

UTAH PROSECUTION COUNCIL *PROPOSED MEETING AGENDA*

Wednesday, April 25, 2017, 8:30 a.m.

**Salt Lake County District Attorney's Office
1st Floor Conference Room
35 East 500 South
Salt Lake City, Utah 84111**

**Dial-in Number: (641) 715-3580
Access Code: 891-528**

NOTE ON PARKING

The Salt Lake County DA Building is very friendly to public transit and we encourage everyone who can to use it. All Trax lines that go downtown stop directly west of the building at the Courthouse stop. If you are staying at the Sheraton for Spring Conference, we recommend you keep your car in the Sheraton lot and walk one block east on 500 South to the DA's building. For those driving to the meeting, there is either a private pay lot which fills an entire city block (400 S to 500 S and Main Street to West Temple) directly west of the building, or the DA's office has a parking garage with limited public parking stalls on the first floor. The DA Office parking garage can be accessed from 500 South (which is a one-way westbound road) between State Street and Main street immediately west of the Courthouse parking garage entrance, or via Main Street while traveling northbound between 500 South and 400 South. Finally, there is also metered street parking along 500 South.

BUILDING ACCESS

Public entry is on the south side of the building facing 500 South and the Grand America across the street. The building is secure, so attendees, visitors, and any member of the public who attends will need to check in at the front desk to get a visitor badge. You will have to pass through a metal detector as well, but there are gun lockers for anyone who wishes to secure their firearm inside the building.

*Pre-meeting Reminder: The meeting is recorded and the equipment is pretty sensitive.
It does pick up sidebar conversations.*

1. Approval of the minutes from the January 5, 2018 meeting, **Tab A**
2. Council Membership, **Tab B**
 - a. Ryan Peters
 - b. Stephen Foote
3. Financial Report
 - a. Surcharge FY18 and Year to Date, **Tab C**
 - b. FY18 Budget, **Tab D**
4. UPC Domestic Violence and Sexual Assault Training Scholarships, **Tab E**
5. Training Committee Report, **Tab F**
 - a. Mid-year meeting, March, 2018
 - i. Basic
 - ii. Fall
 - iii. UMPA
 - iv. Advanced Trial Skills
 - v. Presenter Auditions

- b. Spring, April 26, 27, 2018
- c. Regional Legislative Updates, May-June 2018
- d. CJC/DV Conference, May 14-16, 2018, Snowbird
- e. UPAA Conference, June 20-22, 2018, Cedar City
- 6. 2018 Legislative Recap and 2019 Legislative Activities
 - a. UPC Legislative Activities, *Tab G*
 - b. UPC Statue, *Tab H*
- 7. UPAA Report - Marilyn/Haley
- 8. Resource Prosecutor Reports
 - a. Tyson: *Tab I*
 - b. Marlesse: *Tab J*
- 9. IT Issues - Ron and Bob
 - a. eProsecutor
 - i. Oversight Committee Report
 - ii. Fees for Services
 - (1) System Administrator, *Tabs K*
 - (2) Offense Table Interface, *Tabs L*
 - (3) Offense Table Management, *Tabs M*
 - iii. New grant application for \$235,000
 - b. Future of PIMS
- 10. GRAMA Requests, *Tab N*
- 11. Utah Journal of Criminal Law
- 12. Meeting with UMAA
- 13. POST Recording Fees
- 14. Other Business
- 15. Next meeting:
- 16. Adjourn

PLEASE REVIEW PRIOR TO MEETING

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Director's Summary of UPC Agenda Items

1. Approval of the Minutes.
 - a. See the enclosed pending minutes from the April 26, 2017 , meeting. **Tab A**

2. Council Membership, **Tab B**
 - a. Ryan Peters is the newly elected Council Member from Region II, replacing Scott Sweat.
 - b. Stephen Foote was elected to continue as Region IV's Council Member.

3. Financial Report - Bob
 - a. Surcharge FY18 and Year to Date, **Tab C**
 - i. Monthly Totals Since Last Meeting

(1)	Dec17: \$41,410.09	Dec 16: \$36,657.75
(2)	Jan18: \$37,262.05	Jan 17: \$37,157.86
(3)	Feb18: \$43,322.61	Feb 17: \$42,183.85
(4)	March numbers not yet published.	
 - ii. YTD Surcharge Totals

(1)	Feb 18: \$318,146.07	Feb 17: \$320,344.08
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 - iii. YTD Court Receipts

(1)	DC 2018: \$1,841,446.57	DC 2017: \$2,109,003.12
(2)	JC 2018: \$9,092,968.99	JC 2017: \$8,916,225.62
 - b. FY18 Budget Update, **Tab D**
 - i. Significant addition to the budget
 - (1) One-time \$30,000 to be used for DV training.
 - ii. All expenses we have record of have been entered.
 - iii. We have not yet received a report from the AG's office reflecting reimbursable expenses, i.e. grant funding, SB200 funds, etc.

4. UPC Domestic Violence and Sexual Assault Training Scholarships, **Tab E**
 - a. Use of DV Training Dollars
 - b. \$18,000 will be used to fund scholarships for 8 DV prosecutors to attend NDAA's DV course: Investigating, Prosecuting and Providing Essential and Meaningful Victim Resources.
 - (1) October 29 - November 2, 2018, Long Beach, CA
 - (2) We are putting together an application form that we hope to have issued before and during Spring Conference. Requirements on the application will include:
 - (a) Be employed as a full-time prosecutor by a government agency. (We have a couple private law firms that contract with cities to do their prosecution. Those prosecutors will not be eligible.)
 - (b) At least 5 years experience. (The actual number of years may be subject to change.)
 - (c) Handle a caseload that includes domestic violence offenses.

- (d) Letter of recommendation from their supervisor.
- (3) Preference will be given to the following:
 - (a) Number of domestic violence jury and bench trials completed.
 - (b) Attendance at Train the Trainer or equivalent training experience.
 - (c) Location of office.
 - (i) The goal is to send prosecutors from all over the state, not just those along the Wasatch Front.
 - (ii) No more than 2 prosecutors per office absent a lack of applications.
 - (d) Never attended an equivalent national course.
 - (e) Attendance at prior UPC training events, service on committees, etc.
- (4) Each prosecutor and their supervisor must agree, in writing (check a box and sign the form), to the following:
 - (a) Prosecutor will make his/her own hotel reservation, securing the conference hotel rate. If for some reason he/she cannot get that rate, they must immediately contact UPC for assistance rather than book a room at the higher rate.
 - (b) If, for any reason, the prosecutor cannot attend, that office will reimburse UPC any non-refundable cost(s), transfer fee, etc.; i.e. plane ticket.
 - (c) The attendee will prepare an original 60-minute presentation on the topic of his or her choice based on the course material. He or she will provide a copy to UPC for our files within 90 days of the course. We reserve the right to invite that prosecutor to give his or her presentation at a future UPC training event. We also reserve the right to use his or her materials.
 - (d) The attendee will provide UPC a copy of all course materials for our files.
 - (e) Understand they must pay for and seek reimbursement for all travel costs, not including airfare, i.e. mileage to and from airport, airport parking, ground transportation, meals, and hotel.
 - (f) Within 5-days of their return, submit a travel claim to UPC.
- ii. \$12,000 will be used to offset the expenses of Basic. It will pay for student hotel costs.
- iii. We need to spend or commit as much of these funds as possible prior to June 30, 2018. Otherwise we would have like to have held a DV101 course.

- c. Use of Sexual Assault Training Dollars (SB200 money)
 - i. Fund at least two scholarships to attend NDAA's Prosecuting Sexual Assault and Related Violent Crimes
 - ii. August 13-17, Bellevue, Washington
 - iii. Similar application process as described above.

- 5. Training Committee Report
 - a. Mid-year meeting, March 22, 2018
 - i. Basic
 - (1) We have a new date, August 20-24, and new location - Springhill Suits, Logan, UT
 - (a) We've lost Troy Little as a faculty member due to his being appointed as a juvenile court judge.
 - (b) Steve Garside will be unable to be on the faculty this year.
 - (2) Full-time Faculty
 - (a) Tyson Skeen - UPC
 - (b) Marlesse Jones - UPC
 - (c) Sandi Johnson - SLCDA
 - (d) Josh Player - SLCDA
 - (e) AnnMarie Howard - Juab
 - (f) Scott Reed - AGO
 - (3) Depending on the number of students enrolled, we may need to invite two more faculty members.
 - ii. Fall
 - (1) Date could change to September to align with the Judicial Conference.
 - iii. UMPA
 - (1) They are meeting in November in order to go to Moab.
 - (2) New format - taking a 4 hour break in the middle of the day to allow for hiking, etc. Will go until 8 p.m.
 - (3) DV theme with fact scenario.
 - iv. Advanced Trial Skills
 - (1) Will revamp the curriculum to better meet the needs of more senior prosecutors.
 - (2) Hold at destination location, off-season most likely, to generate more interest in attending.
 - (3) Provide the case-file and assignments ahead of time to allow advance preparation as well as build in time during the course to work on assignments.
 - v. Presenter Auditions
 - (1) Janice Mcanas talked about how anyone wishing to present at Utah State Bar functions, they must audition before a panel of attorneys.
 - (2) We liked this idea and will look at possibly doing this for our conferences.
 - (a) It will allow new or younger prosecutors who we don't know, to get their names out.

- (b) We'll discover new talent.
 - (c) New students for Train the Trainer.
 - (d) Topics of interest to today's prosecutors.
 - b. Upcoming Conferences, *Tab F*
 - c. Spring
 - i. Steve Nelson and Will Hains from the AG's office will be presenting the case law update
 - ii. Will Carlson, Tyson Skeen and Steve Garside will be doing the legislative update.
 - iii. Judge Matt Bates will be giving the civility presentation.
 - iv. Kim Fischer, Channel 4 News Anchor and Investigative Reporter will be talking about working with the media. Her presentation will satisfy the Ethics requirement.
 - v. SA Clint Kehr, Homeland Security, will be talking about the Dark Web
 - d. Regional Legislative Updates
 - i. May & June
 - (1) Tyson and Marlesse will cover the bulk of the training.
 - (2) Will Carlson has volunteered to assist with training along the Wasatch Front
 - e. CJC/DV Conference
 - i. May 14-16, 2018
 - ii. Snowbird
 - f. UPAA
 - i. June 20-22, 2018
 - ii. Cedar City
6. **2018 Legislative Recap and 2019 Legislative Activities**
- a. In the past.
 - i. UPC has not had much of a presence on the Hill during the legislative session. As Mr. Boyden explained, the philosophy was that SWAP would do the legislative work and lobbying so that if the legislature ever became upset with prosecutors, they would not take it out on UPC or our budget.
 - ii. UPC's resource prosecutors have worked with legislators and testified in front of committees on various pieces of legislation.
 - iii. SWAP essentially had a full-time lobbyist(s) in Paul and Will.
 - b. In the future.
 - i. Is it time for UPC staff to take a more active role on the Hill during future sessions?
 - ii. UPC could help fill in the gaps where SWAP and other prosecutor agencies cannot.
 - iii. If so, what should that role be? What left-right boundaries should be established?
 - iv. A potential conflict though, is that UPC may be viewed as representing prosecutors statewide and be at odds with other prosecutor offices.
 - (1) i.e. AG's office, Salt Lake, etc.

- (2) We do make sure to identify ourselves as employees of UPC and not representing the AG or any specific prosecutor office.
- c. Senator Christensen's SB142 repealed the .5% of the surcharge that went to the AG's office to be used to train municipal and county attorneys in the prosecution of domestic violence offenses. That money is now going to DCFS.
 - i. After I was made aware of this bill, Reed Richards, Dan Burton, Dave Carlson, Ned Searle, I, and others lobbied multiple Representatives and Senators to keep the money in the AG's office. There was a great deal of support to do this but a change to the general fund had been made so the money was not returned.
 - ii. I testified 3-4 times in front of different committees asking that the money be returned.
 - iii. Senator Christensen agreed to withdraw the bill if we could get others on board and the money back.
 - (1) He said had he known of UPC's need and ability to use the money prior to the drafting of the bill and it being moved to the general fund, he would not have introduced the bill.
 - iv. Ultimately, the money was gone. However, the AG's office has agreed to provide UPC with \$30,000 from this year's surcharge allocation to be used for the stated DV training purpose.
 - v. Here is the money trail.
 - (1) The AG's office lost \$78,300 in special funds of .5% of the surcharge.
 - (2) DCFS received an additional .5% of the surcharge in special funds.
 - (3) DCFS lost \$78,300, or .5% of the surcharge, in general funds.
- d. UPC legislative efforts for next year.
 - i. Trying to get the .5%, or equivalent DV training funds, back.
 - (1) Reed told me I made good contacts this year and persuaded many legislators of the need to return this money. He thinks we have a good chance to get some or all of the money back.
 - (2) To reverse the process:
 - (a) \$78,300 from general funds will have to go back to DCFS.
 - (b) \$78,300 in special funds will leave DCFS and go back to the AG's office.
 - (c) I've drafted proposed statutory language moving it back to the AG's office with the specific intent that it go to UPC to be used for DV training.
 - (i) See the proposed statutory language at *Tab G*.
 - ii. UPC needs to amend its statute. See the proposed draft at *Tab H*. The following are either possible suggestions or reflect proposed substantive changes. "Clean-up" language is not specifically referenced here.
 - (1) 67-5a-1(2). Council shall...
 - (a) Adds "provide assistance to local prosecutors"
 - (b) Deletes unusual prosecution expense provision.

