

Utah Prosecution Council Meeting  
Wednesday - September 21, 2022, 9:30 a.m.  
Hilton Garden Inn  
St. George, UT  
Live or via Teams

Minutes

Present: Stephen D. Foote, UPC Chair, Duchesne County Attorney  
Spencer Austin, Chief Criminal Deputy, Utah Attorney General's Office (*designee of Sean Reyes, Utah Attorney General*)  
Kathy Locher, UPAAC Chair, Salt Lake County DA's Office  
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 (Remotely)  
Ryan Peters, Juab County Attorney (In person)  
Yvette Rodier, Deputy West Valley City Attorney Attorney (*designee of Stuart Williams, Clearfield City Attorney*) (Remotely)  
Robert Van Dyke, Kane County Attorney (In Person)

Excused: Jess L. Anderson, Utah Commissioner of Public Safety  
Sim Gill, Salt Lake County District Attorney  
Sean Reyes, Utah Attorney General  
Troy Rawlings, Davis County Attorney  
Stuart Williams, Clearfield City Attorney

Guests: Randall McUne, Cedar City Attorney (In person)

1. **WELCOME AND APPROVAL OF THE MINUTES - JULY 15, 2022**
  - a. The Council members were welcomed and the meeting convened.
  - b. Ryan Peters made the motion to approve the July 15, 2022. Rob Van Dyke 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. UPC ended its budget in the black due to receiving grant funds to cover most of Ron's salary and coming under budget for most of the conferences.
- b. Bob mentioned receiving training on the new version of QuickBooks as it is slightly different than our previous version. An example of something we can't figure out are certain files listed as "deleted" when in fact they are not deleted. Bob will look at finding a state vendor who can train Bob and Marilyn.

**3. FY23 BUDGET**

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

- a. We received another year of grant funding of up to \$80,000 to cover a large portion of Ron's salary for his work on eProsecutor.
- b. Non-lapsing carryover funds from FY22 totaled \$95,851.62.
- c. If this trend continues, i.e. grant funding to cover a portion of Ron's salary, this will mean the Council will have greater flexibility in how it spends its budget as we should receive \$60-70,000 in grant funding for Ron. Ideally, UPC's carryover should be \$15 to \$20K to avoid legislature intervention.
- d. After an in depth discussion regarding the options outlined in the Director's Summary under #3.e. i. to vii. Rob Van Dyke made the motion to 1) authorize a part time clerk at the AG's same pay rate. 2) Reinstate the \$25K unusual expenses' items. Bob to set up a subcommittee on how those funds are to be approved and expended. 3) Hold a special UPC meeting at the same time as the County Executive Conference in November to discuss UPC staff salaries and whether the budget would allow for an increase as well as consider incentive wards. Stephen Foote made one adjustment on the Unusual Expenses that it is awarded in June subject to the availability of those funds. The motion was seconded by Will Carlson and the motion passed unanimously.

**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. It was a great course. Overall, it was very well received.
  - iii. There were 22 students, including one student from the City of Austin, TX prosecutor office.
  - iv. We had a good mix of older and younger students.
  - v. The Golden Kickball recipient was Brittany Ivins, the new San Juan County Attorney.

- vi. Freshman faculty included Joe Hood of Washington County Attorney's office, Dominique Kiahtapes, Carbon County Attorney's office and Alex Redmon, Utah County Attorney's office.
- b. Fall Prosecutor Training Conference
  - i. September 21-23
  - ii. Hilton Garden Inn St. George
  - iii. The required Asset Forfeiture will be featured at this year's Fall Conference.
  - vii. To date, registration stands at 77.
- 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.
  - iv. Training topics were welcomed. Kathy Locher suggested forensic genealogists. The Sherry Black case. Ryan Peters suggested geo-fencing was also suggested as a topic.
- d. Civil Conference
  - i. October 19-21
  - ii. Hilton Garden Inn St. George
  - iii. Darcy Goddard is leaving the DA's office and after this year's Civil Conference will not be the lead planner.
- e. UMPA Conference
  - i. November 3-4
  - ii. Kanab Conference Center
- f. DV Bootcamp
  - i. Was set for November, but moved to January. Date to be confirmed.
  - ii. Sandi Johnson/Utah County has offered to host and pay for another DV Bootcamp. UPC will provide the material and trainers. Utah County Attorney's will have first priority for registration as well as open to any prosecutor statewide.
- g. County Executive Attorney Seminar
  - i. November 16-17
  - ii. Dixie Center St. George
  - iii. Marilyn was assigned to work with Troy Rawlings to develop brochure and set up CLE credit with the Bar.
- h. Newly Elected County Attorney Seminar
  - i. January 11-13, 2023
  - ii. 5272 College Drive, 1<sup>st</sup> Fl. Training Room, Murray
  - iii. So far only three attendees. Bob was directed to encourage the three new incoming/new county attorneys to attend the UAC session for networking purposes and have them watch the recording/videos from the last training.

- i. Training Statistics from FY  
As per the Performance Statistics requirement Bob directed the Council's attention to the Director's Summary report. Overall, UPC's numbers are up and looking good. This requirement will be a continual Occurrence.

