

UTAH PROSECUTION COUNCIL

Friday, January 10, 2020

UAC Offices

5397 S Vine Street

Murray, Utah

Approved Minutes

UPC : Stephen Foote, Chair, Duchesne County Attorney
Robert Cosson, Chief Prosecutor, St. George City Attorney
Steven Garside, Layton City Attorney (*designee of Scott Stephenson, Deputy Director of P.O.S.T*)
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*)
Ryan Peters, Juab County Attorney

EXCUSED: Robert VanDyke, Co-Chair, Kane County Attorney
Haley Christensen, UPAA Co-Chair, Salt Lake County District Attorney's Office
Jann Farris, Morgan County Attorney
Sim Gill, Salt Lake County District 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 Attorney
Jeff Buhman, Direct, SWAP
Patricia Cassell, Deputy Summit County Attorney
Ryan Robinson, West Valley City Attorney

- I. WELCOME AND APPROVAL OF THE MINUTES - SEPTEMBER 9-10, 2019
 - A. The Council members were welcomed and the meeting convened.
 - B. *Scott Stephenson* (designee Steve Garside) made the motion to approve the September 9-10, 2019 minutes with one correction on Page 11, #11, b. iii, (6),

(a) from “ He attends their meetings once a year to “He attends their meetings quarterly.” Ryan Peters seconded the motion and it passed unanimously.

II. FINANCIAL REPORT

Bob Church gave an in depth financial report up to the month of September 2019. Please refer to Director’s Summary for additional details. Highlights that were discussed are listed below.

A. Budget Issues

1. Increase in registration fees
Bob directed the Council’s attention to Tab B and explained that since the Council approved an increase in registration fees (\$75 increase to \$125 for public attorneys and \$300 increase to \$350 for private attorneys) the increase must be approved by the legislature. There was an error made when it was entered in as part of the AG’s budget. Bob has been working with Walsh, CCJJ and Kimberley Schmelling, AG’s Financial Director to and clarify the errors. Dave indicated that there should not be any problems with the fee increase. Bob will be staying in closed touch him on the issue.

Dave correct problems issue.

2. FY20 Comparison Report, Tab C
- a. Registration fees collected are lower than anticipated which means attendance has been lower. Not sure why.
 - b. eProsecutor user fees are still being collected.
 - c. PIMS user fees are substantially more that expected.
3. FY20 Surcharge Report, Tab D
Monthly receipts comparison 2018 with 2019.
- | | | |
|----|----------------------|----------------------|
| a. | July 19: \$39,620.27 | July 18: \$40,609.48 |
| b. | Aug 19: \$40,166.28 | July 18: \$40,015.45 |
| c. | Sep 19: \$40,556.98 | Sep 18: \$39,099.57 |
| d. | Oct 19: \$42,000.94 | Oct 18: \$36,553.45 |
| e. | Nov 19: \$36,364.91 | Nov 18: \$41,462.63 |
2. Year to Date:
- a. 2019: \$198,709.38 2018: \$197,740.58

The good news is that last three to five months have been higher than last year. Up \$968.80 ahead of last year.
Stephen Foote asked when did the surcharge decline from 85-90%?

III. INFORMATION REQUEST TO AOC/OSDC

- 1. Tab E referred to the letter Bob Church sent to Dan Burton that was directed to the Administrative Office of the Courts and the Office of State Debt Collection. Dan forwarded the draft versions to the AG’s representing these two agencies as an original not as a “draft” and should be treated as an original request.
- 2. Tab F refers to the information OSDC provided which was not very explanatory.

Bob spoke with Michael Dreascal, AOC about providing some explanation of the chart and what it means but has yet to hear back. While in the meeting Will Carlson text Michael Dreascal of which Mr. Dreascal responded indicating he was in the process of getting back to Bob. Bob will follow up and report at the next meeting.

IV. COURTS NOT IMPOSING FINES

In addition to the details in the Director's Summary, Bob Church reviewed the informal survey which seemed to indicate that it was mostly Justice Courts who were imposing fines even in the cases of indigent defense cases. Those in attendance gave Bob their input to the survey as well. Council discussed what the best response should be in regards to the surcharge collection. Comments included that the justice system is being paid on a user fee basis with the discretion of the courts. Are defendants accountable or should the public pay into the criminal justice system? Who should pay for the criminal system those who use it or have dedicated funding? Another comment is that citizens who don't commit crimes don't want to pay for criminal fines and those that do commit crimes should get the message that if they don't want to pay a criminal user fee to stop criminal behavior. What is the purpose of the criminal system? Argue that certain crimes have mandatory minimum fine. Bob will follow up and make keep the Council apprised.

V. 2020 LEGISLATIVE SESSIONS

In addition to the details in the Director's Summary, Bob Church reported the following.

