

**UTAH PROSECUTION COUNCIL MEETING
PROPOSED AGENDA**

Wednesday, September 21, 2022

9:30 a.m.

Hilton Garden Inn

St. George, UT

Via Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Yjg3MDdmYtEtMmVkMi00MTZiLWFiYTgtNDM2MTA2OWJiNmVm%40thread.v2/0?context=%7b%22Tid%22%3a%22cf2d8167-d3f4-4409-a289-d4b0ad0ce47a%22%2c%22Oid%22%3a%22003dac62-5bf8-4fe5-95cb-b50c4665d9ac%22%7d

1. Minutes from July 15, 2022 Council Meetings
2. Closeout FY22 Budget Review
3. FY23 Budget Review
4. Training Committee Report
5. Live Feed or Recording Our Conferences
6. Council Membership
7. UPAA Report
8. eProsecutor Discussion
9. Resource Prosecutor Reports
10. Reports from UPC Appointees to State Committees
9. Other

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1. Minutes from July 15, 2022 Council Meetings, *Tab A*
 - a. Vote to amend or approve.

2. FY22 Budget Review, *Tab B*
 - a. We ended the year well into the black largely due to receiving grant funds to cover a large portion of Ron's salary.
 - b. We also were able to hold quality conferences at or below budget.
 - c. Train the Trainer. Not sure why "deleted" is attached to TtT.
 - i. We received \$16,000 in grant funds for that course.
 - d. Still figuring out the online version.

3. FY 2023 Budget, *Tab C*
 - a. We received another year of grant funding to cover a large portion of Ron's salary for his work with eProsecutor, up to \$80,000.
 - i. The amount we actually will receive will depend on the amount of time Ron spends on e-Prosecutor.
 - b. Our 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.
 - d. We shouldn't have such a large carryover every year. It's great on paper but it won't look good to the legislature when it comes time to cut agency's budgets. If they see this kind of carryover, we'll be an easy target. I understand that we have a large carryover this year due to the grant funding for Ron's salary and that it may not continue from year to year, but we need to be fiscally responsible and "increase" our spending for this year.
 - e. For FY23 here are some things to consider.
 - i. Conferences.
 - (1) I hate to reduce our registration fees as that requires getting approval from the legislature. They must approve registration fees for state agencies. Also, if we do not get grant funding for Ron's salary we'd most likely have to raise the fees.

- (2) We could host an evening social at our conferences and/or up the quality of food.
 - (a) However, most people want to do their own thing at night but we could try it and see.
- (3) We'll pay for WiFi at Spring Conference next year.
- (4) Provide a live feed for each conference.
 - (a) This presents its own issues. We have to meet a certain room reservation number for each conference. If we provide a live feed for conferences, people may quit attending.
- (5) Cover the costs for students attending Basic; food, lodging, per diem, mileage.
- (6) Additional conferences as time allows.
- ii. NDAA Conferences
 - (1) We could offer scholarships for prosecutors to attend NDAA conferences and bring materials back.
 - (a) NDAA puts on good conferences but frankly, we do as good, if not a better job, with our conferences.
 - (b) The NDAA conferences I've attended have solid nuggets that make it worth the expense of going so it's a matter of discussion if we want to send prosecutors to conferences for those nuggets.
- iii. Bring in out-of-state speakers
 - (1) There are some excellent national speakers who cover a variety of topics that would be useful or certainly motivational.
 - (2) We could work with the Training Committee to determine the kinds of topics and speakers we'd like to bring in.
- iv. Seriously consider hiring a law clerk again.
 - (1) Resurrect monthly newsletter with a focus on case law updates.
 - (2) Assist with research projects, course development.
- v. Reimbursement for unusual expenses. UCA 67-5a-1 (2)(c)
 - (1) "As funds are available and as are budgeted for this purpose, provide reimbursement for unusual expenses related to prosecution for violations of state laws." Cities would be eligible for reimbursement when prosecuting a violation of state laws.
 - (2) Per this section of the statute, we haven't reimbursed unusual expenses since 2011. That's the last time I can see that UPC reimbursed any expenses.
 - (3) In 1996 the Council developed guidelines for reimbursing unusual expenses. *Tab D*. The committee was composed of three elected county attorneys who would review applications and make awards.

- (4) UPC would open up the application period toward the end of the fiscal year. It appears that if the committee made an award, it was contingent upon there being sufficient funds at the end of the fiscal year. If in fact there was sufficient funding, a check would be issued to the agency reimbursing the unusual expense at the end of the fiscal year.
- (5) If the Council decides to consider making awards, we need to create a review committee.
 - (a) Since we haven't done this for a long time and because we couldn't find any written guidance as to who the committee members should be, I suggest the award committee be made of elected county attorney's or the chief criminal deputy and city prosecutors.
 - (b) From what I can see, the members were not necessarily Council Members.
 - (c) I also suggest the members be from along the Wasatch Front as well as rural agencies.
- (6) Amount to be budgeted each year.
 - (a) This would be a Council decision, not a committee decision.
 - (b) The last amount I can see that was budgeted, but not paid out due to a decline in the surcharge, was \$25,000.

vi. Council Retreat

- (1) We could plan a multi-day Council retreat off the Wasatch Front.
- (2) Leadership training
- (3) Relationship building
- (4) Future goals for UPC
- (5) Training topics for the training committee to consider

vii. Incentive Awards

- (1) Last December, the Council voted to award each UPC staff member \$5,000 in incentive award. This was greatly appreciated. I already budgeted for a similar amount.
- (2) The amount awarded raised some eyebrows within the AG's office only because of the amount of each award. Generally, awards of that amount are not given. There is also a distinction in the amounts attorneys and support staff receive.
- (3) While none of us would turn down any generous incentive award, realize it has a ripple effect with those we work with on a daily basis.

viii. Pay Increases

- (1) One of the reasons UPC staff were awarded such generous incentive awards last year was in lieu of raising our salaries. The concern was if salaries were raised and there were insufficient funds in future years that could have a negative impact on UPC's overall budget.
- (2) This has been a topic of discussion at a few of the last Council meetings. On November 21, 2021 I prepared a Memo for the Council regarding UPC Staff Salaries. I've included it at **Tab E**. It gives a detailed explanation of how salaries for UPC staff are determined based on statute and AGO Administrative Policy Manual.
- (3) AGO FY23 Compensation Increase
 - (a) The legislature provided funding for all employees to receive a 3.5 percent COLA effective June 25, 2022.
 - (b) The legislature also provided \$2M more in discretionary compensation funding for AGO attorneys and staff. "A few AGO teams, such as our law enforcement officers and UPC employees, will receive separate adjustments, as authorized by the Utah Legislature."
 - (i) Any adjustment would come from the Council.
 - (ii) Therefore, we did not receive an adjustment from the \$2M discretionary funds received by the AGO.
 - (c) Finally, the legislature provided an additional \$1.1M for performance-based discretionary and targeted salary increases for employees in classifications below market. The AGO is conducting a market comparability study of compensation of employees at other public law offices and agencies in Utah. It is unlikely UPC staff would receive an increase salary based upon this survey.
- (4) FY23 UPC staff salaries are included in the budget and are summarized here
 - (a) Director: Bob
 - (i) Hourly: \$59.84
 - (ii) Total Salary: \$124,467.20
 - (iii) Total Benefits: \$62,802.41
 - (iv) Total Compensation: \$187,269.61
 - (b) IT Director: Ron
 - (i) Hourly: \$45.43
 - (ii) Total Salary: \$94,494.40
 - (iii) Total Benefits: \$36,830.70
 - (iv) Total Compensation: \$131,325.10

