

Utah Prosecution Council Meeting
Tuesday – January 14, 2025, 9:00 a.m.
5272 S College Dr
West Training Room

Pending Minutes

Present: Ed Montgomery, City of South Jordan, UPC Chair (In person)
Samantha Smith, Bluffdale City Assistant Attorney (In person)
Brett Robinson, Chief Policy Advisor, Salt Lake County District Attorney
(*designee of Sim Gill, Salt Lake County District Attorney*) (In person)
Robert Van Dyke, Kane County Attorney (In person)
Randall McUne, Cedar City Attorney (In person)
Jeff Gray, Utah County Attorney (In person)
Stew Young, Chief Criminal Deputy, Utah Attorney General's Office (In person)
Stephen Foote, Duchesne County Attorney (In person)

Excused: Jess L. Anderson, Utah Commissioner of Public Safety
Derek Brown, Utah Attorney General
Sim Gill, Salt Lake County District Attorney
Troy Rawlings, Davis County Attorney
Karyn Walker, UPAA Chair, Provo City Attorney's Office

Guests: Jeff Buhmann, SWAP (In person)
Ryan McBride, Utah County Attorney's Office (In person)

1. WELCOME

- a. Council members were welcomed.

2. PREVIOUS MINUTES

- a. Ed Montgomery motioned to approve the minutes from the September 10, 2024 and November 25, 2024 meeting. Randall McUne seconded and the motion passed unanimously.

3. FY25 BUDGET REVIEW

- a. Robert Church (Bob) asked if there were any questions regarding the budget. No questions.

- b. Moved to next agenda item.

4. DV RESOURCE PROSECUTOR

- a. Refer to director's summary for discussion items.
- b. Bob discussed a cadet at POST who said it was difficult for Salt Lake County victims to get protective orders.
- c. Bob said that if we cannot find someone we trust/can adequately train/is qualified for the DVRP position, the UOVC grant funds should be turned down.
- d. Randall McUne asked if turning down grant funds would hurt UPC in the long term. Bob responded that he didn't think so and hoped that UOVC would be on the same page.
- e. Jeff Gray asked if the legislature could partially fund the DV Resource Prosecutor position.
- f. Bob asked if a partial legislature funded position might bring in more qualified applicants versus having it be entirely grant funded.
- g. Rob Van Dyke asked if it would be up to the DVRP to do grant compliance if hired under a grant. Bob said it would likely be Trent Dressen's position that would be grant funded, and it would be up to him or Emma Johnsen to take care of the grant compliance.
- h. Rob and Trent suggested starting the position with grant funding and using those two years to show the legislature how important this position is with statistics so it can get legislature funded.
- i. Rob suggested a meeting with the lieutenant governor, who is focused on DV issues.
- j. Randall discussed how difficult DV prosecution can be and supported more state funding for DV support.
- k. Jeff Gray asked what year UPC is looking for dedicated funding. Bob hoped UPC could get the funds this year, making a DV resource prosecutor possible around mid-summer.
- l. Moved to next agenda item.

5. COUNCIL MEMBERSHIP ISSUES

- a. Welcomed Stew Young, Chief Criminal Deputy, Utah Attorney General's Office.
- b. Refer to director's summary for discussion items.
- c. Marilyn Lawson suggested extending Ed's term beyond September.
- d. Rob suggested extending Ed's term another year and electing a chair-elect for a year.
- e. Marilyn asked if a council chair term is written in any statute. Bob said no.
- f. Marilyn said UPAA bumped up their chair terms from three years to four years.

- g. Stephen agreed and said that if they bumped up chair terms, it should coincide that with the county attorney elections.
- h. Marilyn suggested extending Ed's term for two more years.
- i. Bob asked if Ed needed a co-chair. Ed said no.
- j. Rob moved to extend Ed's term for two more years. Stephen seconded. The motion passed unanimously.
- k. The council will discuss the chair again during the election cycle.
- l. Moved to the next agenda item.

6. 2025 LEGISLATIVE SESSION

- a. Refer to director's summary for discussion items on HB66.
- b. Bob said that a SADVRP in another state might have access to some training slides from several years.
- c. Bob said there is no other legislation in other states on this, so how to proceed is unclear.
- d. Trent said that he is hesitant to add another half-day to his training, as they are already jam-packed full of other necessary training and are unable to make room.
- e. Jeff Gray said that the chiefs and sheriffs are unhappy with the bill because they do not have the time/money to do the training.
- f. Trent asked if the origin of the bill comes from officer's discrediting victim claims. Jeff Buhmann confirmed that it likely came from Utah County cases and issues with the cases.
- g. Rob asked if the note gave any fiscal note or timeline. Bob said no.
- h. Trent said there are a couple of sections where they could talk and reference it in current training.
- i. Moved to next agenda item.

7. TRAINING COMMITTEE

- a. Refer to director's summary for discussion items.
- b. Advanced Trial Skills in place of Civil conference.
 - i. It will be held in Hilton Garden Inn in St. George for October 21 – 24.
- c. DUI Boot Camp
 - i. Tyson Skeen was excused. Refer to his report in the director's summary for discussion items.
 - ii. Trent said DUI Boot Camp had 18 people with a good variety of city and county, experienced and inexperienced attorneys. There was a good lineup of instructors with troopers who are over DUI investigation. Blair Wardle, Trent, Tyson Skeen, and Bob handled the prosecutorial side.
 - iii. Emma noted that there should have been an email sent out a few days before regarding parking validation and other administration items, as well

as a clock to inform presenters of how much time they had left in their presentation.