- (c) Adds “provide training and assistance to law enforcement officers, as required elsewhere within this code.” Covers the required trauma informed training.
- (2) 67-5a-1(3). Increasing Council membership to 12 by adding two more Municipal Attorneys.
 - (a) Currently UMAA nominates our two municipal attorneys.
 - (b) To better reflect our membership and give an equal voice to municipal prosecutors, we are proposing that two city prosecutors be added. They would be nominated by the leadership of the Utah Misdemeanor Prosecutor Attorneys Association (UMPA).
- (3) 67-5a-1(4). Any new council member appointed must be approved by a majority of currently serving council members.
- (4) 67-5a-2. Members will now be “approved” by the council v. qualified. Vacancies will be filled according to the provisions of 67-5a-1
- (5) 67-5a-5. Quorum Meetings
 - (a) Changes from 5 to 6 members to constitute a quorum.
 - (b) Allows the council director to call a special meeting.
- (6) 67-5a-6. Council employees.
 - (a) Adds that the director shall appoint resource prosecutors with the consent of the council, resource prosecutors serve at the pleasure of the council, and lists the requirements to be a resource prosecutor.
 - (b) Adds that the director shall appoint and supervise administrative staff.
 - (c) Adds that the Council shall establish the compensation for the director, resource prosecutors and administrative staff, consistent with state personnel policies.
- (7) 67-5a-7. Responsibilities of the director
 - (a) Deletes the old requirement to screen any specialized investigation and prosecution unit created in the AG’s office for the investigation and prosecution of any child abuse offense.
 - (b) Adds, “ensures all statutory required training occurs,” i.e. informed trauma training for officers.
- (8) 67-5a-8. Adds “and training” costs of this chapter.
- (9) Any other changes, additions or deletions that need to be addressed?
- (10) As currently drafted, the only fiscal impact is accounting for the possible travel related expenses for the two new Council members. That will be minimal.
- (11) I will work with Reed Richards and Dan Barton so we can get this done next year.

7. UPAA Report

- a. One new city member opening
 - i. In the process of recruiting new member.

8. Resource Prosecutors

- a. TSRP, Tyson: *Tab I*
- b. SADVRP, Marlesse: *Tab J*
 - i. Welcome to Marlesse as UPC's SADVRP
 - (1) She's hit the ground running.
 - (2) I've sent her to multiple conferences to increase her expertise.
 - (3) She's capitalizing on her work as a victim advocate, prosecutor, and multiple victim-centered committees she serves on.
- c. Tyson and Marlesse continue to do AWESOME things. UPC is one of the best teams I've worked with in a long time.

9. IT Issues

PLEASE REVIEW THIS SECTION PRIOR TO THE MEETING.

- a. eProsecutor
- b. Report from Ron/committee on the progress. *Tab K*
- c. Individual Jurisdiction Costs
 - i. UPC cannot provide an actual final cost, if any, to local jurisdictions. This has been an understandable concern for many jurisdictions that has prevented them from committing to and signing the MOU for eProsecutor.
 - ii. In a recent e-mail to several concerned agencies, I provided the following explanation:
 - (1) In previous e-mails with some of you, I sympathized with the fact that UPC cannot give you an exact amount in terms of your individual jurisdiction's expenses. I am frustrated by that fact as well. The evaluation committee understood that fact going into this process but felt that eProsecutor will be a superior product.
 - (2) There are several reasons UPC cannot give you a final cost right now:
 - (a) UPC received a grant for \$1M but the contract price is \$1.235M. I am in the process of applying for additional grant money to cover the remaining balance. If I am awarded the grant, the full contract price will be covered by the grant, with no expenses being incurred to the jurisdictions for the contract.
 - (b) If UPC does not receive the grant money, the balance of \$235,000 must be apportioned among all the users. Because I do not know how many users there will be, I cannot give an exact amount. For purposes of the contract, and with input from the evaluation committee, we chose 150 users. Dividing 150 users into \$235,000 is \$1,566.67 per user. We rounded that number up to \$1,600. If we have more or less than 150 users, those numbers will change. The last time I checked, we have less than 70 confirmed users.

- (c) Per the language of the contract, UPC must designate one person to represent all the jurisdictions as the project administrator. This will be Ron Weight. During the Council's October 4, 2017 Council meeting I raised the issue of what, if anything, to charge for Ron's work on this project. Because we did not yet know how much time would be involved, the Council did not want to make any decisions until after we had a better idea. We still did not know for January's meeting so it was not discussed.
- (d) Now, after several months of working on this project, Ron is able to project how much time will be involved. Ron and I will provide this information to the Council for their discussion and determination on whether to charge a service fee for his work.
- (e) It is UPC's intent that we continue to maintain and update the offense table. However, in its current form, the offense table is not compatible with eProsecutor. Ron expects it will take a significant amount of time to design, test and implement this new process. Once created, it will be easy to maintain.
- (f) I agree with the suggestion that the Council set a maximum fee. That will be one of the discussion items at the next meeting. In talking with Ron, the number of hours required for all the tasks associated with eProsecutor will go down over time. The Council will take that into consideration as well.
- (g) In negotiating the contract, and to keep the total contract cost down, the evaluation committee *intentionally* decided that each jurisdiction should be responsible for their own training/deployment costs. The evaluation committee's and Journal's intent is to hold regional trainings where agencies can send their people to be trained. Then those people can return and train the rest of their staff. Because those costs are not part of the contract that UPC must cover, I did not think to mention them. My apologies. In speaking with Journal's representative, I was verbally told that if a jurisdiction wants Journal to come to their location and train, the minimum cost would be \$2,500. I will be submitting a written request for clarification on this point and should have that information for the Council in time for their meeting.

- (h) Journal's rate for contract work is \$175 per hour. The only reason an agency should have to incur these costs is if they want something specific, above and beyond what the final product will be. The evaluation committee is spending a great deal of time working with Journal to make this a "universal" product. However, if an agency wants something specific for them, they must individually contract with Journal.
 - (i) PIMS is an antiquated product. The Council decided over a year ago to let PIMS die a natural death. The grant, as currently written and approved, would not allow an overhaul of PIMS.
 - iii. Training Costs
 - (1) An area that is being raised by some is the cost of training. UPC has paid for 150 individuals to be trained. We will accomplish training on a regional basis.
 - (a) Under the pricing terms, there should be no additional costs to jurisdictions to be trained, provided individuals attend the pre-paid training sessions.
 - (2) If a jurisdiction wants Journal to come to their location to train their staff, it is \$500 per person, plus costs. The minimum cost would be \$2,500, even if just two people are being trained.
 - (3) Ron anticipates being able to travel and train.
 - iv. What, if any, costs to be charged for Ron's work:
 - (1) Responsibilities as system administrator.
 - (a) Ron has prepared a summary of the tasks required as the system administrator. For details see *Tab L*.
 - (b) Currently
 - (i) 8-14 hours a week spent on eProsecutor
 - (c) During roll-out, Deployment
 - (i) 90-100% of his time for 6-12 months
 - (d) After year one live
 - (i) 50-75% of his time
 - (e) After two years live
 - (i) 35-65% of his time
 - (f) Last three years of contract
 - (i) 25-45% of his time
 - (2) Ron's hourly rate is \$38.37
 - v. Developing the offense table compatibility.
 - (a) This is a critical task that must be done. It's the "bridge" that will allow eProsecutor to access the information in UPC's offense table and populate charging documents.

- (b) If Ron doesn't do it, it will not get done as most, if not all, small jurisdictions would not have the technical capabilities to accomplish this task.
 - (c) For details see *Tab M*.
 - (d) Ron estimates it will take anywhere from 132 hours (16.5 days) - 264 hours (33 days) to complete, on to of other tasks.
 - vi. Charging for Tyson's work
 - (1) After each session Tyson updates the offense table with the new statutes and any changes.
 - (2) He also works on it during the year as issues arise and are identified.
 - vii. I recommend the Council determine whether or not to charge jurisdictions a fee for this work. If the Council decides to charge the fee, I would encourage you to determine a maximum amount so jurisdictions can plan for that in their budgets.
 - d. Additional grant funding
 - i. I have applied for an additional \$235,000 in grant funds to cover the balance of the grant.
 - ii. My grant manager at CCJJ says he will make this the number one priority and feels confident it will be granted.
 - e. PIMS
 - i. We have been telling jurisdictions that we will maintain PIMS until it "dies" a natural death.
 - ii. Does the Council want to speed up that "death" in light of the amount of time Ron will be spending on eProsecutor? i.e., no future support once roll-out begins.
- 10. GRAMA Request, *Tab N*
 - a. Mr. Berkovich filed a GRAMA request asking for a copy of the "actual Affidavit that John Orr signed and presumably was notarized." Copy attached.
 - i. Mr. Orr was UPC's law clerk and witnessed the events between Mr. Berkovich and Ms. Jasperson at the Quinney Law school on July 10, 2014.
 - ii. I asked Mr. Orr to draft the affidavit for me. He sent it to me in a Word file via e-mail. I did not print it or have him sign it. I simply saved it to my computer. Copy attached.
 - iii. I did copy it into the 29-page Council packet the Council considered at your October 21, 2015 Council meeting.
 - b. In light of this request and anticipating Mr. Berkovich's objection to its use, I called Mr. Orr, now a licensed, practicing attorney in Nevada, and had him prepare an affidavit discussing his original statement.
 - c. I had not received it by the time the AG's office responded to Mr. Berkovich.
 - i. The AG's response could have been worded better. It's not that the "office was unable to locate a signed or notarized version of the affidavit," it's that there never was a signed or notarized version of the affidavit.

- ii. I communicated this fact to the AG's office on March 19, 2018 in the e-mail I sent, sending the original Word version of the affidavit and a pdf copy. Copy attached.
 - d. Mr. Orr sent me a signed and notarized affidavit which was provided to Mr. Berkovich by the AG's office. Copy attached.
 - e. Because of the "unable to locate" language used, Mr. Berkovich contacted Mr. Orr to find out if he originally signed his affidavit. Mr. Berkovich commented that he found it odd that UPC/AG's office had once again misplaced a document, or words to that effect.
 - i. Mr. Orr telephoned me on or about April 10th telling me he'd received the e-mail from Mr. Berkovich. I did not ask Mr. Orr to send it to me.
- 11. Utah Journal of Criminal Law
 - a. Judge Nolan and the editorial board thank you for your \$1,500 donation.
 - b. The latest edition is almost ready for printing.
 - c. I have provided the names and e-mails of all prosecutors we have in our database so everyone should be receiving a copy.
- 12. Meeting with UMAA
 - a. We had a meeting scheduled in February, but it snowed that day so our meeting was postponed. We have not yet set a new date.
 - b. We'll be discussing the possibility of joining forces on the city and county government conferences.
- 13. POST Recording Fees
 - a. My apologies. I dropped the ball on this one. I will try to have this conversation before Council meeting.
- 14. Other Business
- 15. Next Meeting:
 - a. June 15?
 - b. Location TBD
- 16. 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
Friday, January 5, 2018
Utah Association of Counties Offices
5397 S. Vine Street
Murray, Utah**

PENDING MINUTES

UPC : Barry Huntington, Chair, Garfield County Attorney
Haley Christensen, UPAAC Co-Chair, Salt Lake County District Attorney's Office
Jann Farris, Morgan County Attorney
Stephen Foote, Chair-elect, Duchesne County Attorney
Steven Garside, Layton City Attorney
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*) via telephone
Scott Sweat, Wasatch County Attorney

VIA PHONE: Robert Cosson, Chief Prosecutor, St. George City Attorney

EXCUSED: Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General
Commissioner Keith Squires, Utah Department of Public Safety

UPC STAFF: Bob Church, Director
Marilyn Jaspersen, Training Coordinator
Peter Leavitt, Staff Attorney
Tyson Skeen, Staff Attorney
Ronald Weight, IT Director

GUESTS: Jeff Buhman, Utah County Attorney
Stephen Hadfield, Box Elder County Attorney
Margaret Olsen, Summit County Attorney
Ryan Peters, Juab County Attorney
James Swink, Cache County Attorney
G. Mark Thomas, Uintah County Attorney
Robert Van Dyke, Kane County Attorney

I. WELCOME - THANK YOU TO STEVE GARSIDE AND "CHANGE OF COMMAND" ISSUES

- A. The Council members were welcomed and the meeting convened.
- B. Thanks to Steve Garside for his two years of serving as the UPC Chair. The Council welcomed Barry Huntington as the new UPC Chair.
- C. Council Membership
 1. Chair-elect Appointment: Pursuant to §67-5a-2(5), "The council shall elect by a majority vote one of its members as chair at its first meeting and then

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annually.” Many years ago the Council adopted three resolutions, never memorialized in the statute:

1. A person elected as UPC Chair should serve for two years;
2. Creation of the position of Vice-Chair / Chair Elect, with the intent that the Chair Elect would succeed to the office of Chair upon the end of the previous Chair’s term; and
3. Rotation of the chair so the chair will be held by a member from a large county, followed by a small county, followed by a city.
Steve Garside made the motion to nominate Stephen Foote to be the UPC Chair-elect. Jann Farris seconded and the motion passed by acclamation.
4. Region II: Thanks Scott Sweat for serving as Region II’s representative. Scott’s term of service is up as of January 10, 2018. He has chosen not to run for reelection.
5. Region IV: Stephen Foote’s term of service was up on November 15, 2017. He would like to continue his service on the Council and can continue to serve for four months from the date his term expired.
6. To fill these two seats, UCDAAs will make those recommendations to the Council. UCDAAs meet January 5, 2018 at 1:00 p.m. Elections will be held during that meeting for those two regions. Bob will report the outcome at the next Council meeting. (Ryan Peters was nominated during UCDAAs’s meeting.)