- (c) SADVRP: Marlesse
 - (i) Hourly: \$47.57
 - (ii) Total Salary: \$98,945.60
 - (iii) Total Benefits: \$59,340.23
 - (iv) Total Compensation: \$158,285.83
- (d) Training Coordinator: Marilyn
 - (i) Hourly: \$40.87
 - (ii) Total Salary: \$85,009.60
 - (iii) Total Benefits: \$40,457.76
 - (iv) Total Compensation; \$125,467.36
- (e) TSRP: Tyson
 - (i) Hourly: \$50.69
 - (ii) Total Salary: \$105,435.20
 - (iii) Total Benefits: \$61,827.69
 - (iv) Total Compensation: \$167,262.89
- (5) Pay increases and incentive award discussions can take place in a closed session but announced and acted upon in an open session. U.C.A. 52-4-204, 205, 206.

4. Training Committee, *Tab F*

a. Basic

- i. August 21-26
- ii. It was a great course. We had 22 students, including one student from the City of Austin, TX prosecutor office.
- iii. Students came from the following Utah jurisdictions:
 - (1) AGO
 - (2) Box Elder County
 - (3) Grand County
 - (4) Iron County
 - (5) Orem City
 - (6) Provo City
 - (7) Saratoga Springs
 - (8) San Juan County
 - (9) South Salt Lake
 - (10) Uintah County
 - (11) Utah County
 - (12) Washington County
 - (13) Weber County
 - (14) West Valley City
- iv. We had several students who went to law school later in life. I think this was the first year we had students who have grand children. They were a great addition to the course and brought an added perspective young prosecutors are lacking.

- v. The Golden Kickball recipient was Brittney Ivins, the new San Juan County Attorney. She's been out of law school for a year, maybe. The Council and UCDAAs need to be mindful of the steep learning curve she's facing and offer assistance where we can.

- b. Fall
 - i. September 21-23
 - ii. Our numbers are down from previous years: 68 attendees and 19 presenters.
 - iii. We'll receive training on Asset Forfeiture which offices are required to be trained on if they plan on doing any asset forfeiture.
 - (1) We will create an online course that offices and officers will be able to watch.

- c. Training Committee
 - i. October 17-18
 - ii. St. George
 - iii. Topics for next year's training schedule are welcome.

- d. Civil Conference
 - i. October 19-21
 - ii. St. George

- e. UMPA
 - i. November 3-4
 - ii. Kanab

- f. DV Bootcamp
 - i. November 8-10
 - ii. Utah County
 - iii. Sandi Johnson/Utah County has offered to host and pay for another round of DV Bootcamp. UPC will provide the materials and trainers. Utah County Attorney's will have first priority for registration but it will be open to any prosecutor in the state.

- g. County Executive
 - i. November 16-18
 - ii. St. George

- h. Newly Elected County Attorney Seminar
 - i. January 11 - 13, 2023
 - ii. 1st Floor, College Drive

- iii. Attendees would be:
 - (1) Jeff Gray - Utah County
 - (2) Brittney Ivins - San Juan
 - (3) Kent Snider - Daggett
 - iv. Do we want to hold a seminar for three individuals? We recorded the last seminar in 2021 and I have provided them with the links to the presentations to watch. There is value in bringing people together and forging relationships so maybe that's the reason to hold a session despite the low numbers of attendees.
- i. Training Statistics from FY22
 - i. UPC
 - (1) 7 conferences
 - (2) 657 people trained
 - (3) 32 regional legislative updates
 - (4) 657 people trained at leg updates
 - ii. SADVRP
 - (1) 86 training events for Marlesse
 - (2) 111 LEO's trained at 4 Sexual Assault courses
 - (3) 3,227 people trained by Marlesse
 - (4) 270 requests for technical assistance from Marlesse
 - iii. TSRP
 - (1) 54 training events for Tyson
 - (2) 1,431 people trained by Marlesse
 - (3) 816 requests for technical assistance
5. Recording and/or live feed for every conference. Considerations.
- a. With COVID people became used to having either a live feed or recording of our conference. The training committee voted to only live feed and record Spring Conference.
 - i. The reason was that we want people to physically attend our conferences.
 - ii. The concern was that if we offer either a live feed or a recording people can watch later, they won't attend.
 - iii. Because Spring applies to everyone across the board - new legislation, case law update, it was the conference most people needed.
 - b. UPC's Mission is to train prosecutors.
 - i. Aren't we meeting that mission even if people watch it as a live feed or watch the recording later on?
 - ii. The current policy is that people must pay the registration fee to watch a conference video during the 12 months after the conference.
 - iii. So, if fee generation is our only driving factor, which it's not, we would still generate fees. We could potentially generate more in fees with a live feed and video recordings.

- c. Recording Equipment
 - i. We have invested in recording equipment that allows us to record our conferences.
 - ii. Ron would like to figure out a way to record both the presenter and the screen, then during editing, combine both recordings into one; i.e. the slides are on one half of the video and the presenter on the other half. It may be as simple as purchasing another camera. He hasn't had time to fully investigate that option.
 - iii. It's a minimal cost to have Ron attend each conference and record them. This is especially true if we have even 4-5 additional people register and watch the video recording. Those registration fees would cover the cost of having Ron attend a conference.
 - iv. Bob knows how to operate the equipment but he gets distracted doing other things so that he's been known to forget to turn on the camera, replace dead batteries, etc. and we either don't have a recording of the presentation or the sound is poor.
 - v. If we offer a live feed, especially for Spring, it would most likely result in us reducing the size space; i.e we would consider renting out just half the ballroom.
 - vi. 2022's Spring Conference attendees dwindled down to about 50 people by Friday because they could watch remotely.
 - vii. It was somewhat discouraging to have the full ballroom with only a handful of people. It felt disrespectful, in some ways, to our presenters.
- d. While UPC has the equipment to record all conferences we do not have the equipment to do a live broadcast. Although, we could invest in the equipment necessary to do a live broadcast it would require someone, Ron, to get training on how to do that. Frankly, he doesn't have time for that. Bob doesn't have the time for that.
 - i. My preference is for UPC NOT to invest in equipment in order to offer a live feed.
 - ii. There are too many technical difficulties that can occur, we don't have the expertise and it's a general pain.
- e. 1-year CLE reporting cycle
 - i. Each year, attorneys must earn 12 CLE credit hours total, with one credit being ethics and one credit professionalism/civility/wellness.
 - ii. 6 credits can be live or live stream.
 - iii. 6 credits can be "on demand;" i.e. video recordings.
 - (1) For "on demand" CLE credits, the bar considers those self-study. UPC can no longer process self-study credits even for people who pay our registration fee and watch our videos.
 - (2) Attorneys would still have to complete the self-study form, pay the \$1.50 per credit hour fee and turn the form into the Bar themselves.