- iv. UPC was able to get an \$8,000 grant to cover DUI Boot Camp expenses. Registration, lodging, per diem, and mileage were covered for every participant.
- v. Bob said if UPC does a DV Boot Camp later in the year, we might be able to apply for similar grant funding.
- d. New County Attorney Training
 - i. Bob asked Jeff Gray if he saw a need for formal training. Jeff said not really.
 - ii. Rob suggested incorporating training in the next UCDA.
 - iii. Marilyn said that UPC did new county attorney training every four years when new county attorneys were elected.
 - iv. Bob suggested the training be before the county attorney's take office, sometime in December or November. Jeff Gray agreed.
- e. Moved to next agenda item.

8. ePROSECUTOR

- a. Refer to director's summary for discussion items.
- b. Washington City has been testing e-filing with only a few glitches. Wasatch County will likely be next, and then e-filing will be slowly introduced to other jurisdictions.
- c. Ron explained how e-filing works.
- d. There has been an issue with e-filing where it requires the user to input the address. If an address is not filled, the e-file is rejected.
- e. To file local offenses, the offense needs to be in the court system before it can be filed, otherwise eProsecutor will show an error.
- f. Moved to next agenda item.

9. UPAA

- a. Marilyn reported on the UPAA Board Meeting retreat which happened the following week, January 9-10 2025.
- b. UPAA membership terms were updated: chair and vice-chair extended from three to four years.
- c. UPAA welcomed two new members: Maren Gazaway from Lehi City and Kimberly Payne from Morgan County
- d. Kaylee Atkinson and Kathy Locher voted to extend their UPAA board member term.
- e. UPAA conference will be June 11 – 13 at the Kanab conference center.
- f. CUPA test was updated.

- g. Marilyn suggested sampling out a few questions from the CUPA test during Spring conference to attending attorneys.
- h. Robert said that it might be logistically difficult to hand out sample questions for the CUPA test during Spring conference because of time constraints.
- i. Samantha Smith suggested doing the CUPA test during Fall conference during the Civility portion about treating your assistants with respect. Emma agreed.
- j. Bob suggested doing the CUPA test during Fall and UMPA to reach the most prosecutors.
- k. Marilyn suggested an Assistant of the Year award for 2026.
- l. Bob suggested opening Assistant of the Year award applications now, closing in March, and awarding Spring conference.
- m. Stephen asked if other offices give their assistants a bonus for passing the CUPA certificate. Marilyn confirmed yes.
- n. Marilyn discussed the “green sheet” which allows the attorney to score their assistant. Because of issues with an office, UPAA decided to do away with the green sheet because they believe it serves no purpose.
- o. Marilyn asked if the green sheets are GRAMABLE. Rob confirmed there was no retention schedule for green sheets, so UPC would be able to shred them.
- p. Marilyn discussed UPAA’s Facebook and Instagram.
- q. Moved to next agenda item.

10. RESOURCE PROSECUTORS

- a. Refer to Trent’s report in the director’s summary for discussion items.
- b. Trent discussed his busy training quarter: over 100 class hours of training and over 1000 participants. Over the past year: 400 hours and 4000 participants.
- c. Trent discussed his DV Boot Camp in October.
 - i. Salt Lake County and Utah County reached out and requested a DV Boot Camp for their newer prosecutors.
 - ii. A more county-gearred prosecutor course with about 22 students.
 - iii. Easy to do it in this format because it required no funding.
 - iv. If UPC gets a DVRP, Trent will help them run a DV Boot Camp.
- d. On the Wednesday before Spring Conference, Trent is holding a full day of DV/SA training in Provo.
 - i. Focusing on trying to prosecute a case with no witness, material witnesses warrants, ethics of DV prosecution.
- e. Ed asked what kind of students UPC is getting at these boot camps. Trent said that it was a mix of experienced and inexperienced attorneys.
- f. Trent offered one-on-one training for attorneys struggling with SA/DV prosecution.
- g. Moved to next agenda item.

11. MULTI-STATE JOB FAIR

- a. Refer to director's summary for discussion items.
- b. UPC will reach out to Utah law schools to see if law students want to participate.
- c. Moved to next agenda item.

12. PROSECUTOR OF THE YEAR

- a. Refer to director's summary for discussion items.
- b. Nominations will be open by the end of the month and have them open for 2-3 weeks.
- c. Last year, the review committee was UPC staff, council chair, UPAA chair, and a SWAP representative (Jeff Buhmann). UPC will use the same format for this year's review committee.
- d. Moved to next agenda item.

13. ATTORNEY GENERAL TRANSITION TEAM

- a. Refer to director's summary for discussion items.
- b. UPC had a positive experience with the transition team.
- c. Derek Brown was in the AG Murray office on Friday – unfortunately, most of UPC staff was out at conferences. The only UPC staff member to meet Derek was Ron.
- d. UPC expects a much healthier relationship with the AG's office moving forward.
- e. Moved to next agenda item.

14. NEXT MEETING

- a. April 16, 2024 – day before Spring Conference.
- b. UPC from 9 to 10:30 and SWAP at 10:30.
- c. Location to be determined.

15. ADJOURN