- D. Barry Huntington announced that retired Uintah County Attorney JoAnn Stringham recently passed away. She was very well respected as a county attorney and will be missed.

II. APPEARANCE BY JUDGE DANE NOLAN, EDITOR-IN-CHIEF, UTAH JOURNAL OF CRIMINAL LAW

- A. Judge Nolan gave a brief overview of the Journal. He stated he was appearing before the Council to raise awareness for the Journal and to seek a donation. He expressed the benefits of the publication as bringing a balanced discussion among judges, defense and prosecuting attorneys, legal defenders, etc. Articles that have appeared in the Journal included Doctrine of Chances, state constitution, legislative update, trauma informed for sexual assault, and an ethics/confidentiality between defense and prosecutor attorneys just to name a few. After a brief discussion, the Council agreed it would be a good investment, but that the Journal would need to give prosecutors the same name recognition as defense attorneys. Stephen Foote made the motion to approve Bob Church to donate \$1500 to the Utah Journal of Criminal Law for printing costs with the condition that prosecutors receive the same name recognition as defense attorneys and prosecutors are encouraged to submit articles to the Journal. Jann Farris seconded the motion and the motion passed unanimously.

III. APPROVAL OF THE MINUTES

Jann Farris made the motion to approve the minutes from both October 3, 2017 and the special council meeting of November 20, 2017 and to include a word change on Page 4 from “cancer” to “canker.” Stephen Foote seconded the motion and it passed unanimously.

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

IV. FINANCIAL REPORT

A. Financial Reports

Bob Church gave an in depth report on the following completed conferences. Please refer to the Director's Summary for details.

1. Surchage FY18 and Year to Date:
Surchage report includes receipts from September to November 2017. Surchage receipts for September 2017 ending at \$43,043.04 a difference of \$479.21 from 2016 ending at \$43,522.23. October 2017 ended at \$38,184.71 which was \$3,078.99 lower than last year. November 2017 ended at \$37,154.63 with slight difference of \$97.29 from last year.
2. FY18 Budget:
Reimbursement numbers for Peter's salary have yet to be received

B. John R. Justice Grant

1. This year the JRJ grant has been approved for \$36,409 with no matching funds.

V. CONFERENCES

- A. Basic Prosecutor Course - August 14-18, 2017, USU University Inn.
The conference was very well received and attended.
- B. Fall Prosecutors Training Conference (October 4-6, 2017) - St. George Hilton Garden Inn.
It was very well received. Came in under budget by \$6,391.21.
- C. Civil Conference (October 18-20, 2017) - St. George Hilton Garden Inn
Also, well received. Came under budget by \$3,203.27.
- D. County Attorney Executive Seminar
It was well attended and received good reviews.
- E. National Association of Prosecutor Coordinators (NAPC)
This year UPC hosted NAPC winter conference at the SpringHill Suites & Inn in Springdale (Zion's). The conference was well attended, everyone learned a lot, and fun was had by all. Kudo's to Marilyn for helping to negotiate the hotel contract, saving NAPC a huge amount of money - \$15,000. Also, kudos to Tyson who hosted his traffic safety resource prosecutor (TSRP) counterparts during NAPC's plenary session. He invited Ranger Brody Young to talk about seated FST's and a little about his miracle story. They discussed multiple timely and important topics. Tyson was told multiple times by multiple TSRP's that this was the best TSRP-breakout ever held at an NAPC conference! Also, Peter made great contacts and got some very useful information for his trauma training. Overall, a very productive training.

VI. UPCOMING CONFERENCES

- A. Spring Conference, April 26-27, 2018 - Salt Lake Sheraton Hotel
John Nielsen and a soon to be determined presenter will do the case law update. Tyson Skeen has volunteered to be part of the legislative update team.
- B. Regional Legislative Updates, April - May, 2018
Notices for the 2018 Regional Legislative Update will go out before the end of January.

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- C. CJC/DV Conference, May 14-16, 2018 - Cliff Lodge Snowbird Resort
- D. UPAA, June 20-22, 2018 - Cedar City Ramada Hotel & Suites
- E. Top Gun (Advanced Train the Trainer) - September 2018 - Location TBD
 - 1. To pay for this course, Bob stated that he has applied to NACP for a \$16,000 grant. If we get the grant we will work with the training committee to plan and implement this training. The course is being developed for our instructors who present at our week-long Basic Prosecutor Course as well as our “elite” trainers. We plan to teach the following modules: Start the Learning Conversation, Basic Learning Concepts, Effective Feedback, Blooms Taxonomy and Brain Quadrants, Accelerated Learning Principles, Lecturer v. Facilitator, Problem Participants and Using Training Aids. Marilyn explained that the purpose is to increase the skills our presenters learned at their previous Train the Trainer course. A major focus of the course will be on improving participants effective feedback skills. We will accomplish this through several different ways. First, each participant will teach at least one module of the course. Next, two “students” will provide feedback to the course instructor. Finally, two more “students” will provide feedback to the two students on how they provided feedback. Every participant will have the opportunity to teach and provide the two different types of feedback. We will also incorporate interactive role playing and other activities. The desired outcome is that participants become more proficient in effective feedback skills, recognize the need for their own improvement, become better mentors to those they teach, and improve their own training and trial ad skills.

VII. TRAINING COMMITTEE REPORT

Steve Garside, UPC Training Committee Chair gave the following report.

- A. Training Committee met October 16-17, 2017 in Torrey, Utah. They developed the Spring and Fall agenda. They also discussed Top Gun training and hope to receive the funding. The committee has set March 22, 2018 for their spring meeting.

VIII. UPAA

Haley Christensen, UPAA Co-Chair gave the following UPAA report.

- A. There were two newly reelected board members, JoEll Rowley from Wasatch County Attorney’s office and Christine Stevens of Millard County.
- B. The 2018 UPAA Conference will be held at the Cedar City Ramada Hotel & Suites, June 20-22, 2018.
- C. Haley informed the Council that the UPAA Board had amended their By-Laws that the UPAA Chair and Co-chair term of service be changed from two (2) years to three (3) years. Haley asked the Council to approve the amendment. Jann Farris made the motion to the amendment as stated. Steve Garside seconded the motion and the motion passed unanimously.

IX. RESOURCE PROSECUTORS REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. He reported on his training schedule.

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- B. Peter Leavitt referred the Council to the in depth SA/DVRP report as outlined in the handouts. He also informed the Council that he had received and accepted an unexpected employment opportunity that came about in the last week. The opportunity was too good to pass up and September 19th will be his last day. Bob mentioned that in the short time Peter has been with UPC he has accomplished a lot. And what Peter has done will make the transition for the new SA/DVRP fairly smoothly. Peter mentioned what an outstanding boss and mentor Bob has been and he thanked the Council for the opportunity to work for UPC. The Council wished Peter well and expressed that Peter will be missed.

X. IT ISSUES

In addition to the in depth report in the Director's Summary, Ronald Weight and Bob Church reviewed comments as outlined in the Director's Summary. Please refer to the Director's Summary and attachment (Tab) H. After some discussion, the following was a result of that exchange.

A. eProsecutor:

1. Ron, Oversight Committee Chair, met twice with the committee including representatives from Journal Technologies. They have set forth a plan to tailor the program for Utah's needs; addressed security and change management. The most common questions with their answers are on our website at: <http://upc.utah.gov/eProsecutor-FAQ.php>. As the committee makes decisions on how things should work and how forms should look, JTI will update the test site so we can see the changes soon after we discuss them. This will help us get ready for deployment.
 - a. We are in the process of developing a change management process that all agencies will need to use to request changes to the system. It will be available from our web site and will be ready once we get closer to deployment.
 - b. The estimated time to get ready for the first go-live deployment is six months to a year.
 - c. There have been 11 agencies (four county and city) that have completed and returned a signed MOA and Joinder agreement as required before eProsecutor can be deployed.
 - d. At the last Council meeting Stephen Foote asked the AG's Office can hold prepayment of user fees. The AG's office cannot hold jurisdiction's prepaid user fees. Journal Technologies will accept prepayment fees and hold them for a jurisdiction. However, any interest accrued on those held funds will accrue to Journal and there is no refund if the jurisdiction decides not to go with Journal.
2. BCI Issues

Grand County raised the issue of eProsecutor and its interaction with BCI.

 - a. Ron spoke with Lisa Ashman from the SL County DA's office about what we need to do to get an OK from BCI for eProsecutor. It seems they need it because they send declination reports to BCI and that requires an approval process from them.

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- b. SL County has gone through the process so as they go through the process it should apply to everyone. Ron recommends that Journal coordinate this with their program manger/ IT folks working with SL County to make sure it's done for all of Utah at the same time so we don't have to repeat it.
- F. Cost of video equipment/streaming for UPC Conferences
 - 1. Also at the last meeting Bob reported that POST will now charge for their video recording services. The Council asked him to look at the cost to UPC. Here are rough estimates and/or ranges.
 - a. Video/audio equipment: \$2,500 - 7,000 for basic, no frills' equipment
 - b. Editing software: \$50 - 80 per month
 - c. Streaming service: \$100 - 500 per month

Since POST already has the equipment and the expertise in Chris Fielding they can provide high quality filming. Even if UPC purchases all the equipment and software we still would lack the quality of filming. Bob asked the Council's guidance where UPC purchase either the equipment or a little better equipment for courses such as Basic realizing recording will be lacking in quality or pay POST to record Spring Conference. Bob was asked to revisit the subject with POST and include off setting the price via the surcharge reimbursement.

XI. OTHER BUSINESS

- A. UPC's Google Forum

In addition to the in depth report in the Director's Summary, Bob Church reported on and asked for the Council's guidance regarding a recent post on the UPC Google Forum where a Deputy County Attorney (DCA) posted a summary of events involving his interaction with a local law firm and an attorney they hired to handle the appeal reviewed comments. Please refer to the Director's Summary and attachment for details. Bob mentioned that it was a concern that emails were disseminated outside the forum. He explained that the Google Forum is hosted by UPC but is not on the UPC web-page. The Council directed Bob put a disclosure on the form, to respond to the involved parties in a letter or a notice that all attorneys are subject to and are guided by the same rules of ethics and professionalism. And to make clear that UPC does not endorse or has any opinion on the matter or to the parties involved.
- B. POST Recording Fees

In addition, as statement above under X.F., POST can no longer record our conferences for free. Going forward POST will charge \$2,975 which is half off their costs.
- C. GRAMA Requests

Bob directed the Council's attention to the Directory Summary report. Hearing no comments or questions, the Council moved to the next item.
- D. Justice Division Director

Bob informed the Council that Greg Ferbrache, AG's Justice Division Director, has left to go into private practice. Interviews are in process to replace Greg. No announcement has been made as to who will be taking Greg's place.
- E. Utah League of Cities and Towns

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As directed by the Council, Bob has met with the new Director, Cameron Diehl regarding joining efforts. They are planning on meeting after the first of the year to discuss the possibility of combining training efforts.

- F. Catering at future combined meetings (UPC, SWAP, UCDAAs)
SWAP has agreed to pay for two lunches and UPC pay for two lunches of the four quarterly meetings per year. UPC will provide drinks for all three meetings.