- iv. Since 6 hours must be live or live feed, we would still fill seats, especially if we did not offer a live feed option.
 - f. Increased cost for video hosting.
 - i. Depending on how many videos we host online, our costs will go up.
 - ii. It's not a sizeable amount, but several hundred dollars more a year.
 - g. Conferences we would record.
 - i. Spring
 - ii. UPAA
 - iii. Fall
 - iv. UMPA
 - v. Civil
 - vi. We would NOT record Basic as it is too hands-on. Probably not DV Bootcamp either.
 - h. Thoughts, discussion on whether we should offer a live feed or record our conferences.
- 6. Council Membership
 - a. Effective July 5, 2022, Robert Cosson resigned from the Council and SWAP. We appreciate his service.
 - i. UMAA appoints the new city prosecutor but will most likely follow our suggestion.
 - ii. Our current city folks are:
 - (1) Stuart Williams - Clearfield City
 - (2) Yvette Rodier - West Valley City
 - (3) Ed Montgomery - South Jordan
 - iii. At our last meeting we talked about asking UMAA to nominate Randall McUne from Cedar City. I've spoken with Lisa Garner, UMAA Chair/President and am waiting to hear back from her.
- 7. UPAA Report
 - a. Kathy
 - b. UPAA has two open positions.
 - i. One City slot to replace Amanda Baker
 - ii. One County slot to replace Kim Rhoses
- 8. e-Prosecutor News
 - a. Grant Funding
 - i. We were awarded grant funding for the lease of 300 eProsecutor licenses - our current 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. Ron and I have talked about making those licenses available January 1, 2023 in order to establish a uniform renewal date for our licenses.
 - b. E-Filing
 - i. JTI is ready to start testing an e-filing interface. They have reached out to the AOC to begin the process but have not heard back.
 - ii. I've reached out to Mike Drechsel at the AOC to see if he can help get that ball rolling.
- 9. John R. Justice
 - a. We were awarded \$79,240 this year. The amount of this award was unexpectedly more than doubled. Last year we were awarded \$36,740 in funding.
 - b. Was a pleasant surprise which will translate in larger awards to those who apply.
- 10. Resource Prosecutor Reports
 - a. Marlesse, *Tab G*
 - b. Tyson, *Tab H*
- 11. Reports from Committees that UPC Appoints a Member
 - a. We will try to get a report from each committee member for future Council meetings.
 - b. Children's Justice Advisory Board: Matt Janzen
 - i. Right now, the big concern we have 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.
 - c. Youth Court
 - i. Steve Garside was the previous representative. We may need to find a replacement for Steve. I'm working with him.
 - d. Indigent Defendant Trust Fund: Kevin Daniels
 - e. Criminal Code Evaluation Task Force - Will Carlson

12. Other
 - a. LEOJ Course
 - i. November 7-9, 2022
 - ii. Not a UPC course but UPC will be donating some funds toward the course.
 - iii. Another course will be offered in the Spring.
 - iv. Vince Meister, SLDA, is putting the courses together.
 - b. Future Conference Locations for Fall
 - i. We want to start contracting for locations two years out.
 - ii. Since we're in St. George this year, we would normally go north next year.
 - iii. Remember that we cannot get state rates at Springdale or Moab until November 1.
 - iv. We might be able to get state rates in Bryce but we wouldn't be able to fit in Ruby's Inn's meeting space.
 - v. UMPA and the County Executive Conferences are already calendared for November so adding Fall to November's calendar will not work.
13. Next Meeting
 - a. January
14. Adjourn

Tab A

These pending minutes have not been approved by the Utah Prosecution Council and are subject to change until approved and adopted by the Council.

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

Pending 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.

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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.

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- 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.

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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.

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6. UPAА 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, UPAА'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.

These pending minutes have not been approved by the Utah Prosecution Council and are subject to change until approved and adopted by the Council.

