knowing if they are outstanding can contact Marilyn.

E. Credit Card Payments

As outlined in the Director's Summary, registration payment by credit card is available through Eventbrite with a small fee of .25% per participant per event (i.e., \$75 registration x fee = \$73.16. The council discussed the possibility of increasing the registration fees to compensate for the fee. Marilyn will revisit the issue with state finance and check with the courts to see what system they use. The Training Committee recommended increasing the registration up to \$100 - \$125.

II. COUNCIL RETREAT

Mark your calendars for the Council retreat to be held on September 9-10, 2019 in Kanab.

III. FINANCIAL REPORT

Robert Church gave the following in depth financial report. Additional information can be found in the Director's Summary.

A. FY19 Budget Comparison Report

Having nothing to report and hearing no questions, Bob moved to the next item.

FY19 Surcharge Report
Monthly Comparison.

Mar 19: \$45,452.90	Mar 18: \$49,277.63
Feb 19: \$38,364.08	Feb 18: \$43,322.61
Jan 19: \$35,066.189	Jan 18: \$37,262.05

FY 20 Budget Issues to be Aware Of

The AG's employees will receive 2.5% COLA approved by Legislature plus an additional \$1.5M to be distributed among employees in ways yet to be determined. Bob asked Craig Barlow, Acting Justice Division Director, if UPC will receive a portion of the appropriation for Ron and Marilyn as they are merit employees and if UPC will be reimbursed for bonus funding since the AG's office receives an appropriation to cover the cost of employee incentive awards. He will update the Council at the next meeting.

IV. TRAINING COMMITTEE REPORT

Steve Garside, Chair of the UPC Training Committee and Robert Church gave the

training committee report. Additional information can be found in Directory's Summary.

A. Train the Trainer

1. Held March 18-22, 2019 at the Holiday Inn Express, Springdale, UT (the former Zion Park Inn.)
2. The following individuals were invited to attend.

Bastian, Lance	Utah
Carlson, Will	DA
Nielson, John	AG
Rodier, Yvette	WVC
Scott, Christine	Utah
Telles, Ivy	Summit
Wardle, Blair	Box Elder
Choate, Andrew	US Attorney's Office
Dotson, Chad	Iron County
Klenk, Shane	Iron County
Mills, Nic	Kaysville City
Wuthrisch, Steve	AG
3. The course was very well received. Will Carlson commented that the skills he learned changed his presentation approach. He realized there was a difference from entertaining to educating. Yvette stated she has already applied the skills she learned in trials. Bob stated this year's group of students was outstanding and UPC will be using them in upcoming conferences as either presenters or faculty for Basic. He also complimented the faculty for their outstanding efforts.

B. 2019 Train Schedule

1. Spring Conference to be held April 18-19, 2019 at the Salt Lake Sheraton.
 - a. Wifi Fees
Bob explained that wifi fees was one of largest costs, particularly, for Spring Conference. The Council discussed whether to continue to offer this service or have participants rely on their own data plan, or increase registration fees to compensate for this cost. Before making a decision, the Council assigned Marilyn to assess what the wifi cost has been for each conference from the past year. Based upon that information, the Council will evaluate the results at the next meeting.

IV. UPAA REPORT

- A. There are currently two openings on the board - city and county positions.

V. RESOURCE PROSECUTOR REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. It was noted that Tyson trained 1,711 people, the most ever trained by a Utah TSRP since we've been keeping track of the numbers.

- B. Marlesse Jones referred the Council to the in depth SADVRP report as outlined in the handouts. Marlesse has train 1,923 people.
In addition, Bob mentioned that he asked Ron and Marilyn for the same data. Marilyn trained 171 people at three conferences. Ron provided hands-on, technical training to 36 people.

VI. IT ISSUES - ePROSECUTOR

- A. Grant funding.
The final \$235K grant funds were awarded/committed. Grant manager says it should come through in the next few weeks. These funds will cover the entire purchased price of the contract.
- B. Current Project Status
 1. Ron reported that on Monday, January 7, 2019, South Jordan City and Wasatch County went live with very little problems or glitches. Provo City and Juab County are expected to go live later this month.
 2. JTI will be providing training/support until the above mentioned four offices are up and running after that Ron will then take over that role. If Ron runs into an issue, he can consult with JTI .
 3. Those offices who have signed the agreement will be next in line to go live. They need to contact Ron to set an appointment. It is anticipated there will be a total of 150 users. If that number is exceeded the costs associated with additional users will need to be addressed.
 4. There is a search facility in the system where a user can search for a case to see if a defendant has other issues in another jurisdiction. Information is limited to the court case and a phone number to contact that respective court.
 5. Tyson will continue doing the offense table.
 6. Ron will be maintaining local/city codes. If there are changes to the codes, agencies need to contact Ron so he can update the system.
 7. The civil portion will be added sometime in May 2019.
 8. Sending declinations automatically will be a separate project in the future.
 9. Access to the testing version and live version is available. The civil portion will be added in May.
 10. The UPC webpage has been updated to include an eProsecutor section that addresses common problems and how to solve them. Also, Ron will be posting how-to videos in the near future.