XII. CLOSED DOOR MEETING

Stephen Foote made the motion to go into an Executive Session. Steve Garside seconded the motion and the motion passed unanimously. The Council went into a closed door session. At the conclusion of their session, the Council reconvened.

XIII. PENDING EXECUTIVE SESSION MINUTES

The minutes of the Executive Session were kept by Marilyn Jasperson

UPC : Barry Huntington, Chair, Garfield County Attorney
 Haley Christensen, UPAA Co-Chair, Salt Lake County District Attorney's Office
 Jann Farris, Morgan County Attorney
 Stephen Foote, Chair-elect, Duchesne County Attorney
 Steven Garside, Layton City Attorney
 Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*) via telephone
 Scott Sweat, Wasatch County Attorney

VIA PHONE: Robert Cosson, Chief Prosecutor, St. George City Attorney

EXCUSED: Sim Gill, Salt Lake County District Attorney
 Sean Reyes, Utah Attorney General
 Commissioner Keith Squires, Utah Department of Public Safety

UPC Bob Church, Director
STAFF: Marilyn Jasperson, Training Coordinator

- I. Upon convening in an executive session the Council addressed the following:
 - A. SA/DVRP Position:
 - 1. Peter leaving: Bob reiterated that recently Peter had accepted another employment opportunity which was too good to pass up. September 19th will be his last day. According to HR, Bob is not required to reopen or re-interview for the position. Bob has, therefore, extended an offer to Marlesse Jones who was the second candidate in that process. Marlesse was very interested and said this was a long term position and considers this her dream job.
 - 2. Salary offer: In discussing salary, Marlesse anticipated a 5% raise from Layton and was asking an additional 5% from UPC. Bob stated that he would like to offer the following:

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- Asking for 5% above that would be \$41.87/hr. = \$87,089.60. This is easily within the amount of dedicated funds UPC is receiving from HB 200. This is close to what Peter was making, but Peter had a few more years of experience and was making \$90,000.
- 3. Salary Equity: Bob mentioned his concern of salary equity between Tyson and Marlesse. Bob recommended increasing Tyson's salary to exceed that of Marlesse's proposed salary \$87,360.00 (\$42/hr) or whatever the Council approves. He explained that Tyson has been licensed almost two years more than Marlesse and Tyson has been with UPC for two years. Tyson's current salary is \$80,620.00 (\$38.76 /hr.) Keeping in mind that if the Council approved the proposed amounts, both of them would be making more than an Assistant Attorney General. Other than the cost of living, salary increases will remain fixed for quite sometime.
- 4. Salary for Law Clerk: Further, Bob mentioned that he hasn't rehired a law clerk since Keegan Rank left because of lack of office space. Based upon feedback from Keegan, UPC could possibly find better use with an extern. So, some of the \$16,493 salary for a law clerk could be diverted to offset the increased salaries.
- 5. Salary / Revised Budget: Included in the Addenda to the Agenda was a revised budget which reflected the proposed salaries and showed that the budget would be in a good position to handle the proposed salaries. In the revised budget, Bob added in \$91,400 which is half of what we will get for this position, deleted the funds for the law clerk, and put in the numbers for SA/DVRP and the TSRP as stated in the memo. Bob indicated that he is not sure what Marlesse is willing to accept, but if she turns down the job the other candidates made substantially more money - well over \$100,000 and we would be back in this position again.

In talking with UPC staff, all agree Marlesse has excellent qualifications including two years of dispatching, 15 years as a victim advocate, 11 years as a prosecutor with Layton City, and she is a known entity to UPC. Even though, she has no felony prosecution experience that is not required for this position.

Stephen Foote stated he preferred not diverting the law clerk's salary but would rather use Peter's over salary to bring the staff attorney's salary in line. Stephen said Peter's salary was already approved and coming in around \$85K for each, but with a slight increase for Tyson would work and it would still be an attractive offer for Marlesse.

Scott Sweat preferred more around \$82K which he based upon what his prosecutors are paid who prosecute felonies.

After a lengthy discussion on salary, Jann Farris made the motion to offer the position to Marlesse, the second candidate from the original interviews, and negotiate a salary (approximately \$85,500) and then find a way to compensate Tyson for his additional years of service.

After today's meeting, Bob will contact Marlesse via conference with Barry and Stephen and make the offer.

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At 12:37 p.m., Steve Garside made the motion to close the Executive Session. Stephen Foote seconded the motion and the motion passed unanimously. At the conclusion of their session, the Council reconvened into an open door Council meeting.

XIV. OPEN DOOR MEETING

Jann Farris made the motion to reconvene into an open door session. Barry Huntington seconded the motion and the motion passed unanimously. The Council went into an open door session.

- A. Personnel: Barry Huntington entertained a motion regarding personnel. Jann Farris made the motion that UPC make an offer for the SA/DVRP position that was formerly held by Peter Leavitt, to Marlesse Jones who was next in line from the original interview process a few months ago. The Council directed Bob Church to negotiate a salary with Marlesse and after that negotiation that he takes into consideration the other staff attorney, Tyson Skeen, and make him a fair salary adjustment. Stephen Foote made an amendment to the motion to authorize Bob to first offer a salary in the amount \$85,500 to Ms. Jones up to \$86,000 and adjust Tyson's salary \$500 above whatever Ms. Jones ends up with. Jann Farris stated his motion stands with that of Stephen's Foote amendment to the motion. Barry Huntington seconded the motion with the added comment that Tyson's salary adjustment be based upon years of experience as well. The motion carried with one abstention from Steve Garside.

XV. NEXT UPC MEETING:

Wednesday, April 25, 2018

(This date is pending Bob's military schedule)

XVI. ADJOURN

Tab B

COUNCIL MEMBERS and TERMS OF SERVICE

<u>Member</u>	<u>Represents</u>	<u>Term Expires</u>
Jann L. Farris	UPC Region I*	June 14, 2021
Ryan Peters	UPC Region II**	January 5, 2022
Barry Huntington, Chair	UPC Region III***	April 4, 2019
Stephen Foote, Chair-elect	UPC Region IV****	January 5, 2022
Steven Garside	City Prosecutor	July 1, 2018
Robert Cosson	City Prosecutor	September 2, 2020
Sean D. Reyes	Attorney General	<i>Ex officio</i>
	Designee: Spencer Austin/Dave Carlson	
Sim Gill	Chair, SWAP Board	<i>Ex officio</i>
Keith D. Squires	Commissioner of Public Safety	<i>Ex officio</i>
	Designee: Scott Stephenson	
Haley Christensen	Chair, UPAА Board	<i>Ex officio</i>

Region I*	Region II**	Region III***	Region IV****
Stephen Hadfield Box Elder County	Ryan Peters** Juab County	Von Christiansen Beaver County	Gene Strate Carbon County
James Swink Cache County	Patrick Finlinson Millard County	Barry Huntington*** Garfield County	Neil Lund Daggett County Attorney
Troy Rawlings Davis County	Margaret Olsen Summit County	Scott Garrett Iron County	Stephen Foote**** Duchesne County
Jann Farris* Morgan County	Scott Broadhead Tooele County	Robert C. Van Dyke Kane County	Mike Olsen Emery County
Benjamin Willoughby (Davis) Rich County	Jeff Buhman Utah County	Scott Burns Piute County	Andrew Fitzgerald Grand County
Chris Allred Weber County Attorney	Scott Sweat Wasatch County	Kevin Daniels Sanpete County	Kendall Laws San Juan County
		Dale Eyre Sevier County	G Mark Thomas Uintah County
		Brock Belnap Washington County	
		Mike Olsen Wayne County	

Tab C

**FY 2018
Criminal Fine Surcharge**

Please remember to spend the lessor of the (AMOUNT COLLECTED plus ending fund balance) or the Appropriation To Receive An

Description	Total Surcharge Collected		General Fund		LESA		Total Before Allocation		Pros Council 3%		AG Train .5%		Check Totals
	Obj 7953	Obj 7954	Obj 7953	Obj 7954	Obj 7953	Obj 7954	Obj 7953	Obj 7954	Obj 7953	Obj 7954	Obj 7953	Obj 7954	
July New FY 18	1,270,915.99		30,000.00		31,353.47		1,209,562.52		36,286.88		6,047.81		1,270,915.99
Total YTD	1,270,915.99		30,000.00		31,353.47		1,209,562.52		36,286.88		6,047.81		1,270,915.99
August	1,422,622.45		0.00		39,887.02		1,382,735.43		41,482.06		6,913.68		1,422,622.45
Total YTD	2,693,538.44		30,000.00		71,240.49		2,592,297.95		77,768.94		12,961.49		2,693,538.44
September	1,474,451.38		0.00		39,683.31		1,434,768.07		43,043.04		7,173.84		1,474,451.38
Total YTD	4,167,989.82		30,000.00		110,923.80		4,027,066.02		120,811.98		20,135.33		4,167,989.82
October	1,308,788.16		0.00		35,964.58		1,272,823.58		38,184.71		6,364.12		1,308,788.16
Total YTD	5,476,777.98		30,000.00		146,888.38		5,299,889.60		158,996.69		26,499.45		5,476,777.98
November	1,274,494.98		0.00		36,007.29		1,238,487.69		37,154.63		6,192.44		1,274,494.98
Total YTD	6,751,272.96		30,000.00		182,895.67		6,538,377.29		196,151.32		32,691.89		6,751,272.96
December	1,418,705.94		0.00		38,369.56		1,380,336.38		41,410.09		6,901.68		1,418,705.94
Total YTD	8,169,978.90		30,000.00		221,265.23		7,918,713.67		237,561.41		39,593.57		8,169,978.90
January	1,278,190.55		0.00		36,122.27		1,242,068.28		37,262.05		6,210.34		1,278,190.55
Total YTD	9,448,169.45		30,000.00		257,387.49		9,160,781.96		274,823.46		45,803.91		9,448,169.45
February	1,486,246.11		0.00		42,159.07		1,444,087.04		43,322.61		7,220.44		1,486,246.11
Total YTD	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
March	0.00		0.00		0.00		0.00		0.00		0.00		0.00
Total YTD	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
April	0.00		0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
April Cor. Alloc.					0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
April Revised													0.00
Total YTD	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
May	0.00		0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
May Cor. Alloc.					0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
May Revised													0.00
Total YTD	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
June	0.00		0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
June Cor Alloc					0.00		0.00		0.00		0.00		0.00
Correct Adjust													0.00
June Revised													0.00
Total YTD	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
FUND	10,934,415.56		30,000.00		299,546.56		10,604,869.00		318,146.07		53,024.35		10,934,415.56
LINE ITEM			Fd 1000		Fd 1408				Fd 1255		Fd 1110		
					CEAA				DGAA		DLAA		

FY 2018

Criminal Fine Surcharge

Allocation Schedule

Total Collected Revenue to Approp	30,000.00	13,731,111.11	17,856,666.67	15,660,000.00
Over/(Under) Approp Limitation	-	(318,353.44)	(217,553.93)	(25,275.65)

Fund 8016 - Surcharge Fines - Receipts	RS 4107		RS 4108		RS 4109		RS 4110		2017 Collections	
	Description	90% surchrg	St Courts	35% surchrg	JP Courts	90% surchrg	JP Courts	35% surchrg	Total Collected	Surcharge 2017
July Old FY17	3,549.05		931.76		-				105,048.24	
July New FY 18	125,584.51		13,192.14		597,610.18		530,048.35		1,344,467.59	
Total YTD	129,133.56		14,123.90		597,610.18		530,048.35		1,449,515.83	
August	265,451.77		23,314.47		620,926.41		512,929.80		1,410,731.22	
Total YTD	394,585.33		37,438.37		1,218,536.59		1,042,978.15		2,860,247.05	
September	203,149.18		22,822.88		678,702.19		569,777.13		1,493,800.46	
Total YTD	597,734.51		60,261.25		1,897,238.78		1,612,755.28		4,354,047.51	
October	189,723.03		20,157.40		609,489.92		489,417.81		1,414,886.98	
Total YTD	787,457.54		80,418.65		2,506,728.70		2,102,173.09		5,768,934.49	
November	262,860.50		23,195.46		537,301.48		451,137.54		1,272,291.25	
Total YTD	1,050,318.04		103,614.11		3,044,030.18		2,553,310.63		7,041,225.74	
December	164,599.26		17,679.90		688,057.57		548,369.21		1,258,982.86	
Total YTD	1,214,917.30		121,294.01		3,732,087.75		3,101,679.84		8,300,208.60	
January	232,996.41		22,895.30		569,720.65		452,578.19		1,275,323.52	
Total YTD	1,447,913.71		144,189.31		4,301,808.40		3,554,258.03		9,575,532.12	
February	226,940.95		22,402.60		709,927.18		526,975.38		1,449,696.62	
Total YTD	1,674,854.66		166,591.91		5,011,735.58		4,081,233.41		11,025,228.74	
March									1,631,611.81	
Total YTD	1,674,854.66		166,591.91		5,011,735.58		4,081,233.41		12,656,840.55	
April									1,695,858.18	
Total YTD	1,674,854.66		166,591.91		5,011,735.58		4,081,233.41		14,352,698.73	
May									1,508,430.79	
Total YTD	1,674,854.66		166,591.91		5,011,735.58		4,081,233.41		15,861,129.52	
June									1,723,545.14	
Total YTD	1,674,854.66		166,591.91		5,011,735.58		4,081,233.41		17,584,674.66	