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

Tab B



Utah Prosecution Council

Budget vs. Actuals: FY_2020_2021 - FY21 P&L

July 2021 - June 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Revenue				
CONFERENCE REG FEE -DED CREDITS				
Advanced Trial Skills (deleted)	50.00		50.00	
Basic Prosecutor	2,875.00		2,875.00	
Civil Conference	8,000.00		8,000.00	
Fall Conference	8,925.00		8,925.00	
Spring Conference	34,650.00		34,650.00	
Train the Trainer (deleted)	16,000.00		16,000.00	
UMPA	3,375.00		3,375.00	
UPAA	10,621.00		10,621.00	
Total CONFERENCE REG FEE -DED CREDITS	84,496.00		84,496.00	
ePROSECUTOR USER FEES - DED CRD	37,286.00		37,286.00	
EXPENSE REIMBURSEMENTS	69,865.61		69,865.61	
eProsecutor Administrator Salary	41,955.98		41,955.98	
John R Justice Grant	37,146.00		37,146.00	
TSRP - REVENUE TRANSFER	108,256.00		108,256.00	
TSRP - Salary and Benefits	11,494.64		11,494.64	
Total TSRP - REVENUE TRANSFER	119,750.64		119,750.64	
Total EXPENSE REIMBURSEMENTS	268,718.23		268,718.23	
STATE REVENUE INCOME				
General Fund	678,100.00		678,100.00	
Non-lapsing Carryover	95,613.00		95,613.00	
Total STATE REVENUE INCOME	773,713.00		773,713.00	
Total Revenue	\$1,164,213.23	\$0.00	\$1,164,213.23	0.00%
GROSS PROFIT	\$1,164,213.23	\$0.00	\$1,164,213.23	0.00%
Expenditures				
ADMINISTRATIVE FEES				
Administrative fee to AG	36,294.60		36,294.60	
Building OS&M	1,800.00		1,800.00	
DB Purc (West Law)	1,599.96		1,599.96	
Ins & Bonds	1,200.00		1,200.00	
Total ADMINISTRATIVE FEES	40,894.56		40,894.56	
CONFERENCES				
BASIC PROSECUTOR COURSE				
audio-visual	525.00		525.00	
catering	4,042.01		4,042.01	
facilities charge	6,003.05		6,003.05	
lodging	4,305.60		4,305.60	
MCLE fee	405.00		405.00	
meals	970.00		970.00	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
mileage	1,207.48		1,207.48	
miscellaneous	1,151.16		1,151.16	
Total BASIC PROSECUTOR COURSE	18,609.30		18,609.30	
CIVIL CONFERENCE				
catering	841.74		841.74	
lodging	5,842.17		5,842.17	
MCLE fee	814.00		814.00	
meals	755.50		755.50	
mileage	2,032.93		2,032.93	
miscellaneous	358.32		358.32	
Total CIVIL CONFERENCE	10,644.66		10,644.66	
CONFERENCE MATERIALS				
Handouts, Materials, SWAG	9,243.46		9,243.46	
Total CONFERENCE MATERIALS	9,243.46		9,243.46	
COUNTY EXECUTIVE				
meals	156.00		156.00	
mileage	124.00		124.00	
mileage	191.00		191.00	
Total COUNTY EXECUTIVE	471.00		471.00	
FALL CONFERENCE				
catering	1,212.36		1,212.36	
facilities charge	4,777.56		4,777.56	
honoraria	650.00		650.00	
lodging	760.00		760.00	
MCLE fee	783.00		783.00	
meals	762.00		762.00	
mileage	1,969.84		1,969.84	
Misc	8.00		8.00	
Total FALL CONFERENCE	10,922.76		10,922.76	
NATIONAL CONFERENCES				
NAPC				
NAPC Summer Conference				
Airfare	1,976.20		1,976.20	
Lodging	1,033.56		1,033.56	
Mileage	262.62		262.62	
Misc	125.39		125.39	
Per Diem	535.00		535.00	
Registration Fee	1,750.00		1,750.00	
Total NAPC Summer Conference	5,682.77		5,682.77	
NAPC Winter Conference				
Airfare	1,097.39		1,097.39	
Ground Transportation	117.30		117.30	
Lodging	989.73		989.73	
Mileage	390.77		390.77	
Misc	60.00		60.00	
Per Diem	425.00		425.00	
Registration Fee	750.00		750.00	
Total NAPC Winter Conference	3,830.19		3,830.19	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Total NAPC	9,512.96		9,512.96	
Total NATIONAL CONFERENCES	9,512.96		9,512.96	
NDAА CONFERENCEС				
Airfare	7,226.77		7,226.77	
Ground Transportation	216.13		216.13	
Lodging	6,081.50		6,081.50	
Mileage	979.36		979.36	
Misc	116.61		116.61	
Per Diem	1,789.00		1,789.00	
Registration	4,105.00		4,105.00	
Total NDAА CONFERENCEС	20,514.37		20,514.37	
REGIONAL TRAINING				
Legislative Update	45.00		45.00	
lodging	1,852.62		1,852.62	
meals	484.00		484.00	
mileage	2,126.98		2,126.98	
Total Legislative Update	4,508.60		4,508.60	
Total REGIONAL TRAINING	4,508.60		4,508.60	
SPEAKER RECOGNITION				
SPRING CONFERENCE				
audio-visual	3,260.80		3,260.80	
catering	9,122.83		9,122.83	
facilities charge	794.63		794.63	
MCLE fee	6,425.25		6,425.25	
miscellaneous	485.00		485.00	
Total SPRING CONFERENCE	20,088.51		20,088.51	
TRAIN THE TRAINERS (deleted)				
air fare (deleted)	3,258.39		3,258.39	
catering (deleted)	3,441.66		3,441.66	
facilities charge (deleted)	3,200.00		3,200.00	
lodging (deleted)	6,969.31		6,969.31	
meals (deleted)	2,945.43		2,945.43	
mileage (deleted)	5,599.63		5,599.63	
Misc (deleted)	1,176.45		1,176.45	
Total TRAIN THE TRAINERS (deleted)	26,590.87		26,590.87	
UMPA				
catering	313.23		313.23	
facilities charge	-55.24		-55.24	
lodging	4,251.24		4,251.24	
MCLE fee	407.25		407.25	
meals	240.00		240.00	
mileage	1,162.11		1,162.11	
Total UMPA	6,318.59		6,318.59	
UPAA				
catering	3,150.00		3,150.00	
honoraria	650.00		650.00	
lodging	3,600.00		3,600.00	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
meals	1,399.00		1,399.00	
mileage	3,735.98		3,735.98	
miscellaneous	232.22		232.22	
Total UPAA	12,767.20		12,767.20	
Total CONFERENCES	153,065.67		153,065.67	
COUNCIL, UPAA & COMMITTEE MTGS				
Council, UPAA Brd & Commt's				
catering	1,894.23		1,894.23	
lodging	543.00		543.00	
meals	180.00		180.00	
mileage	465.00		465.00	
Total Council, UPAA Brd & Commt's	3,082.23		3,082.23	
Training Committee				
catering	152.85		152.85	
lodging	1,739.67		1,739.67	
meals	694.50		694.50	
mileage	1,552.60		1,552.60	
Total Training Committee	4,139.62		4,139.62	
Total COUNCIL, UPAA & COMMITTEE MTGS	7,221.85		7,221.85	
CURRENT EXPENSES				
Annual MCLE Fee	200.00		200.00	
Calendars	819.00		819.00	
Dues & Memberships	2,225.00		2,225.00	
Equipment/Supplies-not Data Pro	7,477.03		7,477.03	
IT				
Hardware	169.48		169.48	
Network Services	5,981.06		5,981.06	
Software for Support	285.51		285.51	
Total IT	6,436.05		6,436.05	
Miscellaneous	3,291.53		3,291.53	
Office Supplies	436.90		436.90	
Postage	56.99		56.99	
Telephone	3,739.12		3,739.12	
Total CURRENT EXPENSES	24,681.62		24,681.62	
DATA MANAGEMENT - ePros / PIMS				
ePros/PIMS Sup Install				
Maintenance / Installation				
Lodging	168.48		168.48	
Meals	68.00		68.00	
mileage	37.60		37.60	
Total Maintenance / Installation	274.08		274.08	
Total ePros/PIMS Sup Install	274.08		274.08	
Total DATA MANAGEMENT - ePros / PIMS	274.08		274.08	
OUT-OF-STATE TRAVEL				
Other out of state travel	790.00		790.00	
Total OUT-OF-STATE TRAVEL	790.00		790.00	
PERSONNEL SERVICES				

