

Utah Prosecution Council Meeting
Wednesday - July 15, 2022, 10:00 a.m.
Live or via Teams

Minutes

Present: Stephen D. Foote, UPC Chair, Duchesne County Attorney
Amanda Baker, UPAA Board Member, Payson City Prosecutor's Office (*designee of Kathy Locher*)
William Carlson, Deputy Salt Lake County District Attorney(*designee of Sim Gill, Salt Lake County District Attorney*) (In person)
Ed Montgomery, City of South Jordan (In person)
Ryan Peters, Juab County Attorney (In person)
Troy Rawlings, Davis County Attorney (Remotely)
Yvette Rodier, Deputy West Valley City Attorney (Remotely)
Stuart Williams, Clearfield City Attorney (In person)
Robert Van Dyke, Kane County Attorney (In Person)

Excused: Robert L. Cosson, Co-Chair, St. George City Attorney
Kathy Locher, UPAA Chair, Salt Lake County DA's Office
Jess L. Anderson, Utah Commissioner of Public Safety
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General

Guests: Angela Adams, Assist. Washington County Attorney
Jeff Buhman, SWAP (In person)
Trish Cassell, Chief Prosecutor, Deputy Summit County Attorney
Steve Garside, Layton City Manager
Darcy Goddard, Chief Policy Advisor (Civil) & Deputy Salt Lake County District Attorney
Ryan Robinson, Chief West Valley City Prosecutor

1. **WELCOME AND APPROVAL OF THE MINUTES - APRIL 20, 2022**
 - a. The Council members were welcomed and the meeting convened.
 - b. Ryan Peters made the motion to approve the April 20, 2022. Stephan Foote seconded the motion and the motion passed unanimously.

2. **FY22 BUDGET REVIEW**

Bob Church gave an in depth report on the FY22 budget. Please refer to Director's Summary for additional information.

- a. FiNet reports usually run a month behind, therefore, budget details includes receipts through May of 2022.
- b. Last month Bob reported that UPC updated its version of QuickBooks. Marilyn is working out the bugs. With the new Quick Book's version and reconciling with FiNet, UPC's budget appears to be in good shape as Bob anticipates a fairly large carryover. He will make an up- to-date report including June figures and year end report at the next meeting.

3. **FY23 BUDGET REVIEW**

Bob Church gave an in depth report on the FY23 budget. Please refer to Director's Summary for additional information.

- a. We don't have any training above what is normally done so when we meet in September and have the budget numbers we can determine if we would like to add single-day conferences or offer offsite training.
- b. Bob reported the conferences have been under budget. A couple of them have made more than they cost and with the non-lapsing carry over the budget is pretty healthy.

4. **TRAINING COMMITTEE**

Bob reported that Ed Montgomery is the new Training Committee Chair but they haven't met yet so Bob gave the training committee report. Please refer to Director's Summary for details.

- a. Basic Prosecutor Course
 - i. August 21-26
 - ii. First Time Faculty
 - 1) Joe Hood, Washington County
 - 2) Dominique Kiahtiapas, Carbon County
 - 3) Alex Redmon, Utah County
 - iii. Returning Faculty
 - 1) Sandi Johnson
 - 2) Marlesse Jones
 - 3) Shane Klenk
 - 4) Blair Wardle
 - 5) Tyson Skeen
 - iv. Six students already registered and he anticipates there will be a good group given the number of new hires. Bob stated that Train the Trainer went well and three of those students have been invited to be on the faculty which include Joe Hood from Washington County, Dominique Kiahtiapas of Carbon County; and Alex Redmon from Utah County.

- b. Fall Prosecutor Training Conference
 - i. September 21-23
 - ii. Hilton Garden Inn St. George
 - iii. Still finalizing the agenda as a couple of speakers became unavailable.
- c. Training Committee
 - i. October 17-18
 - ii. Hilton Garden Inn St. George
 - iii. The training committee meet will be held the same week as Civil Conference.
- d. Civil Conference
 - i. October 19-21
 - ii. Hilton Garden Inn St. George
- e. UMPA Conference
 - i. November 3-4
 - ii. Kanab Conference Center
- f. County Executive Attorney Seminar
 - i. November 16-18
 - ii. Dixie Center St. George
- g. Newly Elected County Attorney Seminar
 - i. January 11-13,
 - ii. 2023 5272 College Drive, 1st Fl. Training Room, Murray

Jeff Gray will be new and Salt Lake County races may a new one as well. If Jeff is the only one, they will try to do some one-on-one mentoring.
- h. NDAA Course - Office Administration Course
 - i. September 19-22, 2022, Charleston, SC., *Tab D* Same time as Fall Conference.
 - ii. We have never sent paralegals or administration staff to an NDAA Conference. I expect that we would have the budget if we wanted to invest in some of our office staff and send them to this conference.
 - iii. The intent would be to bring ideas back for the UPAA conference and share with other office staff.
 - iv. Selection process.

Bob asked the group if there would be any interest in sending support staff to the NDAA – Office Administration Course. A discussion was held and the group acknowledged there is a benefit in getting a global perspective and that it is a really good course but besides a few sections for paralegals it wouldn't be applicable to support staff. Will mentioned it would be really good training for newly elected County Attorneys. It was suggested that new county attorneys and some UMPA attorneys be sent.