**5. RECORDING AND/OR LIVE FEED FOR EVERY CONFERENCE.  
CONSIDERATIONS**

Please refer to Director's Summary for additional information regarding recording and/or live feed for every conference. After and in depth discussion, the Council decided to provide live feed for Spring Conference and film / record for all other regularly scheduled UPC conferences. UPC has invested in recording equipment that allows us to record our conferences. The Bar will allow for six hours live and six hours for on demand. Recording for Basic and Boot Camp may not be practical

**6. COUNCIL MEMBERSHIP**

- a. Since Robert Cosson resigned from the Council and SWAP in July. In order to replace Robert Cosson, Bob reached out Lisa Garner of UMAA resulting in recommending Randall McUne, Assistant Cedar City Attorney, pending UMAA's upcoming meeting to confirm that nomination.

**7. UPAA REPORT**

Kathy Locher, UPAA Chair gave the following UPAA report.

- a. 2022 UPAA Conference was very well received.
- b. All time high attendance.
- c. Two board member openings. Applications will be welcome.

**8. E-PROSECUTOR NEWS**

- a. Grant Funding
  - i. Awarded grant funding for the lease of 300 eProsecutor licenses. Currently 150 licenses plus 150 new licenses, as well as a portion of Ron's salary.
  - ii. We actually don't need grant funding for the current licenses as that contract is not due to expire until 2024. However, we will lease an additional 150 licenses. Bob and Ron have talked about making all of those licenses available January 1, 2023 in order to establish a uniform renewal date for our licenses because some licenses expire on different dates.
- b. E-Filing
  - i. In short, JTI is ready to start testing an e-filing interface. Technically, JTI is waiting to get paid which explains why offices can't e-file. Salt Lake County DA's office have been able to e-file because JTI contracted with a third party vendor and got the e-filing interface. We contacted JTI to see why they couldn't contact SLDA's to see how they got the e-filing interface. It was discovered that perhaps JTI is moving away from the third party vendor

- which maybe the conflict, but the good news they are ready to test the e-filing interface. AOC is to begin the process but have not heard back
- ii. Tyson gave an explanation regarding the shared master offense table (SMOT). They updated it and changed some of the penalty sections. We have reached out to Mike Drechsel, AOC to see if he can help get the ball rolling. There is a small prosecutor committee to represent prosecutors interests via SWAP. The idea is to create better “drafting rules.” Mike has agreed to get theirs out early so things can be anticipated and issues can be avoided. It will take some time. To be continued.

## **9. JOHN R. JUSTICE**

- a. The award doubled from that of last year, \$79,240.

## **10. RESOURCE PROSECUTOR REPORTS**

- a. Marlesse Jones SADVRSP. Marlesse was training at the time of the meeting and excused. Please refer to her report located under *Tab G* of the materials.
- b. Tyson Skeen TSRP. Tyson referred the Council to the TSRP report under *Tab H* in the handouts.

## **11. REPORTS FROM COMMITTEES THAT UPC APPOINTS A MEMBER**

- a. Bob indicated that he will try to get a report from each committee member for future Council meetings. Please refer to Director’s Summary for additional information.
  - i. Criminal Code Evaluation Task Force: Will Carlson  
Its primary task is with recodification effort. Will is going to forward, via the UPC list serve, what to expect in the upcoming legislative session. He encouraged feedback before December. So, please get your feedback to Will immediately. Also, there will be a definition change to “inhabitable structure” based on an Iron County case *State vs. Carter*. Last, the task force is working on jail release legislation and is not ready.
- c. Children’s Justice Advisory Board: Matt Janzen
  - i. Currently, the big concern is the cut back in VOCA funding and other federal grants -- due to federal legislation. CJC's are only partially funded by the State of Utah and the various counties. Each center must look for additional funding/grants. Where there have been federal cuts, each organization is struggling to look for additional support.
- d. Youth Court
  - i. Steve Garside was the previous representative. Bob asked if anyone is interested. Ryan Peters expressed interest. Bob will find out what the requirements are to fill this vacancy.
- e. Indigent Defendant Trust Fund: Kevin Daniels
- f. Utah Bar Commissioner
  - i. Matt Hansen is a bar commissioner and assigned to be a liaison between UPC and the Utah Bar.
  - ii. He’s available to take any questions, concerns, issues, etc. to the Bar.

## **12. OTHER**

- a. LEOJ Course
  - i. November 7-9, 2022
  - ii. This is a one time three day course open to 10 prosecutors. First come, first serve.
  - iii. Not a UPC course but UPC will be donating some funds toward the course.
  - iv. Another course will be offered in the Spring.
  - v. Contact Vince Meister, SLDA. He is putting the courses together.
- b. Future Conference Locations for Fall
  - i. In order to secure contracts two years out, the Council agreed to hold 2023 Fall Conference in Logan and in 2024 let the participants at this year's conference vote where they'd like to go. However, Ruby's Inn in Bryce was suggested.

## **13. SPECIAL COUNCIL MEETING**

- a. Tuesday, November 15, 2022. In conjunction with UAC/Executive County Attorney Seminar. Bob will send out notices.

## **14. NEXT REGULAR COUNCIL MEETING**

- a. Thursday, January 12, 2023
- b. TBD

## **15. ADJOURN**