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Director				
base salary	115,897.77		115,897.77	
benefits	63,964.06		63,964.06	
Total Director	179,861.83		179,861.83	
IT Director				
base salary	103,378.52		103,378.52	
benefits	72,816.08		72,816.08	
Total IT Director	176,194.60		176,194.60	
Staff Attorney - SADVRP				
base salary	93,948.95		93,948.95	
benefits	64,218.98		64,218.98	
Total Staff Attorney - SADVRP	158,167.93		158,167.93	
Staff Attorney - TSRP				
base salary	97,940.19		97,940.19	
benefits	66,413.63		66,413.63	
Total Staff Attorney - TSRP	164,353.82		164,353.82	
Training Coordinator				
base salary	81,447.69		81,447.69	
benefits	48,388.98		48,388.98	
Total Training Coordinator	129,836.67		129,836.67	
Total PERSONNEL SERVICES	808,414.85		808,414.85	
RESOURCE PROSECUTOR EXPENSES				
SADVRP				
Airfare	463.21		463.21	
Car Rental	3,541.21		3,541.21	
Catering	205.30		205.30	
Conference Registration Fees	459.76		459.76	
Equipment and Supplies	180.67		180.67	
Lodging	2,823.17		2,823.17	
Meals	1,213.00		1,213.00	
Mileage	1,124.18		1,124.18	
Misc	269.41		269.41	
Total SADVRP	10,279.91		10,279.91	
TSRP EXPENSES				
Airfare	3,091.79		3,091.79	
Conference Registration Fees	2,650.00		2,650.00	
Lodging	2,192.46		2,192.46	
Meals	407.00		407.00	
Mileage	375.40		375.40	
Misc	112.30		112.30	
Total TSRP EXPENSES	8,828.95		8,828.95	
Total RESOURCE PROSECUTOR EXPENSES	19,108.86		19,108.86	
Total Expenditures	\$1,054,451.49	\$0.00	\$1,054,451.49	0.00%
NET OPERATING REVENUE	\$109,761.74	\$0.00	\$109,761.74	0.00%
NET REVENUE	\$109,761.74	\$0.00	\$109,761.74	0.00%

Tab C



Utah Prosecution Council

Budget vs. Actuals: 2022-23 UPC Budget - FY23 P&L

July 2022 - June 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Revenue				
CONFERENCE REG FEE -DED CREDITS				
Basic Prosecutor	2,745.00	2,500.00	245.00	109.80 %
Civil Conference	1,625.00	6,250.00	-4,625.00	26.00 %
Fall Conference	1,750.00	6,875.00	-5,125.00	25.45 %
Spring Conference		31,250.00	-31,250.00	
UMPA	375.00	3,375.00	-3,000.00	11.11 %
UPAA	500.00	9,375.00	-8,875.00	5.33 %
Total CONFERENCE REG FEE -DED CREDITS	6,995.00	59,625.00	-52,630.00	11.73 %
ePROSECUTOR USER FEES - DED CRD	15,244.00	34,000.00	-18,756.00	44.84 %
EXPENSE REIMBURSEMENTS				
eProsecutor Administrator Salary	25,927.59	53,938.00	-28,010.41	48.07 %
TSRP - REVENUE TRANSFER	36,532.18		36,532.18	
TSRP - Salary and Benefits		157,766.00	-157,766.00	
Total TSRP - REVENUE TRANSFER	36,532.18	157,766.00	-121,233.82	23.16 %
Total EXPENSE REIMBURSEMENTS	62,459.77	211,704.00	-149,244.23	29.50 %
STATE REVENUE INCOME				
General Fund		730,600.00	-730,600.00	
Non-lapsing Carryover	95,851.62	95,851.62	0.00	100.00 %
Total STATE REVENUE INCOME	95,851.62	826,451.62	-730,600.00	11.60 %
Total Revenue	\$180,550.39	\$1,131,780.62	\$ -951,230.23	15.95 %
GROSS PROFIT	\$180,550.39	\$1,131,780.62	\$ -951,230.23	15.95 %
Expenditures				
ADMINISTRATIVE FEES				
Administrative fee to AG		35,700.00	-35,700.00	
Building OS&M		1,700.00	-1,700.00	
DB Purc (West Law)	32.00	1,600.00	-1,568.00	2.00 %
Ins & Bonds		1,200.00	-1,200.00	
Total ADMINISTRATIVE FEES	32.00	40,200.00	-40,168.00	0.08 %
CASE MANAGEMENT				
eProsecutor Training/Support		750.00	-750.00	
Total CASE MANAGEMENT		750.00	-750.00	
CONFERENCES				
BASIC PROSECUTOR COURSE				
audio-visual	150.00		150.00	
catering	3,388.02		3,388.02	
facilities charge	6,907.00		6,907.00	
meals	1,089.00		1,089.00	
mileage	1,484.47	22,000.00	-1,484.47	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
miscellaneous	296.08		296.08	
Total BASIC PROSECUTOR COURSE	13,314.57	22,000.00	-8,685.43	60.52 %
CIVIL CONFERENCE		12,000.00	-12,000.00	
CONFERENCE MATERIALS				
Handouts, Materials, SWAG	202.92	10,000.00	-9,797.08	2.03 %
Total CONFERENCE MATERIALS	202.92	10,000.00	-9,797.08	2.03 %
COUNTY EXECUTIVE		750.00	-750.00	
ePROSECUTOR CONFERENCE		750.00	-750.00	
FALL CONFERENCE		22,000.00	-22,000.00	
NATIONAL CONFERENCES				
NAPC				
NAPC Summer Conference		5,300.00	-5,300.00	
Airfare	574.41		574.41	
Lodging	1,643.29		1,643.29	
Mileage	653.70		653.70	
Misc	98.00		98.00	
Per Diem	461.00		461.00	
Total NAPC Summer Conference	3,430.40	5,300.00	-1,869.60	64.72 %
NAPC Winter Conference		5,500.00	-5,500.00	
Total NAPC	3,430.40	10,800.00	-7,369.60	31.76 %
Total NATIONAL CONFERENCES	3,430.40	10,800.00	-7,369.60	31.76 %
NEW COUNTY ATTORNEY		1,400.00	-1,400.00	
REGIONAL TRAINING				
Legislative Update		4,000.00	-4,000.00	
Total REGIONAL TRAINING		4,000.00	-4,000.00	
SPEAKER RECOGNITION		5,000.00	-5,000.00	
SPRING CONFERENCE		22,000.00	-22,000.00	
UMPA		7,200.00	-7,200.00	
UPAA		12,000.00	-12,000.00	
lodging	113.82		113.82	
meals	31.00		31.00	
mileage	279.18		279.18	
Total UPAA	424.00	12,000.00	-11,576.00	3.53 %
Total CONFERENCES	17,371.89	129,900.00	-112,528.11	13.37 %
COUNCIL, UPAA & COMMITTEE MTGS				
Council, UPAA Brd & Commt's		2,500.00	-2,500.00	
catering	104.26		104.26	
mileage	110.56		110.56	
Total Council, UPAA Brd & Commt's	214.82	2,500.00	-2,285.18	8.59 %
Training Committee		5,000.00	-5,000.00	
Total COUNCIL, UPAA & COMMITTEE MTGS	214.82	7,500.00	-7,285.18	2.86 %
CURRENT EXPENSES				
Annual MCLE Fee		250.00	-250.00	
Calendars		900.00	-900.00	
Donation to LEOJ Course		6,000.00	-6,000.00	
Donation to UT Journal Crim Law		3,000.00	-3,000.00	
Donations UT Cncl Victims Crime		1,500.00	-1,500.00	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Dues & Memberships	1,350.00	2,300.00	-950.00	58.70 %
Equipment/Supplies-not Data Pro	314.83	7,700.00	-7,385.17	4.09 %
IT				
Hardware		475.00	-475.00	
Network Services	511.52	6,100.00	-5,588.48	8.39 %
Software for Support		500.00	-500.00	
UPC Website		2,200.00	-2,200.00	
Total IT	511.52	9,275.00	-8,763.48	5.52 %
Library & Subscriptions		200.00	-200.00	
Miscellaneous		3,700.00	-3,700.00	
Office Supplies	474.39	350.00	124.39	135.54 %
Personal Vehicle Mileage		500.00	-500.00	
Postage		400.00	-400.00	
Telephone	58.32	3,000.00	-2,941.68	1.94 %
Total CURRENT EXPENSES	2,709.06	39,075.00	-36,365.94	6.93 %
OUT-OF-STATE TRAVEL		800.00	-800.00	
PERSONNEL SERVICES				
Director				
base salary	2,632.96	124,467.20	-121,834.24	2.12 %
benefits	1,269.78	62,802.41	-61,532.63	2.02 %
Total Director	3,902.74	187,269.61	-183,366.87	2.08 %
INCENTIVE AWARDS		30,000.00	-30,000.00	
IT Director				
base salary	2,180.64	94,494.40	-92,313.76	2.31 %
benefits	844.05	36,830.70	-35,986.65	2.29 %
Total IT Director	3,024.69	131,325.10	-128,300.41	2.30 %
Staff Attorney - SADVRP				
base salary	1,902.80	98,945.60	-97,042.80	1.92 %
benefits	1,092.23	59,340.23	-58,248.00	1.84 %
Total Staff Attorney - SADVRP	2,995.03	158,285.83	-155,290.80	1.89 %
Staff Attorney - TSRP				
base salary	2,230.36	105,435.20	-103,204.84	2.12 %
benefits	1,253.66	61,827.69	-60,574.03	2.03 %
Total Staff Attorney - TSRP	3,484.02	167,262.89	-163,778.87	2.08 %
Training Coordinator				
base salary	1,961.76	85,009.60	-83,047.84	2.31 %
benefits	890.00	40,457.76	-39,567.76	2.20 %
Total Training Coordinator	2,851.76	125,467.36	-122,615.60	2.27 %
Total PERSONNEL SERVICES	16,258.24	799,610.79	-783,352.55	2.03 %
RESOURCE PROSECUTOR EXPENSES				
SADVRP		9,000.00	-9,000.00	
Car Rental	155.12		155.12	
Lodging	89.42		89.42	
Meals	80.00		80.00	
Mileage	115.06		115.06	
Total SADVRP	439.60	9,000.00	-8,560.40	4.88 %
TSRP EXPENSES		33,249.00	-33,249.00	