5. COUNCIL MEMBERSHIP

- a. Bob reported that in July Robert Cosson resigned from the Council and SWAP and need to replace another city representative. The Council extended their appreciation for his service. Accordingly, UMAA recommends a new city prosecutor to sit on the UPC Council. Tyson mentioned the statute says four city prosecutors, it just has to be two from UMPA and two from UMAA. Bob suggested Randall McUne for UMAA to recommend to the Council to fill Robert Cosson's seat. Will Carlson made the motion to approve accepting Randall McUne fore nomination should UMAA recommend him. Seconded by Rob Van Dyke and the motion passed unanimously.
- b. Because Robert Cosson has resigned Bob called for nominations to replace Robert. Will Carlson made the motion to appoint Ed Montgomery. The motion was seconded by Ryan Peters and the motion passed unanimously.
- c. Scott Stephenson has retired and has been appointed the Director of the FOP. . The Council extended their appreciation for his service. His replacement has not been named. The Council doesn't need to take any action, just be aware.
- d. Bob asked the Council if a law enforcement representative need to be on the UPC Council. Tyson mentioned the legislature has mandated that UPC and POST collaborate on projects and he thinks it will be good to have someone from DPS. Tyson mentioned that DPS designates a representative. Bob asked if it would be better to have someone from the Chief's association rather than the director of POST however since we are mandated to work with POST maybe it should stay there. Will mentioned POST makes the most sense. Bob will reach out to Commissioner Anderson and they work with the new director of POST to suggest a name to fill. The consensus is that it makes sense to keep it with POST where both organizations are training organizations.

6. UPAA REPORT

Kathy Locher was excused as she was recovering from knee surgery and Marilyn was excused as she was getting married that evening. Amanda Baker, UPAA Board member gave the UPAA report in their stead.

- a. Amanda reported the 2022 UPAA training went well. She mentioned there were some great presenters specifically from the Other Side Academy. A discussion was held regarding what the Other Side Academy is and how its program works. Stephen Foote asked if it would be beneficial to have them present to the prosecutors. Amanda recommended that they present to the prosecutors. She mentioned they were great presenters, they had all been through the program and continue to work there and it would be great for the prosecutors to have knowledge of the program. It was mentioned that it is a difficult program and not many succeed.

6. UPAA REPORT (Continued)

- b. Amanda mentioned there was one zoom presentation on writs and extraditions. It was not the most exciting topic but she mentioned she felt that zoom presentations weren't as well received. Bob Church also gave a fun legislative update presentation.
- c. There was a really good turnout and had higher numbers than in the past. Also, UPAA's budget was in very good shape bringing in just over \$10k. Rob Van Dyke stated his support staff said it was a really good conference even with the few audio-visual issues.
- d. Amanda mentioned that it is really hard to get on the website and do evaluations and she questioned if we are missing valuable feedback. Ron mentioned he thought Marilyn was going to do paper evaluations. He said he would create a page just for up aa to do evaluations without a login. Amanda mentioned The Other Side Academy was a topic suggestion received on an evaluation and she feels like it is key to finding out what people want.
- e. Bob asked if there are any positions on the up aa board. Amanda mentioned she thinks they are currently full but she will be taking a job with the court so her city spot will need to be filled.

7. E-PROSECUTOR NEWS

- a. Ron and Tyson are working with the A.C. to clear up the issues with the A.C./e-filing portal rejecting informations that contain the correct charging information; the courts want the penalty section cited v. prosecutors citing the elements section of the code.
- b. Bob applied for grant funds for an additional 150 user licenses as well as funds to pay for an additional one year license fees for the current users for 2024. Our 5-year contract expires February 2024. If we do not secure grant funds, jurisdictions will have to pay the licensing fees themselves.
- c. Our grant manager at CCJJ seems optimistic the grant will be approved. It is awarded late August, early September.
- d. Ron updated the group on eProsecutor. The court changed the statute and now requiring that we file under the penalty instead of the elements of the crime. The issues have been brought up and will be taken to AOC. A discussion was held regarding filing the elements of the offense instead of the penalty, and separation of powers.
- e. Bob spoke about grant funding for eProsecutor and indicated that funding is not awarded, each user would be responsible for their license fees. Bob mentioned looking into using grant funds to get the Spillman interface.

8. RESOURCE PROSECUTOR REPORTS

- a. Marlesse Jones SADVRSP. Marlesse was out of town and excused. Please refer to her report located under *Tab E* of the materials.
- b. Tyson Skeen TSRP. Tyson referred the Council to the TSRP report under *Tab F* in the handouts. Tyson also noted that he was working on legislation for virtual toxicologist testimony. Paul Ray is the lobbyist for the Department of Health he will be a good avenue to talk about this issue. It was suggested that Tyson do a cost analysis to show the legislature the cost-effectiveness of virtual toxicology testimony.
- c. Tyson has also created a DUI report writing training that is ready to be presented to law enforcement.
- d. A discussion was also held regarding the need for more Resource Prosecutors. Yes, there is, however, it comes down to funding.
- e. It was noted that Marlesse and Bob were invited to train in Wilmington, North Carolina at their summer conference. Our topic was "A Sixth Sense Recognizing How Trauma Informed Response Helps Our Case."

9. OTHER BUSINESS

- a. Asset Forfeiture Training. First draft is done and being edited. Thanks to Melanie Mitchell and Bridget Romano, SLDA's office for putting it together. Bob indicated that once it's completed, it will be digitized for offices to access. There will a presentation regarding this at Fall Conference.
- b. Idaho/Direct/Cross Exam Conference
Bob, Tyson and Shane Klenk have been invited to be on the faculty of the Idaho's Direct/Cross Exam Conference being held in October.

10. NEXT MEETING

- a. Next meeting: Wednesday, Sept. 21, 2022 @ 9:30 a.m. to 11:00 a.m. St. George Hilton Garden Inn.

11. ADJOURN