1. Surcharge Issues

The discussion from IV continued into this item. Bob indicated that on Wednesday, February 12th he will be giving a 15 minute presentation at the Executive Office of Criminal Justice Appropriation Subcommittee meeting regarding who UPC is and what we do. Council advised Bob to only touch on the surcharge as it relates to all agencies who receive its funding but indicate that a more in depth discussion should follow in the interim.

2. Boards and Commissions

a. HB10 Boards and Commissions Amendments. As mentioned above regarding the Wednesday, February 12th meeting Bob met with Alex Wilson, Legislative Affairs and he advised Bob that his report would be a justification of UPC as to why UPC should continue to exist and why it should continue receiving it's funding. As it relates to the surcharge, Mr. Wilson is aware of the declining surcharge. The Legislature will look at the different entities receiving surcharge funding and will most likely prioritize the entities in the order of importance. UPC may have an advantage in that UPC has been receiving surcharge funding the longest. If we can show the value UPC provides to state prosecutors, hopefully that will help keep UPC on the list to continue receiving funding. Those entities deemed least may be cut altogether. Then a reassessing of the funding and/or receive dedicated general funding for those left on the list. Mr. Wilson advised Bob to report on the following key elements such as the number of trainings UPC provides, number of prosecutors who come to UPC training, what percentage of their CLE do prosecutors get from UPC conferences. Bob will show training cost comparison, cost effectiveness, quality training comparison, types of training, availability of training, the affect on offices having to find CLE credits elsewhere, etc. Bob will be sending out a questionnaire to all prosecutor offices in order to garner information to be compiled into a packet. UPAA

Board members will help to distribute the questionnaire and gather the information. Council suggested to showcase UPC's successes. Also, UPC will develop a matrix in order to track the successes either thru course evaluations, surveys, and/or questionnaires and use the UPC forum to help track input. Council discussed the possibly of UPC being repealed in 2024 and how to best reach out to Legislature in support of UPC. Comments reflected that it was not the intent of HB10 to eliminate UPC but a review of Boards and Commissions by Legislators as to organizations relevance. As stated above, Bob is to present UPC's purpose and why UPC is so critical and why continuing its funding is worthwhile. Bob will report at the next meeting.

- b. As previously thought, POST will not relinquish their 18%.

VI. SWAP/UPC PROPOSED BEST PRACTICES POLICY

In addition to the details in the Director's Summary under Tab H, Bob Church and Jeff Buhman, Director, SWAP indicated the draft proposal was in it's final form with one or two minor adjustments. SWAP will be holding a press conference on January 22, 2020 to announce and introduce the policy. The message is to convey a strong message to the public and legislature that prosecutors are serious about the being the best, most ethical, proactive prosecutors, and are self regulating no matter what. Prosecutors are invited to be at the press conference. Council discussed other policies such as charging/over charging policies. Steve Garside made the motion to endorse SWAP's pursuit of the proposed Best Practices Policy Ryan Peters seconded the motion and the motion passed.

VII. TRAINING COMMITTEE REPORT

Please refer to the Director's Summary for details. Steve Garside's, UPC Training Committee Chairs reported that the Training Committee met in October 2019. In light of the budget and training needs Steve recommended that the training schedule remain about the same with the standard conferences but incorporate smaller skill based training. For example, Fall Conference will offer two hours of two skill based topics. The committee created some criteria regarding paying speakers. The following was proposed. For participating on a panel.

1. If already attending and no preparation other than contribute to the discussion, no travel costs would be reimbursed by UPC and \$125 registration fee will be required.
2. If already attending and having to prep materials, UPC would cover one night lodging and one day per diem and \$125 registration fee required.
3. If invited, did not plan to attend, and having to prep materials, UPC will cover one night lodging and one day per diem and \$125 registration fee waived.

For a main presenter the following practice would apply:

1. Presenter would seek approval and that agency would cover travel expenses. \$125 fee waived.
2. If approved to present but “no” to pick up expenses, UPC would cover one night lodging and one day per diem and \$125 registration fee would be waived.
3. Variation of the above on a case by case basis.
4. Whatever is decided needs to be conveyed up front.

The training committee discussed creating Bylaws and agreed that the committee did not need bylaws.

Will able to hold the DV Boot Camp. It will be held at the Holiday Inn Express in Springdale March 17-20.

Spring Conference will be held April 30 - May 1 at the Salt Lake Sheraton Hotel.

, Ap

IV. UPAA REPORT

Kathy Locher reported made the following UPAA report.

- A. The UPAA Conference will be held June 24-26 at the Park City Sheraton.
- B. There are two open board member positions and will be taking applications at the conference.
- C.

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

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 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 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’s role will continue to donate \$2,000.

XII. NEXT UPC MEETING:

Wednesday, September 19, 2018
8:30 a.m.
Provo Marriott Hotel

XVI. ADJOURN