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Total RESOURCE PROSECUTOR EXPENSES	439.60	42,249.00	-41,809.40	1.04 %
UPAA APPROPRIATION		12,000.00	-12,000.00	
Total Expenditures	\$37,025.61	\$1,072,084.79	\$ -1,035,059.18	3.45 %
NET OPERATING REVENUE	\$143,524.78	\$59,695.83	\$83,828.95	240.43 %
NET REVENUE	\$143,524.78	\$59,695.83	\$83,828.95	240.43 %

Tab D

**UTAH PROSECUTION COUNCIL
GUIDELINES FOR THE ALLOCATION OF
UNUSUAL PROSECUTION EXPENSE REIMBURSEMENT FUNDS**

Each application requesting reimbursement of unusual prosecution expenses must be in writing and must include the following:

1. A summary of the prosecution, detailing the type of case and the facts which underlie the case for which reimbursement of expenses is requested.
2. Facts which establish the necessity for the expense(s) for which reimbursement is requested.
3. An explanation as to why the expense is of an unusual nature.
4. Information which details why payment of the expense constituted a hardship to the agency requesting the reimbursement.
5. Information which details that the expense incurred actually paid for something used by the prosecution in furtherance of the case.
6. Financial documentation, such as invoices and proof of payment documenting the expense.

Unusual prosecution expenses may include but are not limited to:

1. Expert witness fees incurred for prosecution witnesses.
2. Travel costs to:
 - Transport and house witnesses brought from remote areas, *if not reimbursable from other sources*. (See Utah Code §78B-1-117, Jurors and witnesses – State payment for jurors and subpoenaed persons – Appropriations and costs – Expenses in justice court; §78B-1-118, Jurors and witnesses – Judicial Council rules governing fee payment; §78B-1-119, Jurors and Witnesses – Fees and mileage; §77-21-3, Procedure to secure attendance of witness from without state; and Rule 4-405, Judicial Council Rules of Judicial Administration, Juror and witness fees and expenses.)
 - Pay for prosecution investigators to travel to remote areas to complete case investigations.
3. Costs associated with securing bank and other records.
4. The presentation of documentary and/or demonstrative evidence at trial.

The above guidelines were approved by the Utah Prosecution Council at its meeting held at Ruby's Inn at Bryce Canyon in September of 1996, and reviewed as to witness travel costs on June 9, 1999.

Tab E

MEMO

From: Robert J. Church, Director, Utah Prosecution Council
To: Utah Prosecution Council Members
Date: November 1, 2021
Re: UPC Staff Salary Information

Below is the information requested at the last Council meeting regarding UPC staff salary information.

U.C.A. 67-5a is UPC's governing statute. The director is appointed by the Council. The director serves at the pleasure of the Council. Resource prosecutors are appointed by the director, with the consent of the Council. They serve at the pleasure of the Council. The director appoints administrative staff. U.C.A. 67-5a-6(1), (3), (4). Administrative staff are merit employees and have career status.

U.C.A. 67-5a-6(5) is your statutory authority to set our salaries. It states: The council shall select and establish the compensation of the director, resource prosecutors, and administrative staff consistent with state personnel policies. As you continue reading this memo, keep this in mind. You set the UPC employee's salary, not the AG's office. However, I am cognizant of the fact that in setting our salaries, it has created discord among other AG employees.

I am providing the following information from the AG's Office Administrative Policy Manual only for context. The AG's office has 5 grade levels for attorneys. Promotion to Grade level's 4 and 5 are discretionary and subject to funding.

Grade level 4 attorneys must have a minimum of 8 years practicing law. If the promotion is approved, it results in a 5.5% salary increase. Tyson and I are currently classified as Grade level 4 attorneys.

Grade level 5 attorneys must have a minimum of 12 years practicing law and must complete 3 years with the AG's office. If the promotion is approved, it results in a 5.5% salary increase.

Despite the grade level system, salaries are based off bar year and not grade level.

There is no comparable guidance for setting the salaries for UPC's administrative staff; Marilyn and Ron.

