

**Utah Prosecution Council Meeting**  
**Wednesday - April 19, 2023, 9:00 a.m.**  
**5272 College Drive**  
**Murray, UT**  
**Live or via Teams**

**Approved Minutes**

Present: Stephen D. Foote, UPC Chair, Duchesne County Attorney (In Person)  
Dan Burton, Chief Criminal Deputy, Utah Attorney General's Office (*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)  
Randall McUne, Cedar City Attorney (In Person)  
Ed Montgomery, City of South Jordan (In Person)  
Ryan Peters, Juab County Attorney (In Person)  
Troy Rawlings, Davis County Attorney (In Person)  
Yvette Rodier, Deputy West Valley City Attorney (Remotely)  
Stuart Williams, Clearfield City Attorney (In Person)  
Robert Van Dyke, Kane County Attorney (In Person)  
Karyn Walker, UPAA Chair, Provo City Attorney's Office (Remote)

Excused: Jess L. Anderson, Utah Commissioner of Public Safety  
Sim Gill, Salt Lake County District Attorney  
Sean Reyes, Utah Attorney General

Guests: Jeff Buhman, SWAP Director

**1. MINUTES FROM SEPTEMBER 21, 2022 AND NOVEMBER 30, 2022 COUNCIL MEETINGS**

- a. The Council members were welcomed and the meeting convened.
- b. Will Carlson made the motion to approve the meeting minutes from September 21, 2022. Stuart Williams seconded and the motion passed unanimously
- c. Stuart Williams made the motion to approve the meeting minutes from November 30, 2022. Will Carlson seconded and the motion passed unanimously.

## **2. FY 23 BUDGET REVIEW**

Bob Church made the following financial report. Additional information is included in the Director's Summary.

- a. FY23, year to date report includes FINET receipts through February 2023.
- b. Conference revenue has exceeded what was budgeted. Because we have come in under budget, Bob projects approximately \$60,000+ in net revenue.
- c. Spring Conference fees are still coming in.
- d. Close out for John R. Justice. Pending final approval for special conditions from DOJ. Once special conditions met, will close out.
- e. Have yet to receive all reimbursements for TSRP grand funding and eProsecutor administrator salary. Those funds are available once this quarter is complete.
- f. eProsecutor user fees are continuing to be collected.
- g. Admin Fees to AGO will be posted at year end.

## **3. PROSECUTOR OF THE YEAR**

Bob Church made the following report on the results of the review committee. Additional information is included in the Director's Summary. The review committee selected Ryan McBride to receive the Prosecutor of the Year award for 2022.

- a. After a lengthy discussion the Council decided that going forward felony and misdemeanor prosecutors should be considered on an alternating/rotating basis, felony one year and misdemeanor the next year. The review committee would be encouraged to use their discretion such as if there are not enough nominees for a misdemeanor or felony attorney. The committee would be encouraged to alternate when appropriate and selections would not exceed three individuals. Overall, the Council felt that recognizing their peers was always a good thing.

## **4. LIFETIME RECOGNITION AWARD**

Councils' discussion on types of awards continued and it was agreed that a Lifetime Recognition Award would be reserved for retiring attorneys.

## **5. CJC LETTER**

After discussing concerns regarding the letter of February 13, 2023, "Disclosure of a Communication Given to a Victim Advocate, U.C.A. 77-38-405", the Council strongly advised they would have appreciated having been consulted on the issues before sending out the letter.

## **6. TARGETED COMPENSATION INCREASES - FURTHER DISCUSSION**

Bob Church made the following report on the results of the review committee. Additional information is included in the Director's Summary. Will Carlson raised the question that with the Legislature approving AGO salary increases did UPC benefit from that increase as well. As shown in Directory's Summary, Bob explained what UPC received in terms of grade increases which were inline with AGO compensation effective April 1, 2023. Grades and years that determined an attorney's salary were explained. After an in depth discussion, the Council recommended that at the June meeting (year end) salary allocations would be

determined which would include the Council setting Bob's salary and Bob would, at his discretion, allocate the approximately SB3 \$66,000 remaining balance for staff attorneys. There was also discussion about expending the remaining balance of the budgeted \$25,000 incentive award to UPC staff. Bob stated that Marilyn and Ron receive, at a minimum, a \$5.00 an hour pay raise. This remaining funding would be retroactive to April 1, 2023. Council agreed it that on an annual basis the Council and Bob make a budget proposal around the September meeting. It was noted that UPC staff has been under compensated. The work product that UPC provides is on par if not exceeds that of its national counterparts. In short, UPC is on the cutting edge of its industry. A lot of those accolades are largely due to Bob. Bob indicated that he could possibly get numbers out to the Council in about a week.

## **7. TRAINING COMMITTEE REPORT**

Bob Church gave the following training committee report. Additional information is included in the Director's Summary.

- a. He welcomed Randall McUne from Cedar City, Matt Hansen from Weber County, and Misty Hope from Juab County. Bob recognized the existing training committee members.
- b. Council reviewed the training schedule as outlined in his summary.
- c. Bob informed the Council that Barry Huntington notified him indicating that Jay R. Latham of St. George was sending UPC's legislative summaries to the local defense bar. The summaries are available on our website and copy right notation attached. Is that a violation of our protocol? Will Carlson and Dan Burton stated that these are government created documents and are/should be available to the public. As government documents, there is no charge to obtain them.
- d. UPC conference registration rates (i.e., public \$125 or private employees \$350). After a in depth discussion, the Council agreed not to change the rates and continue with the existing registration fees as has been set by the Council.
- e. Discontinue Sponsoring Civil Conference. Please refer to Director's Summary for details. Instead of Civil Conference a Trial Advocacy Course could easily be held in its place. After a lengthy discussion, the Council directed UPC to approach UAC or UMAA and partner with them or ask them to take this training under their umbrella. Bob was directed to contact Brandy Grace with UAC as well as Scott Broadhead, Troy Rawlings and Neal Geddes and let them know UPC will be divesting itself from putting on the Civil Conference and ask that it be incorporated into UAC. Bob will provide an update at the June meeting.

## **8. ePROSECUTOR**

Please refer to Directors Summary for further details.

- a. JTI Licenses. Clarification on paying JTI for licenses with grant funding, correction it is for new licenses. There is grant funding and no one will have to be paying for licenses. A new grant will be submitted by June 7<sup>th</sup> for next year.

- b. eFiling Update. At long last, JTI is ready to do testing of eProsecutor, beginning in Juab County. Interfacing still needs to be address. Ron will be following up and stay involved with that process.

**9. ALLOW TREATMENT PROVIDERS TO SET UP TABLES AT OUR CONFERENCES**

In checking with Finance, treatment providers can be allowed as long as treatment providers use the same area involved with UPC which would be part of our contract and they are not selling their products.

**10. UPAA REPORT**

Karyn Walker gave the following report.

- a. UPAA Conference will be held at the Logan Riverwoods Conference Center. Agenda is set.
- b. Karyn introduced two new members who include Edith Brown from Davis County and Geysa Peeler from the AG's Office.
- c. Kim Rhoades is no longer on the UPAA Board.

**11. RESOURCE PROSECUTOR REPORT**

- a. Marlesse Jones SADVRP. Please refer to her report located under *Tab F*.
- b. Tyson Skeen TSRP. Please refer to his report located under *Tab G*.

**12. NEXT MEETING:**

Summit Count - Park City/Coleville  
Monday, June 12, 2023