**FY 2018
Criminal Fine Surcharge
Allocation Schedule**

Yearly Collection Comparisons

Description	A/C 4107	A/C 4108	A/C 4109	A/C 4110
	St Courts 85/90% surchrg	St Courts 35% surchrg	JP Courts 85/90% surchrg	JP Courts 35% surchrg
Total FY - 2017	3,240,179.11	280,649.82	8,159,085.97	5,904,759.76
Total FY - 2016	3,381,103.38	305,153.45	8,655,462.23	5,958,374.18
Total FY - 2015	3,659,715.47	369,116.53	8,934,842.94	6,295,271.45
Total FY - 2014	3,458,361.62	258,980.88	9,381,737.40	5,680,080.91
Total FY - 2013	3,477,219.44	272,318.28	9,515,958.43	5,651,821.17
Total FY - 2012	3,633,751.61	311,318.07	9,989,459.89	6,081,796.49
Total FY - 2011	3,592,100.42	381,274.81	9,815,812.80	6,204,206.80
Total FY - 2010	3,476,779.82	458,829.94	9,418,245.80	6,271,018.18
Total FY - 2009	3,500,533.58	427,513.65	9,425,156.14	6,269,822.55
Total FY - 2008	3,799,353.18	492,700.66	9,437,968.83	5,939,739.26
Total FY - 2007	3,875,029.24	600,659.17	8,790,531.74	6,397,852.98
Total FY - 2006	3,774,211.02	717,626.35	7,826,225.41	5,967,300.10
Total FY - 2005	3,494,397.61	807,780.01	7,398,508.39	5,963,479.37
Total FY - 2004	3,503,207.26	694,188.98	6,631,928.30	5,028,735.85
Total FY - 2003	3,843,161.16	777,392.23	5,782,692.45	4,661,025.71
Total FY - 2002	3,952,486.08	859,333.64	6,169,928.43	4,304,152.75
Total FY - 2001	4,209,865.67	775,130.13	5,938,168.90	3,737,992.45
Total FY - 2000	4,213,566.46	886,816.15	5,478,580.39	3,141,456.21

Description	Total 85/90%	Total 35%	Total All	35% of Total
	Total FY - 2017	11,399,265.08	6,185,409.58	17,584,674.66
Total FY - 2016	12,036,565.61	6,263,527.63	18,300,093.24	34.23%
Total FY - 2015	12,594,558.41	6,664,387.98	19,258,946.39	34.60%
Total FY - 2014	12,840,099.02	5,939,061.79	18,779,160.81	31.63%
Total FY - 2013	12,993,177.87	5,924,139.45	18,917,317.32	31.32%
Total FY - 2012	13,623,211.50	6,393,114.56	20,016,326.06	31.94%
Total FY - 2011	13,407,913.22	6,585,481.61	19,993,394.83	32.94%
Total FY - 2010	12,895,025.62	6,729,848.12	19,624,873.74	34.29%
Total FY - 2009	12,925,689.72	6,697,336.20	19,623,025.92	34.13%
Total FY - 2008	13,237,322.01	6,432,439.92	19,669,761.93	32.70%
Total FY - 2007	12,665,560.98	6,998,512.15	19,664,073.13	35.59%
Total FY - 2006	11,600,436.43	6,684,926.45	18,285,362.88	36.56%
Total FY - 2005	10,892,906.00	6,771,259.38	17,664,165.38	38.33%
Total FY - 2004	10,135,135.56	5,722,924.83	15,858,060.39	36.09%
Total FY - 2003	9,625,853.61	5,438,417.94	15,064,271.55	36.10%
Total FY - 2002	10,122,414.51	5,163,486.39	15,285,900.90	33.78%
Total FY - 2001	10,148,034.57	4,513,122.58	14,661,157.15	30.78%
Total FY - 2000	9,693,146.85	4,513,122.58	14,206,269.43	29.36%

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Tab D

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun '18	Budget
Income		
CONFERENCE REGISTRATION FEES		
Advanced Trial Skills Training	0.00	1,500.00
Basic Prosecutor	1,875.00	1,275.00
Civil Conference	2,799.00	3,600.00
Fall Conference	6,150.00	7,000.00
Spring Conference	6,300.00	22,500.00
UMPA	2,475.00	2,100.00
Total CONFERENCE REGISTRATION FEES	19,599.00	37,975.00
EXPENSE REIMBURSEMENTS		
HB200 Funds for Trauma - SADVRP	91,400.00	182,800.00
John R Justice Grant	0.00	36,409.00
Reimb from SWAP for Civil Conf	0.00	0.00
Staff Atty DV & SVRP	0.00	0.00
Staff Atty Traffic Safety	0.00	0.00
DPS Traffic Safety Funds - TSRP	0.00	136,017.91
Total Staff Atty Traffic Safety	0.00	136,017.91
Total EXPENSE REIMBURSEMENTS	91,400.00	355,226.91
PIMS Income		
PIMS User Fees	11,433.00	20,000.00
Total PIMS Income	11,433.00	20,000.00
SCHARGE & NON-LAPSING CARRYOVER		
DV Training Surcharge Funds	0.00	30,000.00
Non-lapsing carry over	80,156.00	80,156.00
Surcharge Receipts	318,145.53	546,495.00
Total SCHARGE & NON-LAPSING CARRYOVER	398,301.53	656,651.00
UNCATEGORIZED INCOME		
Total Income	520,733.53	1,069,852.91
Expense		
ADMINISTRATIVE FEES		
Administrative fee to AG	23,800.00	35,700.00
Building OS&M	2,400.00	3,600.00
DB Purc (West Law)	1,066.64	1,600.00
Ins & Bonds	800.00	1,200.00
Total ADMINISTRATIVE FEES	28,066.64	42,100.00
Conferences		
Advanced Trial Skills Training	0.00	6,000.00

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun 18	Budget
Basic Prosecutor Course		
audio-visual	290.00	
catering	2,744.66	
facilities charge	2,348.76	
lodging	4,823.92	
Lodging, students	7,005.00	
meals	1,038.00	
mileage	1,469.72	
miscellaneous	630.99	
Basic Prosecutor Course - Other	0.00	
Total Basic Prosecutor Course	20,351.05	18,700.00
Civil Training Conference		
catering	2,601.00	
facilities charge	2,614.80	
lodging	3,685.98	
MCLE fee	634.00	
meals	742.00	
mileage	2,830.74	
miscellaneous	1,043.19	
Civil Training Conference - Other	0.00	
Total Civil Training Conference	14,151.71	16,500.00
Conference Materials		
Handouts, Materials, SWAG	3,208.54	4,000.00
Utah Travel Council Calendars	0.00	1,900.00
Total Conference Materials	3,208.54	5,900.00
Executive		
meals	166.00	
mileage	588.93	
miscellaneous	91.00	
Executive - Other	0.00	
Total Executive	845.93	2,000.00
Fall Conference		
audio-visual	750.00	
catering	3,095.13	
facilities charge	2,331.08	
honoraria	1,400.00	
lodging	6,509.75	
MCLE fee	1,219.00	
meals	1,466.00	
mileage	5,780.84	

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun 18	Budget
UPC Brief Cases	7,885.07	7,500.00
Fall Conference - Other	0.00	22,000.00
Total Fall Conference	30,436.87	29,500.00
Regional Training		
Legislative Update	0.00	2,500.00
Total Regional Training	0.00	2,500.00
Spring Conference		
Staff Attorney Training	0.00	1,500.00
SV/DV/RP Training Materials	0.00	1,050.00
TSRP Scholarships		
TSRP Training	305.09	
lodging	64.00	
meals	1,366.44	
mileage/car rental	745.00	13,500.00
miscellaneous	0.00	13,500.00
TSRP Training - Other		
Total TRSRP Training	2,480.53	16,050.00
Total Staff Attorney Training	2,480.53	
UMPA Summer Conf		
audio-visual	531.00	
catering	2,657.96	
facilities charge	1,750.00	
lodging	2,564.35	
MCLE fee	430.00	
meals	780.00	
mileage	3,499.32	
miscellaneous	116.31	11,500.00
UMPA Summer Conf - Other	0.00	11,500.00
Total UMPA Summer Conf	12,328.94	12,000.00
UPAA	0.00	146,650.00
Total Conferences	83,803.57	
COUNCIL AND COMMITTEE MEETINGS		
Council and other committees		
catering	1,371.63	
mileage	392.20	
Council and other committees - Other	0.00	6,500.00
Total Council and other committees	1,763.83	6,500.00

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun '18	Budget
Training Committee		
catering	433.86	
lodging	2,292.16	
meals	698.00	
mileage	2,646.63	
miscellaneous	125.00	
Training Committee - Other	0.00	
Total Training Committee	6,195.65	4,000.00
Total COUNCIL AND COMMITTEE MEETINGS	7,959.48	10,500.00
CURRENT EXPENSES		
Annual MCLE Fee	1,511.00	220.00
Donation to UT Journal Crim Law	1,500.00	1,500.00
Donations UT Crnl Victims Crime	3,000.00	1,500.00
Dues & Memberships	133.50	2,000.00
Equipment/Supplies-not Data Pro	1,726.71	0.00
IT (Hardware and software requirements for UPC.)		
Hardware	9,678.82	9,000.00
Network Services	930.60	4,700.00
Software	125,774.00	1,710.00
UPC Website	529.44	1,140.00
Total IT (Hardware and software requirements for UPC.)	136,912.86	16,550.00
LEOJ Training	0.00	2,000.00
Library & Subscriptions	2,609.18	3,000.00
Miscellaneous	1,446.27	3,200.00
Postage	651.59	500.00
Telephone	2,850.12	6,000.00
Total CURRENT EXPENSES	152,341.23	36,470.00
DATA MANAGEMENT - PIMS PROGRAM		
PIMS Support & Installation		
Maintenance / Installation	0.00	300.00
Lodging	0.00	150.00
Meals	0.00	100.00
mileage	664.54	550.00
Total Maintenance / Installation	664.54	550.00
Server hosting charges	1,137.65	
Total PIMS Support & Installation	1,802.19	550.00
Total DATA MANAGEMENT - PIMS PROGRAM	1,802.19	550.00

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun '18	Budget
HB 200 Expenses - SADVRP		
Airfare	1,666.00	
Catering	42.00	
Conference Registration Fees	675.00	
Lodging	301.53	
Meals	212.00	
Mileage	380.78	
Misc	209.50	
Total HB 200 Expenses - SADVRP	3,486.81	35,263.00
John R Justice Grant	0.00	
OUT-OF-STATE TRAVEL		
NAJIS	2,210.82	1,500.00
Board Meeting	595.00	2,352.00
Summer Conference		
Total NAJIS	2,805.82	3,852.00
NAPC	3,310.06	6,500.00
NAPC Summer mtg	7,872.64	2,000.00
NAPC - Other	500.00	
Total NAPC	11,682.70	8,500.00
NDAA CONFERENCE		
Other out of state travel	839.21	6,500.00
SVRP Out-of-State Travel	0.00	1,200.00
TSRP Out-of-State Travel	760.49	6,600.00
	548.56	6,600.00
Total OUT-OF-STATE TRAVEL	16,636.78	33,252.00
PERSONNEL SERVICES		
Director		
base salary	68,054.61	109,214.00
benefits	37,300.54	58,316.00
Total Director	105,355.15	167,530.00
Employee Incentive Award	659.83	5,000.00
IT Director		
base salary	50,661.46	80,122.00
benefits	28,439.24	50,000.00
Total IT Director	79,100.70	130,122.00
Law Clerk I		
base salary	0.00	0.00
benefits	0.00	0.00
Total Law Clerk I	0.00	0.00

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	Jul '17 - Jun 18	Budget
Staff Attorney - DV & SVRP base salary	26,411.81	87,089.60
benefits	10,432.53	50,000.00
Total Staff Attorney - DV & SVRP	36,844.34	137,089.60
Staff Attorney - Traffic Safety base salary	50,292.78	87,360.00
benefits	30,161.30	50,000.00
Total Staff Attorney - Traffic Safety	80,454.08	137,360.00
Training Coordinator base salary	45,690.31	73,528.00
benefits	27,784.44	45,556.49
Total Training Coordinator	73,474.75	119,084.49
Total PERSONNEL SERVICES	375,888.85	696,186.09
UNCATEGORIZED EXPENSES	0.00	100.00
UNUSUAL PROSECUTION EXPENSES	0.00	0.00
UPAA APPROPRIATION	0.00	12,000.00
UPPAC	0.00	500.00
Total Expense	669,985.55	1,013,571.09
Net Income	-149,252.02	56,281.82