Here is the hourly rate each employee earns along with the amount of our benefits and total compensation.

EMPLOYEE:	HOURLY RATE:	BENEFITS:	SALARY:	TOTAL:
Robert Church	\$57.82	\$52,077.45	\$120,265.00	\$172,342.45

Marilyn Jasperson	\$38.45	\$31,342.00	\$79,976.00	\$111,318.00
Marlesse Jones	\$45.96	\$49,027.33	\$95,596.80	\$144,624.13
Tyson Skeen	\$48.26	\$50,953.27	\$101,878.40	\$152,831.67
Ron Weight	\$42.73	\$27,395.71	\$88,878.40	\$116,274.10

When compared with other attorneys with the same number of years practicing law, here is where we stand:

Robert Church: 30 years practicing law. I earn between \$3 - \$6 more per hour than my peers with the same number of years. If I were moved to a Grade level 5 attorney and receive the 5.5% increase, I would still be making more than my peers.

Tyson Skeen: 12 years practicing law. He earns between \$5 - \$7 more an hour than his peers.

Marlesse Jones: 11 years practicing law. She earns between \$5 - \$7 more an hour than her peers.

The AG's policy manual also provides for other increases that include any COLA approved by the legislature. Merit increases may be authorized by the Legislature. The percent of the increase may be determined by the Legislature and/or set according to the AG's discretion.

Loyalty increases are awarded for continuous years of service and are effective on the employee's anniversary hire date and subject to funding.

Ron and Marilyn are subject to a 1.5% increase for every 5-years of continuous service.

For attorneys: for 5-years continuous service with the office, \$500. For each 5-year anniversary, annual base pay will increase by \$500 up to 20 years continuous service.

I asked the AG's HR department to provide me information on any raises UPC staff have received over the last five years. Here is that information.

EMPLOYEE:	2021:	2020:	2019:	2018:	2017:
Robert Church	3% COLA \$.72 discretionary	0 COLA	2.5% COLA \$.48 Discretionary NOTE: Did not receive a 5-year loyalty increase.	2.5% COLA	2% COLA
Marilyn Jasperson	3% COLA \$.72 discretionary	0 COLA	2.5% COLA \$.48 Discretionary	2.5% COLA	2% COLA

Marlesse Jones	3% COLA \$.72 discretionary	0 COLA	2.5% COLA \$.48 Discretionary	2.5% COLA	2% COLA Partial 3% increase Legislature appropriated for non attorney staff. Took to top of the range. Remaining aid as a one time bonus.
Tyson Skeen	3% COLA \$.72 discretionary \$.24 - 5 year loyalty	0 COLA	2.5% COLA \$.48 Discretionary Promotion to Grade IV	2.5% COLA	2% COLA \$2.83 increase. This was the year Marlesse was hired and the Council bumped Tyson's salary to be slightly above Marlesse's due to him having more time with UPC and a higher bar number.
Ron Weight	3% COLA \$.72 discretionary	0 COLA \$1.12 longevity increase	2.5% COLA \$.48 Discretionary	2.5% COLA	2% COLA

The AG policy manual also provides for performance incentive awards. Awards may take the form of cash or administrative leave. A cash award for an attorney of \$2,000 or more and an award of \$800 or more must be approved by the appropriate Executive Department Head. UPC has received funding for cash incentive awards from the legislature for the last several years. Over the last 5 years, I have nominated Marilyn, Marlesse, Tyson and Ron for awards. Their combined awards for the last 5 years was \$15,350. I can provide a specific break down of how much each employee received upon request. I was nominated for a \$500 award three or four years ago.

Current budget

Tab F

2022 TRAINING SCHEDULE



Training and Serving Utah Prosecutors Since 1990

January 5	COUNCIL MEETING	UPC Office 5272 College Drive	June 7-10	Visual Trial Skills (Adv. Trial Skills)	UPC Office 5272 College Drive
Feb. 7-9	HB 200 Sex Crimes Invest. Course for LEO	P.O.S.T., Draper	June 22-24	Ut. Prosecutorial Assit's Annual Conf. <i>Training for para-legals and secretarial staff in prosecutor offices</i>	Ruby's Inn Bryce Canyon City
March 7-9	HB 200 Sex Crimes Invest. Course for LEO	U.S.U., Logan	Aug. 21-26	Basic Prosecutor Course <i>Trial advocacy and substantive legal instruction for new prosecutors</i>	Riverwoods Conf. Logan, UT
March 16	TRAINING COMMITTEE	UPC Office 5272 College Drive	TBD	COUNCIL MEETING	TBD
March 22-25	TRAIN the TRAINER	Hilton Garden Inn St. George	Sept. 7-9	HB200 Sex Crimes Invest. Course for LEO	USU, Richfield
April 20	COUNCIL MEETING	UPC Office 5272 College Drive	Sept. 21-23	Fall Prosecutors Training Conference <i>The annual CLE and idea sharing event for all Utah prosecutors</i>	Hilton Garden Inn St. George
April 21-22	SPRING CONFERENCE <i>Legislative and case law updates, civility/professionalism and more</i>	MT. America Expo Ctr.	Oct. 3-5	HB200 Sex Crimes Invest. Course for LEO	USU, Moab
May 6-26	REGIONAL LEGISLATIVE UPDATES	23 LOCATIONS	Oct. 17-18	TRAINING COMMITTEE	Hilton Garden Inn St. George
May 18-20	CJC/DV CONFERENCE <i>For anyone who has a role in DV or Child Abuse Cases</i>	Cliff Lodge Snowbird Resort	Oct. 19-21	GOV. CIVIL PRACTICE CONF. <i>Training designed specifically for government civil attorneys from counties and cities</i>	Hilton Garden Inn St. George
June TBD	COUNCIL MEETING	TBD	Nov. 3-4	UT. MISDEMEANOR PROSECUTORS ASSN.	Kanab Conf. Ctr.
			Nov. 14-18	Cty./ Dist. Attny. Exec. Seminar/UAC Conv. <i>An opportunity for all county/district attorneys to discuss common issues</i>	Dixie Center St. George

Tab G

July 2022 - Sept 2022

SA/DV Resource Prosecutor Report

OVERVIEW / COMMENTS RE QUARTER

This quarter has been a mix of work trainings and family obligations during July and August, with September still in the works. However, the trainings undertaken, so far, have all been well attended and a success. September is not yet complete so as you can see from the below calendar there are several additional trainings and meetings that will ultimately complete the states for this quarter.

We held the HB200 Sex Crimes Investigations Course off site in Richfield at Snow Campus and it was well attended. The instructors I continue to have assist are just phenomenal and make the difference in the quality of training and information we can share. This project remains a priority based on my funding goals, and we are ramping up for the October session in Moab.