Ron was complimented on the great work he's been doing as he is always responsive and helpful whenever called upon.

VII. 2019 LEGISLATIVE SESSION

- a. UPC Statute
Bob indicated that his last conversation with Steve Garside is that Steve has contacted a representative.
- b. .5% Surcharge, \$70,000 in DV training dollars
Dan Burton, AGO has reached out to Rep Hutchings to try and schedule a

meeting with Bob, Steve Garside, Reed Richards to discuss recovering the \$70,000 in DV training dollars. Bob has language drafted to present at the meeting.

VIII. FINANCIAL ISSUES

Robert Church discussed the following financial issues for the Council's consideration. Additional information can be found in the Director's Summary as well as the addendum to the budget.

A. Non-timely payment of registration fees consisting of 2018 Spring to County Attorney Executive Seminar

1. Out standing registration fees and the associated problems was discussed. The time frame covered only 2018 conferences which included Spring Conference to County Attorney Executive Seminar. It was noted that the County Attorney Executive Seminar does not require a registration fee even though UPC pays for the CLE.

Recommended remedies included:

- a. Email an invoice to the participant, office secretary/manager, and the boss/office.
- b. UPAA Board will be asked to develop a regional contact list of office secretaries/managers so the appropriate office personnel will receive the notices.
- c. After 90 days of no response, to process the payment/donation.
- d. Going forward, there will be no change to the registration process. However, the participants' access to the evaluation/CLE link will not be activated until payment is received. Participants will have 90 days to make payment and thereby be able receive credit for the conference(s) they attended. If the participant does not respond after the 90 days, they could self report. Bob will send out an email blast for the 2019 conferences. Also, the change will be noted on the UPC website, the registration page, it will be included on UPC brochures, and will be announced at each conference.

Question regarding credit card payments. Marilyn has contacted finance and was turned down because the AG finance department did want to deal with processing fees associated with the transactions. However, she will revisit the issue with AG finance department and report at the next meeting.

B. Increase in registration fees to \$125

1. Increasing the registration fee from \$75 up to \$125 was mentioned.
 - a. UPC provides a high quality training for a very inexpensive rate.
 - b. Over the past 10 years UPC has lost about \$77,000 in surcharge reimbursements.
 - c. In the past 5 years Marilyn, Ron and Bob have not received any kind of pay raise, other than the minimal COLA's approved by the

legislature. There are no funds available this year for raises. Bob encouraged the Council to consider pay raises for FY20.

The question will become on how to fund raises. Without raising registration fees, in UPC's current situation, we would have to look at cutting services, conferences.

C. Additional conferences

1. UPC has its standard repertoire of conferences that our budget can meet. When we start adding additional conferences, we obviously run into budgeting challenges.

There are times we must offer additional training, i.e., Train the Trainer. This is a significant cost that strains our budget and staff time. Bob provided a list of speciality conferences. However, given our current financial situation does not allow us to legitimately consider offering them. It was discussed to partner with other agencies. Collaborate with other agencies and include break out sessions or a dedicated track of specific subjects. Fall Conference would be a good event to add break outs/tracks. The latter may be the solution to accommodate prosecutors demanding schedules and maximize attendance.

D. Change UPC's funding from surcharge funds to dedicated funds was discussed.

1. Reed Richards and Bob have preliminarily talked about this.

E. Charge an administrative fee to the JRJ grant

1. Up until now, UPC has absorbed the cost of all the work involved in managing this grant.
2. The grant does allow administrative costs to be charged to the grant. If the Council decides to charge the grant, we'll have to look at the requirements and see just how much we can reasonably charge and then document it.

IX. "CHALLENGE THE PROCESS"¹

Robert Church discussed the following section for the Council's consideration. Additional information can be found in the Director's Summary.

- A. Bob mentioned that he has attended a couple of leadership conferences as well as read leadership books. His intent was to bring this process to the Council and discuss how UPC can become a better organization and how to provide the best services for our clientele. What UPC as an organization can learn and benefit from examining what we do and why we do it. For example:

1. What is the Council's role? Are Council members talents being fully utilized?

¹ *The Leadership Challenge, How to Make Extraordinary Things Happen in Organizations*, 6th Edition, James M. Kouzes and Barry Z. Posner

2. How can the Director improve the existing processes?

Bob proposed having a Council retreat later this summer where the Council can discuss those items outlined in the Director's Summary as well as other issues the Council feel are important. The Council agreed that a retreat would be beneficial. Bob will check the calendar for May/June dates. Looking at the Prosecutor Handbook was a suggested agenda item.

X. OTHER

A. NDAA Veteran's Committee

1. Bob informed the Council that he has been invited to be on this committee to address how veterans interact with the criminal justice system, whether as a defendant in a case or a veteran.

B. Orem ALJ

With the Council's approval, Bob applied for and was hired to be Orem's ALJ. This will only require a few hours each month. He will be hearing appeals to their nuisance ordinance and hearings will be scheduled on his days off or take annual leave so as not to interfere with his full-time responsibilities. He has a 30-day termination clause in his contract with the City if needing to cancel the contract.