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
Income		
CONFERENCE REGISTRATION FEES		
Advanced Trial Skills Training	-1,500.00	0.0%
Basic Prosecutor	600.00	147.1%
Civil Conference	-801.00	77.8%
Fall Conference	-850.00	87.9%
Spring Conference	-16,200.00	28.0%
UMPA	375.00	117.9%
Total CONFERENCE REGISTRATION FEES	-18,376.00	51.6%
EXPENSE REIMBURSEMENTS		
HB200 Funds for Trauma - SADVRP	-91,400.00	50.0%
John R Justice Grant	-36,409.00	0.0%
Reimb from SWAP for Civil Conf	0.00	0.0%
Staff Atty DV & SVRP	0.00	0.0%
Staff Atty Traffic Safety	-136,017.91	0.0%
DPS Traffic Safety Funds - TSRP	-136,017.91	0.0%
Total Staff Atty Traffic Safety	-136,017.91	0.0%
Total EXPENSE REIMBURSEMENTS	-263,826.91	25.7%
PIMS Income		
PIMS User Fees	-8,567.00	57.2%
Total PIMS Income	-8,567.00	57.2%
SCHARGE & NON-LAPSING CARRYOVER		
DV Training Surcharge Funds	-30,000.00	0.0%
Non-lapsing carry over	0.00	100.0%
Surcharge Receipts	-228,349.47	58.2%
Total SCHARGE & NON-LAPSING CARRYOVER	-258,349.47	60.7%
UNCATEGORIZED INCOME		
	0.00	0.0%
Total Income	-549,119.38	48.7%
Expense		
ADMINISTRATIVE FEES		
Administrative fee to AG	-11,900.00	66.7%
Building OS&M	-1,200.00	66.7%
DB Purc (West Law)	-533.36	66.7%
Ins & Bonds	-400.00	66.7%
Total ADMINISTRATIVE FEES	-14,033.36	66.7%
Conferences		
Advanced Trial Skills Training	-6,000.00	0.0%

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
Basic Prosecutor Course		
audio-visual		
catering		
facilities charge		
lodging		
Lodging: students		
meals		
mileage		
miscellaneous	-18,700.00	0.0%
Basic Prosecutor Course - Other		
Total Basic Prosecutor Course	1,651.05	108.8%
Civil Training Conference		
catering		
facilities charge		
lodging		
MCLE fee		
meals		
mileage		
miscellaneous	-16,500.00	0.0%
Civil Training Conference - Other		
Total Civil Training Conference	-2,348.29	85.8%
Conference Materials		
Handouts, Materials, SWAG	-791.46	80.2%
Utah Travel Council Calendars	-1,900.00	0.0%
Total Conference Materials	-2,691.46	54.4%
Executive		
meals		
mileage		
miscellaneous	-2,000.00	0.0%
Executive - Other		
Total Executive	-1,154.07	42.3%
Fall Conference		
audio-visual		
catering		
facilities charge		
honoraria		
lodging		
MCLE fee		
meals		
mileage		

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
UPC Brief Cases	385.07	105.1%
Fall Conference - Other	-22,000.00	0.0%
Total Fall Conference	936.87	103.2%
Regional Training		
Legislative Update	-2,500.00	0.0%
Total Regional Training	-2,500.00	0.0%
Spring Conference	-26,000.00	0.0%
Staff Attorney Training		
S/VIDVRP Training Materials	-1,500.00	0.0%
TSRP Scholarships	-1,050.00	0.0%
TSRP Training		
lodging		
meals		
mileage/car rental		
miscellaneous	-13,500.00	0.0%
TSRP Training - Other	-11,019.47	18.4%
Total TRSP Training	-13,569.47	15.5%
Total Staff Attorney Training		
UMPA Summer Conf		
audio-visual		
catering		
facilities charge		
lodging		
MCLE fee		
meals		
mileage		
miscellaneous	-11,500.00	0.0%
UMPA Summer Conf - Other	828.94	107.2%
Total UMPA Summer Conf	-12,000.00	0.0%
UPAA		
Total Conferences	-62,846.43	57.1%
COUNCIL AND COMMITTEE MEETINGS		
Council and other committees		
catering		
mileage	-6,500.00	0.0%
Council and other committees - Other	-4,736.17	27.1%
Total Council and other committees		

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
Training Committee		
catering		
lodging		
meals		
mileage		
miscellaneous		
Training Committee - Other	-4,000.00	0.0%
Total Training Committee	2,195.65	154.9%
Total COUNCIL AND COMMITTEE MEETINGS	-2,540.52	75.8%
CURRENT EXPENSES		
Annual MCLE Fee	1,291.00	686.8%
Donation to UT Journal Crim Law	0.00	100.0%
Donations UT Cncl Victims Crime	1,500.00	200.0%
Dues & Memberships	-1,866.50	6.7%
Equipment/Supplies-not Data Pro	1,726.71	100.0%
IT (Hardware and software requirements for UPC.)		
Hardware	678.82	107.5%
Network Services	-3,769.40	19.8%
Software	124,064.00	7,355.2%
UPC Website	-610.56	46.4%
Total IT (Hardware and software requirements for UPC.)	120,362.86	827.3%
LEOJ Training	-2,000.00	0.0%
Library & Subscriptions	-390.82	87.0%
Miscellaneous	-1,753.73	45.2%
Postage	151.59	130.3%
Telephone	-3,149.88	47.5%
Total CURENT EXPENSES	115,871.23	417.7%
DATA MANAGEMENT - PIMS PROGRAM		
PIMS Support & Installation		
Maintenance / Installation		
Lodging	-300.00	0.0%
Meals	-150.00	0.0%
mileage	564.54	664.5%
Total Maintenance / Installation	114.54	120.8%
Server hosting charges		
Total PIMS Support & Installation	1,252.19	327.7%
Total DATA MANAGEMENT - PIMS PROGRAM	1,252.19	327.7%

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
HB 200 Expenses - SADVRP		
Airfare		
Catering		
Conference Registration Fees		
Lodging		
Meals		
Mileage		
Misc		
Total HB 200 Expenses - SADVRP	-35,263.00	0.0%
John R Justice Grant		
OUT-OF-STATE TRAVEL		
NAJIS	710.82	147.4%
Board Meeting	-1,757.00	25.3%
Summer Conference		
Total NAJIS	-1,046.18	72.8%
NAPC		
NAPC Summer mtg	-3,189.94	50.9%
NAPC Winter mtg	5,872.64	393.6%
NAPC - Other		
Total NAPC	3,182.70	137.4%
NDAA CONFERENCE		
Other out of state travel	-5,660.79	12.9%
SVRP Out-of-State Travel	-1,200.00	0.0%
TSRP Out-of-State Travel	-5,839.51	11.5%
	-6,051.44	8.3%
Total OUT-OF-STATE TRAVEL	-16,615.22	50.0%
PERSONNEL SERVICES		
Director		
base salary	-41,159.39	62.3%
benefits	-21,015.46	64.0%
Total Director	-62,174.85	62.9%
Employee Incentive Award		
IT Director	-4,340.17	13.2%
base salary	-29,460.54	63.2%
benefits	-21,560.76	56.9%
Total IT Director	-51,021.30	60.8%
Law Clerk I		
base salary	0.00	0.0%
benefits	0.00	0.0%
Total Law Clerk I	0.00	0.0%

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2017 through June 2018

	\$ Over Budget	% of Budget
Staff Attorney - DV & SVRP base salary	-60,677.79	30.3%
benefits	-39,567.47	20.9%
Total Staff Attorney - DV & SVRP	-100,245.26	26.9%
Staff Attorney - Traffic Safety base salary	-37,067.22	57.6%
benefits	-19,838.70	60.3%
Total Staff Attorney - Traffic Safety	-56,905.92	58.6%
Training Coordinator base salary	-27,837.69	62.1%
benefits	-17,772.05	61.0%
Total Training Coordinator	-45,609.74	61.7%
Total PERSONNEL SERVICES	-320,297.24	54.0%
UNCATEGORIZED EXPENSES	-100.00	0.0%
UNUSUAL PROSECUTION EXPENSES	0.00	0.0%
UPAA APPROPRIATION	-12,000.00	0.0%
UPPAC	-500.00	0.0%
Total Expense	-343,585.54	66.1%
Net Income	-205,533.84	-265.2%

Tab E



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

TO BE THE VOICE OF AMERICA'S PROSECUTORS AND TO SUPPORT
THEIR EFFORTS TO PROTECT THE RIGHTS AND SAFETY OF THE PEOPLE

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Upcoming Domestic Violence Trainings

Domestic Violence

Investigating, Prosecuting and Providing
Essential and Meaningful Victim Resources
October 29-November 2, 2018, Long Beach, CA

Registration

NDAA is very excited to announce our Multi-Disciplinary Domestic Violence Training. This training is open to law enforcement, victim advocates, victim witness professionals, prosecutors, judges, crisis advocates, health care and mental health care professionals, parole and probation officers, shelter workers, social workers, members of the faith community, court administrators, paralegals, dispatch operators, legislators, school administrators, policy makers, city council members, men involved in the movement and responsible fatherhood groups, educators, survivors, children and adult protective services personnel, and other professionals and community stakeholders who work on behalf of survivors of domestic violence and their families. You are the people whose daily decisions as well as your involvement in your communities have a major impact on the way domestic violence cases are perceived and its victims treated. There are a variety of forums to allow you the opportunity to network with your colleagues from across the country. For prosecutors there will be trial advocacy sessions and demonstrations of successful trial techniques. Send individuals from your office or pair up in multidisciplinary teams from your jurisdiction and take advantage of the TEAM DISCOUNTS!



We are focusing on moving forward together to achieve success in decreasing domestic violence in our homes, workplaces and communities.

There are sessions on the impact of domestic violence on our children, domestic violence mass murders, policy concerns for administrators, unique issues in

domestic violence capital murders, workplace violence, human trafficking and its interaction with domestic violence, sentencing concerns, engaging men in the movement, immigration issues, use of technology in court for case presentation, strangulation cases, teen dating violence, electronic research, batterer intervention programs, and survivors sharing their life experiences.

Tentative Topics Include:

- Stopping Victim Blaming Behavior
- The Myths: The Realities: The Investigation
- Effective Approaches for Utilizing Trauma Informed Interviewing
- Crafting Effective Trial Strategies
- Digital Forensic Examinations and Gathering Electronic Evidence
- Manner Of Death: Domestic Violence Homicides
- The Charging Decision
- The Impact of Domestic Violence on our Children
- Cross Examination of Defendants and Defense Witnesses
- Protecting Victim Privacy
- Use of Experts- When, How and Where to Find Them
- Appropriate Assistance for Victims
- A View from the Survivor's Eyes: Panel Discussion
- DV — The Economic Costs and the Collateral Damage
- The Impact of *Crawford* on Domestic Violence Trials
- Sentencing Concerns
- Best Practices for Weapons Confiscation & Return
- Batterer Intervention Programs
- Unique Issues for Organized Religions
- Witness Intimidation Issues
- Teen Dating Violence
- Best Practices for Policing, Prosecuting, & Accountability in Rural Communities
- Domestic Violence and the Military
- Cyber Stalking
- Protective Orders
- Human Trafficking — Sex Trade Trafficking
- The Visual Trial
- Jury Selection Issues
- Ethics & Professionalism

Course Information

CLE: Anticipated CLE credits will be 20 hours including 1.5 hours of ethics. NDAA will apply for CLE credit in California, Ohio, Virginia, and Tennessee. All other states will require the attorney to self-submit using their uniform certificate provided at the conclusion of the course. For those seeking continuing education credits for other disciplines, you will be provided a uniform certificate at the conclusion of the training. If you need any additional documentation or if anyone has additional questions regarding CLE please direct your questions to our Registrar and Course Coordinator, Stephanie Weston at sweston@ndaajustice.org

Eligibility: Open to prosecutors and other lawyers in local, state, tribal, federal and military government attorneys' offices who work on behalf of survivors, law enforcement, victim advocates, victim witness professionals, members of task forces or domestic violence coalitions, judges, crisis advocates, health care and mental health care professionals, parole and probation officers, shelter workers, social workers, members of the faith community, court administrators, paralegals, dispatch operators, legislators, school administrators, policy makers, city council members, men involved in the movement and responsible fatherhood groups, educators, survivors, children and adult protective services personnel, and other professionals and community stakeholders who work on behalf of survivors of domestic violence and their families.