TRAININGS CONDUCTED/ATTENDED:

- July 11-12, 2022 NAPC, Golden CO Attendee
 - 2 days
- July 21, 2022 Trauma in SA Cases, UCASA – Virtual
 - 75 minutes
 - 21 attended
- July 28, 2022 Legislative Update , Davis Co Agencies – Virtual
 - 60 mins
 - 65 attended
- Aug 16, 2022 Iron County Multi-Agency LEO Training, Cedar City
 - AM – Trauma/OICI (120 mins) and TIVI™© Interviewing (60 mins)
 - PM - Domestic Violence Dynamics (120 mins) and Stalking Response (60 mins)
 - 33 attended
- Aug 18, 2022 Trauma Informed Response for SARTs, Nephi UT & Virtual
 - 50 mins
 - ? attended (*waiting for roster numbers, estimated 15 for report purposes*)
- Aug 21-26, 2022 UPC BASIC Prosecutor Course, Logan UT
 - 4 days (presenter and full-time faculty)
 - 22 attended
- Sept 7-9, 2022 HB200 Sex Crimes Investigations Course, Richfield UT
 - 24 hours
 - 25 attended
- Sept 21, 2022 Trauma Interviewing, TIVI™©, Utah Tech University, St. George
 - 60 mins
 - (*pending*) attended
- Sept 23, 2022 Ethics in LGBTQ+ Population
 - 60 mins
 - (*pending*) attended
- Sept 26, 2022 Trauma Informed Response, Utah Valley University, Orem UT
 - 120 mins
 - (*pending*) attended

- Sept 27, 2022 Trauma Evidence in SA investigations, Weber SART, Ogden UT
- 60 mins
 - *(pending)* attended

COMMITTEES / MEETINGS ATTENDED

- July 20, 2022 SLC SART Mtg
UCVC Conference Planning Mtg
- Aug 3, 2022 UCVC Conference Planning Mtg
- Aug 8, 2022 DVFRC (Domestic Violence Fatality Review Committee) Mtg
- Aug 15, 2022 UT Co DV Bootcamp planning discussion
- Aug 29, 2022 UMPA Conf Planning Mtg
- Sept 12, 2022 DVFRC Mtg
- Sept 14, 2022 SWAPLAC

STATS: ASSISTANCE & TRAININGS PROVIDED

2022	Technical Assistance Provided	Trainings / Events	Number of Participants	Number of Class Hours
July	16	3	86	2.25
August	22	3	136	38.0
Sept	18 + <i>pending</i>	5	75 + <i>pending</i>	29.0
TOTAL	56+	11	297+	69.25

Tab H

July-September 2022 TSRP Report

Trainings Attended/Conducted:

- July 8, 2022 – Winning the DLD Hearing, Orem, UT
 - Training for Section 6 at UHP
 - **1 hour training**
 - **6 attendees**
- July 11-13, 2022 – NAPC Summer Conference, Golden, CO
 - Attended National Association of Prosecutor Coordinators summer conference, including the TSRP breakout session and the national Traffic Safety Committee meeting
- July 14, 2022 – DUI Report Writing, Denver, CO
 - Presented to Colorado law enforcement on effective DUI report writing
 - **1.25 hours training**
 - 35 law enforcement and 1 prosecutor for **36 total attendees**
- July 18, 2022 – Winning the DLD Hearing, Orem, UT
 - Training for Section 6 at UHP
 - **1 hour training**
 - **13 attendees**
- July 28, 2022 – Legislative Update, Virtual for Davis County
 - Recorded a virtual training for Davis County that officers participated live, but also will be available for on demand watching in the future.
 - **1 hour training**
 - **19 attendees**
- August 21-26, 2022 – UPC Basic Prosecutor Course, Logan, Ut
 - UPC's annual basic prosecutor course where new prosecutors are taken through a case scenario and taught all aspects from screening to submitting the case to the jury. I was selected to be on faculty for the week and participated throughout the week. In addition to the specific workshops led and training sessions conducted, I was part of the instruction and small breakout groups all week long. Faculty are all very involved throughout the whole week.
 - August 23 – Opening Statement Workshop
 - Teaching and giving feedback on opening statements
 - **1.25 hours**
 - **5 attendees**
 - August 24 – Direct Examination Workshop
 - Teaching and giving feedback on direct examination
 - **1.25 hours**
 - **5 attendees**
 - August 25 – Cross Examination Workshop
 - Teaching and giving feedback on cross examination
 - **1.25 hours**
 - **6 attendees**

- August 25 – Combatting Common DUI defenses
 - **1 hour**
 - **28 attendees**
- August 26 – Closing Arguments Workshop
 - Teaching and giving feedback on closing arguments
 - **1.25 hours**
 - **5 attendees**
- September 15, 2022 – Mastering Masking, Reno, NV
- September 21-23, 2022 – UPC Fall Prosecutors Conference, St. George, UT

Upcoming Trainings:

- UPC Fall Conference
- Mastering Masking Course, Reno, NV

Current Projects:

- Updating Utah TSRP Training Curriculum

Meetings Attended:

- July 15, 2022 – SWAP Board Meeting, Kamas, UT
- July 15, 2022 – UPC Council Meeting, Kamas, UT
- July 26, 2022 – DUI Legislative Meeting at DPS Headquarters, Taylorsville, UT
- July 28, 2022 – Planning meeting for cross exam workshop, virtual
- August 11, 2022 – Shared Master Offense Table (SMOT) coordination meeting with Administrative Office of the Courts (AOC), Murray, UT
- August 15, 2022 – SWAPLAC Meeting, Salt Lake City, UT
- August 18, 2022 – Zero Fatalities Safety Summit planning meeting, virtual
- August 29, 2022 – UMPA planning meeting, Murray, UT
- August 31, 2022 – Idaho Cross Examination coordination meeting, virtual
- September 6, 2022 – MATF Meeting, Orem UT
- September 7, 2022 – MATF Meeting, Kaysville, UT
- September 8, 2022 – MATF Meeting, Herriman, UT
- September 8, 2022 – SMOT Discussion with prosecutors, virtual
- September 12, 2022 – USAAV+ DUI Committee, virtual
- September 12, 2022 – DUI Victim Meeting, Taylorsville, UT
- September 19, 2022 – SWAP Board Meeting, Murray, UT
- September 21, 2022 – UPC Council Meeting, St. George, UT

Other Notables:

- Chosen to come to Idaho in the fall as faculty to teach a cross-examination workshop.

Technical Assistance Provided:

MONTH	TECHNICAL ASSISTANCE	TRAINING PROVIDED	NUMBER OF PARTICIPANTS	CLASS HOURS
October 2021	66	0	0	0
November	77	3	106	4
December	83	1	41	1
January 2022	71	0	0	0
February	83	6	170	16.5
March	61	3	70	3.25
April	63	1	282	1.5
May	54	23	657	46
June	81	5	75	7
July	56	4	74	4.25
August	91	5	49	6
*September				
TOTALS	786	57	1,524	89.5

*Report completed early in September, so numbers are through August.