

Utah Prosecution Council Meeting

Wednesday - September 22, 2021, 9:00 a.m.

Approved Minutes

Present: Robert L. Cosson, Co-Chair, St. George City Attorney (In person)
Dan Burton, Chief Policy Advisor, Utah Attorney General(*designee of Sean Reyes, Utah Attorney General*) (In person)
William Carlson, Deputy Salt Lake County District Attorney(*designee of Sim Gill, Salt Lake County District Attorney*) (In person)
Steven L. Garside, Assistant Layton City Attorney (*designee of Stephen D. Foote, UPC Chair, Duchesne County Attorney*) (Remotely)
Kathy Locher, UPAAC Chair, Salt Lake County DA's Office (In person)
Ed Montgomery, City of South Jordan (*designee of Ryan Peters, Juab County Attorney*) (In person)
Yvette Rodier, Deputy West Valley City Attorney (Remotely)
James Swink, Deputy Weber County Attorney (*designee of Troy Rawlings, Davis County Attorney*) (In person)
Robert Van Dyke, Kane County Attorney (In person)

Excused: Stephen D. Foote, UPC Chair, Duchesne County Attorney
Jess L. Anderson, Utah Commissioner of Public Safety
Ryan Peters, Juab County Attorney
Scott Stephenson, Deputy Director of P.O.S.T. (In person)
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General

Guests: David Leavitt, Utah County Attorney (In person)
Ryan Robinson, West Valley City Prosecutor (In person)

1. WELCOME AND APPROVAL OF THE MINUTES - JUNE 28, 2021

- a. The Council members were welcomed and the meeting convened.
- b. Rob Van Dyke made the motion to approve the June 28, 2021. Will Carlson seconded the motion and the motion passed unanimously.

2. FY22 BUDGET REVIEW

- A. Bob Church gave an in depth report on the FY21 budget. Please refer to Director's Summary for additional information. Bob reported that instead of a \$11K carry over, the budget was in better shape then projected ending with a carry over of \$95. With this one time wind fall, we will be able to hold trainings such as Train the Trainer, Advanced Trial Skills, and/or a Visual Skills course. Other ways to utilize those funds would be to fully cover costs for attendees at Basic and Train the Trainer, hire a law clerk and reinstitute extraordinary expense reimbursements.

Bob informed the Council that he applied for a CCJJ grant which would reimburse of up to \$89,897 of Ron's salary. He is confident it will be awarded but did not build that into this budget. He will apply for the same grant each year but stated it's not a guarantee we would receive the funding each year. Currently, without the extraordinary expenses, he budgeted to have \$25K in carry over without the additional grant funding.

There was in depth discussion regarding the Council revisiting staffing needs, compensation, salaries and incentive wards. Questions were raised on how salaries and incentive awards are determined in relation to the UPC statute and state policy and procedures. The Council decided to hold a separate meeting without UPC staff in attendance too further discuss staffing needs. Bob will schedule a date and time in conjunction with the County Attorney Executive Seminar which is scheduled for November 10-12, 2022 in St. George at the Dixie Center. He will also provide the Council with pertinent information prior to the meeting along with date and time of the meeting.

Having said that, Bob stated that with the current budget as explained, he Recommended returning to a full UPC training schedule including Train the Trainer, a Trial Advanced course, and then based on what funds are left over to make extraordinary expenses reimbursements available.

Rob Van Dyke made the motion to approve the current budget (pending the grant funding determination) as recommended and explained. Steve Garside seconded the motion and the motion passed unanimously.

3. TRAINING COMMITTEE MATTERS REPORT

A. UPAA Report

Kathy Locher reported that the June 2021 conference was very well received. 85 participants were in attendance. UPAA budget came in slightly under budget. CUPA test and study guide need to be updated. The Board will be working on bringing both current.

B. Basic Prosecutor Course

Steve Garside reported Basic was well received with 22 students in attendance. Ivy Telles of Summit County and Ryan Holtan of the AG's were this years new faculty members.

Steve reminded Council members that the Training Committee will be meeting in October and welcomed any suggestions to take to the meeting, particularly, for the Train the Trainer (TtT) and the Advanced Trial Skills (ATS). Any individuals the Council would like to recommend to attend TtT and ATS were welcomed.

4. COUNCIL MEMBERSHIP

Please refer to Director Summary for details. Bob reported that Troy Rawlings accepted the invitation to replace the vacancy left by Jann Farris, former Morgan County Attorney. Troy named James Swink as his designee when he is unable to attend. Rob Van Dyke made the motion to appoint Troy Rawlings, Davis County Attorney to the Council. Will Carlson seconded the motion and the motion passed unanimously. Both Troy and James were welcomed.

5. UPAA REPORT

As stated above in #3. A.

6. ePROSECUTOR DISCUSSION

Ron Weight and Bob Church gave an in depth report. Please refer to Director's Summary for details.

- a. Storage:
Ron increased the storage space due to more users and there was an incident where a jurisdiction made multiple duplicates of very large discovery packets and left them in storage which caused the system to crash. Ron reminded the Council that there is a significant cost associated to storage. Since then, Ron has developed a process to automatically delete those files. The Council recommended those files be deleted every 60 days. Ron indicated he will send out a letter to all users advising them of the 60-day file elimination and ask them to notify the respective defense attorneys of the same. The increase cost in storage will be divided among the users.
- b. Grant for e-Prosecutor:
Along with the \$89,895 reimbursement for Ron's salary, Bob also included in the application leasing 150 additional licenses for 1-year: \$240,000, funding to convert current data stored in Amazon EBS government to a more secure form of storage: \$12,000, and funding to convert PIMS data into eProsecutor: \$380,000 (this will allow 17 agencies to convert their data this year. He will also apply for a similar amount next year. Regarding Bob's September 8, 2021 phone call with the federal grant manager essentially reiterating why UPC needed the funds to lease new licenses but their must of been a miscommunication as that part was not awarded. Bob was not sure why it was not granted. In short, the result of the call was that for this year UPC will not have funds to lease additional licenses and new users/jurisdictions will have to pay for their own leases to JTI. Next year he will reapply.

7. ASSET FORFEITURE

By statute UPC is required to provide this training. Bob has not found a source to help develop this course. UPC was given \$20K to implement the training. Bob indicated he will draft an RFP and send it out to all prosecutors seeking interested bids. Ron will help to put it online and make it available. Will Carlson mentioned that Bridget Romano of SLDA's office would be willing to assist.

8. RESOURCE PROSECUTORS

- a. Marlesse Jones SADVRSP. Marlesse referred the Council to the SADVRSP report as outlined in the handouts.
- b. Tyson Skeen TSRP. Tyson Skeen referred the Council to the TSRP report as outlined in the handouts.

9. JOINT SESSION WITH SWAP - AOC PRESENTATION

- a. Jonathan Puente, AOC, Office of Fairness and Accountability presented on the mission and purpose of the Office of Fairness and Accountability (OFA). OFA is the newest office in AOC its purpose is to identify and remove any racism and bias from the Utah Courts. For further details please refer to his presentation made available on the UPC website.

NEXT MEETING

Next meeting: Wednesday November 10, 2021 at 10:00 a.m. - Dixie Center in conjunction with County Attorney Executive Seminar (UAC Convention).

9. ADJOURN