Course Tuition includes admission and course materials.
Note early bird specials in white box.

Member Cost through August 29, 2018	\$545.00
Non-Member Cost through August 29, 2018	\$695.00
Member Cost after August 29, 2018	\$595.00
Non-Member Cost after August 29, 2018	\$745.00

NDAA adheres to a policy of non-discrimination in admissions and administration.

Special Discounts:

- The first attendee from an office pays full tuition; each additional attendee from the same office *will receive a \$50 discount when registered at the same time.*
- Multidisciplinary teams of three or more disciplines will receive a \$50 discount on all registrations. Please email **Stephanie Weston** with your team members' contact information in order to receive the discount.
- All active military members will receive a 10% discount on the course registration. Military members are not eligible for the \$50 team discount.

Registration fees are non-refundable. However, if you need to cancel your registration, the fees paid may be credited toward any other NDAA training within twelve months from the date of the original cancellation.

Tentative Course Schedule:

On Site Registration: 8:00am Monday, October 29, 2018

Orientation: 8:30am Monday, October 29, 2018

Conclusion: 12:00pm Friday, November 2, 2018

Hotel

Hilton Long Beach
701 W. Ocean Boulevard
Long Beach, CA 90831
Phone: 562-983-3400

Hotel Web site

Stay at the Hilton Long Beach hotel and take advantage of its superb location by the World Trade Center and in the center of the business district. Exercise in the World Trade Center Health Club during your stay at our hotel in Long Beach, California. Take a walk along the beautiful beach situated one mile away. Unwind in the spacious pool, or book a sightseeing tour to discover the hidden treasures of Long Beach.

Hotel Rates

\$173.00 — Single/Double/Triple/Quad Rate plus tax — or prevailing federal per diem.

- Room rate includes complimentary Health Club entry
- Complimentary high-speed Internet access in all guest rooms
- Discounted Parking Rate of \$15.00 for Self-Parking
- Group rate is available 3 days pre and 3 days post conference, based on hotel availability

Rooms will be guaranteed by the guests' major credit card for first night's deposit. The deposit becomes non-refundable or the credit card will be charged if the guest does not arrive or cancel by 6pm local time 72 hours before the date of arrival.

Book hotel reservations by October 7, 2018 to secure the group rate.

Hotel reservation link coming soon!

Travel*Long Beach Airport: Closest*

Taxi: 10-15 minute taxi ride — approximately \$20

Los Angeles International Airport

Taxi: 45 minutes — approximately \$60

Airport Shuttle Service — Hotel recommends *Super Shuttle* 1-800-258-3826*John Wayne — Orange Country Airport*

Taxi — approximately \$ 65

Airport Shuttle Service — Hotel recommends *Super Shuttle* 1-800-258-3826**Visit**For ideas of things to do while you are in Long Beach, see **VisitLongBeach.com**.

Close proximity to everything the city offers! the downtown scene — art, culture, shopping, nightlife, or whatever stirs your soul! Walking distance to the beach, water and area attractions. Just minutes to the Queen Mary, Aquarium of the Pacific, The Pike at Rainbow Harbor, Carnival Cruise Terminal and Catalina Island terminal.

Easy freeway access for trips to Disneyland, Knott's Berry Farm and Universal Studios. Shopping, restaurants and entertainment options are just steps from the hotel.

The Queen Mary -2 miles away

Get an up close and personal look at the Queen Mary with an exciting guided tour. Learn about the ship's groundbreaking construction and royal launch as the most luxurious and technologically advanced ocean liner at the time, to her duty as a troopship during WWII, to her golden days of the 1950s, to her earning the nickname, the "haunted ship."

Aquarium of the Pacific — .6 miles away

The Aquarium of the Pacific is a fun and educational experience for adults and families. There are 11,000 animal exhibits with numerous opportunities for up-close encounters. They also offer Harbor Tours, a 4D film experience, family festivals, a variety of children's educational programs, birthday parties, summer and winter camps, sleepovers, and more.

Shoreline Village and Marina

Walking distance from the Renaissance . A boardwalk with a variety of restaurants, shops, activities for all ages. The Passport, a free shuttle bus service, connects Shoreline Village to the downtown area every 12 minutes. The route links Shoreline Village to the Aquarium of the Pacific, all major hotels, The Queen Mary and the Metro Blue Line.

Area Beaches

- Long Beach 0.3 miles
- Seal Beach 5 miles
- Huntington Beach 8 miles

Area Activities

- Bike Rentals and Trails
- Jet Skiing
- Jogging/Fitness Trail
- Kayaking
- Sailing
- Snorkeling
- Water Skiing
- Volleyball

Further questions about the course? Contact course director Candace Mosley: **cmosley@ndaajustice.org** or project coordinator/registrar Stephanie Weston: **sweston@ndaajustice.org**



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

TO BE THE VOICE OF AMERICA'S PROSECUTORS AND TO SUPPORT
THEIR EFFORTS TO PROTECT THE RIGHTS AND SAFETY OF THE PEOPLE



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PROSECUTION OF SEXUAL VIOLENCE

Training

Prosecuting Sexual Assault and Related Violent Crimes

August 13-17, 2018

Bellevue — East Seattle, WA

Registration

Sexual assault cases are some of the most difficult cases prosecutors, law enforcement, paralegals, victim witness professionals, health care professionals, and members of the prosecution team will handle. They raise countless emotions from a multitude of individuals. The news media and the



entertainment industry perpetuate myths which compromise prospective jurors' ability to fairly weigh the evidence and facts. The impact of social media can be devastating to the victim and their families. The complexities of victim dynamics, the absence of eyewitness corroboration, lack of scientific evidence, delayed reporting, allegations of false reporting, the misuse of technology by defendants for spying and stalking victims, witness intimidation/ recantation, safety issues, and backlash against the victims, these cases challenge traditional prosecution strategies and also test law enforcement protocols and policy. To assist members of the criminal justice system, community stakeholders, health care professionals, and all who work on behalf of victims to empower them to become survivors, the National District Attorneys Association presents the *Prosecuting Sexual Assaults and Related Crimes* course. Join our experienced multi-disciplinary faculty as they discuss these and other issues essential to effective investigation, charging, prosecution, case management and sentencing in these cases.

Tentative Topics Include:

- Stopping Victim Blaming Behavior
- The Myths: The Realities: The Investigation

- Effective Approaches for Utilizing Trauma Informed Interviewing
- Crafting Trial Strategies
- Manner Of Death: Sexual Assault Homicides
- The Charging Decision
- Cross Examination of Defendants and Their Experts
- Aggressive Motions Practice
- Protecting Victim Privacy
- Use of Experts — When, How and Where to Find Them
- Appropriate Assistance for Victims
- #METOO- From the Survivor's Eyes Panel Discussion
- Overcoming the Consent Defense — the "Language" of Consent
- False Allegation Defense
- The Impact of *Crawford* on Sexual Assault Trials
- ER Care for Sexual Assault Victims
- Witness Intimidation Issues
- Alcohol and Drug Induced Rape
- Sexual Assault and the Military
- Innovative Initiatives for College Campuses
- Cyber Stalking
- Human Trafficking — Sex Trade Trafficking
- The Visual Trial
- Jury Selection Issues
- Intimate Partner Sexual Assault
- Electronic Evidence
- Ethics & Professionalism

BONUS — Receive a copy of NDAA's Women Prosecutors Section 2018 -National Sexual Assault Investigation and Prosecution Best Practices Guide.

Course Information

CLE: Anticipated CLE credits will be 20 hours including 1 hour of ethics. NDAA will apply for CLE credit in Washington, Ohio, Virginia, and Tennessee. All other states will require the attorney to self-submit using their uniform certificate provided at the conclusion of the course. Questions regarding CLE can be directed to our Registrar and Course Coordinator, Stephanie Weston at sweston@ndaajustice.org

Eligibility: Open to prosecutors and other lawyers in local, state, tribal, federal and military government attorneys' offices or on task forces or members of sexual assault coalitions who work on behalf of survivors, paralegals who work in these offices, investigators and law enforcement officers who work in prosecutors' offices or with the local law enforcement agency, victim advocates, victim witness professionals, judges and other members of the criminal justice system.

Course Tuition: includes admission and course materials.
Note early bird specials in the white box.

Member Cost through June 13, 2018	\$785.00
Non-Member Cost through June 13, 2018	\$935.00
Member Cost after June 13, 2018	\$835.00
Non-Member Cost after June 13, 2018	\$985.00

NDAA adheres to a policy of non-discrimination in admissions and administration.

Special Discounts:

- The first attendee from an office pays full tuition; each additional attendee from the same office will receive a \$50 discount when registered at the same

time.

- ☒ Multidisciplinary teams of three or more disciplines will receive a \$50 discount on all registrations. Please email Stephanie Weston with your team members' contact information in order to receive the discount.
- ☒ All active military members will receive a 10% discount on the course registration. Military members are not eligible for the \$50 team discount.

Registration fees are non-refundable. However, if you need to cancel your registration, the fees paid may be credited toward any other NDAA training within twelve months from the date of the original cancellation.

Tentative Course Schedule:

On Site Registration: 8:00am Monday, August 13, 2018
 Orientation: 8:30am Monday, August 13, 2018
 Conclusion: 12:00pm Friday, August 17, 2018

Hotel

Seattle Marriott Bellevue
 200 110th Avenue NE
 Bellevue, WA 98004
 Phone: (425) 214-7600

Hotel Web site

Treat yourself to sophisticated amenities and stylish surroundings at Seattle Marriott Bellevue. Our hotel offers a prime location moments away from dynamic destinations. Shop at The Bellevue Collection™, attend an event at Meydenbauer Center and witness wildlife at Woodland Park Zoo. When you're ready to unwind, settle into our modern rooms and suites with mesmerizing city or mountain views.

Hotel Rates

\$199.00 — Single/Double Rate plus tax

- ☒ Room rate includes- Complimentary Health Club entry
- ☒ Complimentary high-speed Internet access in all guest rooms
- ☒ Group rate is available 3 days pre and 3 days post conference, based on hotel availability

Rooms will be guaranteed by the guests' major credit card for first night's deposit. The deposit becomes non-refundable or the credit card will be charged if the guest does not arrive or cancels after 6pm local time on the date of arrival.

Book hotel reservations by July 23, 2018 to secure the group rate.

Reservation link coming soon!

Travel

Seattle-Tacoma International Airport (SEA): 17 miles
 Estimated Uber fare: \$41.00 — \$53.00 (one way)
 Estimated Taxi fare: \$55.00 (one way)

Visit

Enjoy the Northwest's premier shopping, dining and nightlife destination consisting of three upscale complexes — Bellevue Place, Lincoln Square and Bellevue Square — The Bellevue Collection offers something for everyone, with over 250 shops, 45 restaurants and multiple entertainment venues to choose from.

Enjoy breath-taking views of the Pacific Northwest at a world-class golf course, head to the mountains for hiking, fishing or skiing or discover Seattle's best shopping and restaurants, just minutes away.

Visit Downtown **Seattle** on your half day off on Wednesday, August 15th or come early and take advantage of the conference rate Pre course:

- ☒ Pike Place Market — a beloved Seattle landmark, welcoming more than 10 million visitors a year overlooking Elliott Bay
- ☒ The Oldest Starbucks in the country
- ☒ Variety of restaurants and shops

- The Space Needle — The permanent symbol from the 1962 World's Fair

Taxi downtown averages \$38

Uber fare is estimated at \$23-30 one way.

Use the Seattle #550 bus is \$2.50 each way into downtown and it stops 4 blocks from Pike's Market — you must have exact change.

For more ideas of things to do while you are in Bellevue or Seattle, visit

VisitBellvueWashington.com and **VisitSeattle.org**

Further questions about the course? Contact course director Candace Mosley:
cmosley@ndaajustice.org or project coordinator/registrar Stephanie Weston:
sweston@ndaajustice.org

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Tab F

2018 TRAINING SCHEDULE

UTAH PROSECUTION COUNCIL

April 26-27	SPRING CONFERENCE <i>Legislative and case law updates, civility/professionalism and more</i>	Sheraton SLC Hotel Salt Lake City, UT
April & May	REGIONAL LEGISLATIVE UPDATES	23 Locations around the state
May 14-16	CJC/DV CONFERENCE <i>For anyone who has a role in DV or Child Abuse Cases</i>	Cliff Lodge Snowbird Resort
June 20-22	UTAH PROSECUTORIAL ASSISTANTS ASSN. ANNUAL CONFERENCE <i>Training for para-legals and secretarial staff in prosecutor offices</i>	Courtyard by Marriott Cedar City, UT
August 20-24	BASIC PROSECUTOR COURSE <i>Trial advocacy and substantive legal instruction for new prosecutors</i>	Riverwoods Conf. Ctr, Logan, UT
October 3-5	FALL PROSECUTORS TRAINING CONFERENCE <i>The annual CLE and idea sharing event for all Utah prosecutors</i>	Provo Marriott Provo, UT
October 17-19	GOVERNMENT CIVIL PRACTICE CONFERENCE <i>Training designed specifically for government civil attorneys from counties and cities</i>	SpringHill Suites & Inn Moab, UT
Nov. 8-9	UTAH MISDEMEANOR PROSECUTORS ASSN. SUMMER CONFERENCE <i>Training for city prosecutors and others who carry a misdemeanor case load</i>	SpringHill Suites & Inn Moab, UT
November 15-16	COUNTY/DISTRICT ATTORNEYS' EXECUTIVE SEMINAR <i>An opportunity for all county/district attorneys to discuss common issues</i>	Dixie Center St. George, UT

Tab G

Proposed Changes reflect SB142's current language.

1 **51-9-406. Victims of Domestic Violence Services Account established – Funding – Uses.**

2 (1) There is created a restricted account in the General Fund known as the Victims of
3 Domestic Violence Services Account.

4 (2) (a) The Division of Finance shall allocate to the Victims of Domestic Violence Services
5 Account from the collected surcharge established in Section 51-9-401:

6 (i) ~~4.5%~~ for the Division of Child and Family Services, but not to exceed the amount
7 Appropriated by the Legislature; and,

8 (ii) .5% for the Office of the Attorney General, but not to exceed the amount appropriated by
9 the Legislature, for the support of the Utah Prosecution Council established in Title 67,
10 Chapter 5a, Utah Prosecution Council, and the fulfillment of the council's duties in
11 accordance with this section.

12 (b) The Utah Prosecution Council shall use the allocation for training municipal and county
13 attorneys in the prosecution of domestic violence offenses.

Tab H

PROPOSED AMENDMENTS TO UPC'S ENABLING STATUTE

67-5a-1. Utah Prosecution Council -- Duties -- Membership.

- 1 (1) There is created within the Office of the Attorney General the Utah Prosecution Council,
2 referred to as the council in this chapter.
- 3 (2) The council shall:
- 4 (a) provide training and continuing legal education for state and local prosecutors;
5 (b) provide assistance to state and local prosecutors; and
6 ~~(c) as funds are available and as are budgeted for this purpose, provide reimbursement for~~
7 ~~unusual expenses related to prosecution for violations of state laws.~~
8 (c) provide training and assistance to law enforcement officers, as required elsewhere
9 within this code.
- 10 (3) The council shall be composed of ~~10~~ 12 members, selected as follows:
- 11 (a) the attorney general or a designated representative;
12 (b) the commissioner of public safety or a designated representative;
13 (c) four currently serving county or district attorneys designated by the county or district
14 attorneys' section of the Utah Association of Counties; a county or district attorney's term
15 expires when a successor is designated by the county or district attorneys' section or
16 when he or she is no longer serving as a county attorney or district attorney, whichever
17 occurs first;
18 (d) Four city prosecutors designated as follows:
19 i. Two by the Utah Municipal Attorneys Association; and
20 ii. Two by the Utah Misdemeanor Attorneys Association.
21 iii. A city prosecutor's term expires when a successor is designated by the
22 association or when he or she is no longer employed as a city prosecutor, whichever
23 occurs first;
24 (e) the chair of the Board of Directors of the Statewide Association of Prosecutors and
25 Public Attorneys of Utah; and
26 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.
- 27 (4) Council members designated in paragraphs (c) and (d) above must be approved by a majority
28 vote of currently serving council members.

67-5a-2. Terms -- Filling vacancies -- Chair.

- 29 (1) The term of each council member is four years, unless the term is earlier terminated by:
- 30 (a) the authority that designated the member; or
31 (b) the member ceasing to hold the office that qualified him or her for membership.; or
32 (c) voluntary resignation.
- 33 (2) A member whose term has expired may continue, for not more than four months, to serve as
34 a council member until a successor is selected and ~~qualified~~ approved.

35 (3) Council members may serve for more than one successive term.

36 (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed
37 for a full term that commences on the date of ~~appointment~~ council approval. Such vacancy shall
38 be filled according to the provisions of Section 67-5a-1.

39 (5) The council shall elect by a majority vote one of its members as chair at its first meeting and
40 then annually.

67-5a-3. Per diem and travel expenses.

41 A member may not receive compensation or benefits for the member's service, but may receive
42 per diem and travel expenses in accordance with:

43 (1) Section [63A-3-106](#);

44 (2) Section [63A-3-107](#); and

45 (3) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

67-5a-4. Holding public employment.

46 A member of the council may not be disqualified as a member by holding any public office or
47 employment, and he or she does not forfeit any office or employment due to his or her
48 membership on the council. This section takes precedence over any conflicting state law, local
49 ordinance, or city charter.

67-5a-5. Quorum -- Meetings.

50 (1) The attendance of ~~five~~ six members at any regular or special meeting of the council
51 constitutes a quorum. Any member may designate in writing a representative to attend any
52 meeting. The representative's attendance shall be counted toward the quorum, and he or she may
53 vote on any issue.

54 (2) A majority vote of the attending members or their representatives constituting a quorum is
55 sufficient to carry any motion unless the council has by prior vote designated a greater
56 percentage than a majority to sustain an action.

57 (3)

58 (a) The council shall meet at least quarterly at a time and place it designates.

59 (b) The chair~~man or~~, a majority of the members of the council, or the council director
60 may call a special meeting at any time or place upon five days' notice to all of the
61 members. A quorum of all members may waive notice requirements in writing.

**67-5a-6. Council employees – Director, resource prosecutor(s), administrative staff --
Qualifications and compensation.**

62 (1) The council shall appoint a director. The director is the chief administrative officer and serves
63 at the pleasure of the council.

64 (a) The director shall:

- 65 (i) be an attorney admitted to practice in the courts of the state;
- 66 (ii) be selected on the basis of professional ability and experience in the fields of
67 administration, prosecution, and criminal law; and
- 68 (iii) possess an understanding of court procedures, evidence, and criminal law.

69 (2) The director shall appoint resource prosecutor(s), with the consent of the council. Resource
70 prosecutors shall serve at the pleasure of the council.

71 (a) Resource prosecutor(s) shall:

- 72 (i) be an attorney admitted to practice in the courts of the state;
- 73 (ii) be selected on the basis of professional ability and experience in the fields of
74 prosecution, and criminal law; and
- 75 (iii) possess an understanding of court procedures, evidence, and criminal law.

76 (3) The director shall appoint and supervise administrative staff.

77 (4) The council shall select and establish the compensation of the director, resource prosecutors
78 and administrative staff, consistent with state personnel policies.

67-5a-7. Responsibilities of the director.

79 Under the general supervision of the council and within the policies established by the council
80 the director has the responsibility to:

- 81 (1) assign, supervise, and direct the staff of the council;
- 82 (2) implement the standards, policies, rules, and guidelines of the council;
- 83 (3) prepare and administer the budget of the council and comply with the Utah Budgetary
84 Procedures Act;
- 85 (4) maintain liaison with governmental and other public and private groups having an interest in
86 prosecution;
- 87 (5) organize and administer a program of training and continuing legal education for prosecutors
88 in the state, including establishing training standards for prosecutors;
- 89 ~~(6) screen all requests addressed to any specialized investigation and prosecution unit created in~~
90 ~~the Office of the Attorney General for the investigation and prosecution of any child abuse~~
91 ~~offenses;~~
- 92 ~~(7)~~ (6) ensure all statutory required training occurs; and

93 ~~(7)~~ (7) perform other duties as assigned by the council.

67-5a-8. Administration.

94 (1)

95 (a) The administration and training costs of this chapter, including council staff
96 compensation, shall be funded from appropriations made by the Legislature to the Office
97 of the Attorney General for the support of the council from the Public Safety Support
98 Account established in Section 51-9-404.

99 (b) Funds available from other sources may also be appropriated by the Legislature to the
100 Office of the Attorney General for the administration of this chapter.

101 (2) In exercising its duties, the council shall minimize costs of administration and utilize existing
102 training facilities and resources where possible so the greatest portion of the funds available are
103 expended for training prosecuting attorneys.

104 (3) Council staff may receive per diem and travel expenses in accordance with:

105 (a) Section 63A-3-106;

106 (b) Section 63A-3-107; and

107 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-
108 107.

Tab I

January-March 2018 TSRP Report

Trainings Attended/Conducted:

- January 9, 2019 – Unmasking CDL Violations, Webinar
 - National webinar on CDL violations and masking
- February 13, 2018 – The Implications of Field Sobriety Test Evidence in Marijuana Impaired Driving Cases
 - National TSRP sponsored webinar
- February 16, 2018 – Police In-Service Training, South Salt Lake City, UT
 - 4 hours training, presented Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - 5 law enforcement participants
- March 12-13, 2018 – Courtroom Training for DREs, Lakewood, CO
 - Was part of staff on course and assisted in the breakout sessions
 - **8 hours training**
 - 13 law enforcement, 2 prosecutor for **15 total attendees**
- March 19, 2018 – Airport Police Department In-Service, Salt Lake City, UT
 - Presented police in-service, Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hours training**
 - **12 law enforcement attendees**
- March 20, 2018 – Airport Police Department In-Service, Salt Lake City, UT
 - Presented police in-service, Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hours training**
 - **14 law enforcement attendees**
- March 21, 2018 – Airport Police Department In-Service, Salt Lake City, UT
 - Presented police in-service, Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hours training**
 - **12 law enforcement attendees**
- March 21, 2018 – DRE Caselaw Update at DRE School, Sandy, UT
 - Presented a caselaw update and also instructed on courtroom helps for DRE officers
 - **1 hour training**
 - **34 law enforcement attendees**
- March 22, 2018 – Airport Police Department In-Service, Salt Lake City, UT
 - Presented police in-service, Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hours training**
 - **12 law enforcement attendees**

Upcoming Trainings:

- April 9-10, 2018 – 24/7 Sobriety Summit, Sacramento, CA
- April 11-12, 2018 – Zero Fatalities Summit, Salt Lake City, UT
- April 22-24, 2018 – Lifesavers Conference, San Antonio, TX
- April 26-27, 2018 – UPC Spring Conference, Salt Lake City, UT
- April 30-May 2, 2018 – National TSRP Conference, San Antonio, TX
- May 7-10, 2018 – Multi-Agency Task Force Meetings (4 locations)
- May-June – Regional Legislative Updates throughout the state

Current Projects:

- Updating Utah TSRP Training Curriculum
- Report writing training for law enforcement

Meetings Attended:

- January 5, 2018 – Statewide Association of Prosecutors Board Meeting, Murray, UT
- January 5, 2018 – Utah Prosecution Council Meeting, Murray, UT
- January 11, 2018 – USAAV Council DUI Committee Meeting, Salt Lake City, UT
- January 17, 2018 - Reducing Alcohol-Impaired Driving Fatalities: Report Release, Webinar
- January 18, 2018 – Region III Training Coordinator Meeting, Sandy, UT
- January 18, 2018 – UPC Staff Meeting, Salt Lake City, UT
- February 2, 2018 – SWAP-LAC Meeting, Salt Lake City, UT
- February 5, 2018 – Multi-Agency Taskforce Meeting, Ogden, UT
- February 6, 2018 – Multi-Agency Taskforce Meeting, Orem, UT
- February 9, 2018 – SWAP-LAC Meeting, Salt Lake City, UT
- February 16, 2018 – SWAP-LAC Meeting, Salt Lake City, UT
- February 23, 2018 – House Law Enforcement and Criminal Justice Committee Meeting, Salt Lake City, UT
- February 23, 2018 – Training Coordination Meeting w/DLD, Salt Lake City, UT
- February 23, 2018 – USAAV DUI Sub-Committee, Salt Lake City, UT
- February 23, 2018 – SWAP-LAC Meeting, Salt Lake City, UT
- March 2, 2018 – SWAP-LAC Meeting, Salt Lake City, UT
- March 7, 2018 – Alcohol and Drug Fee Committee Meeting, Sandy, UT
- March 9, 2018 – Swearing in Ceremony for Judge Brody Keisel, Manti, UT
- March 15, 2018 – Utah Misdemeanor Prosecutor Association Conference Planning Meeting, Murray, UT
- March 16, 2018 – Lifesavers Panel Preparation Conference Call, Provo, UT
- March 19, 2018 – DRE Overtime Project Meeting, Sandy, UT
- March 22, 2018 – UPC Training Committee Meeting, Provo, UT
- March 27, 2018 – Meeting with RANDOX Toxicology, Salt Lake City, UT

Other Notables:

- Invited to participate in NHTSA sponsored DRE Courtroom Training at NHTSA Region 8 office in Colorado in March.
- Invited to present at national Lifesavers Conference in San Antonio, TX in April.

Technical Assistance Provided:

MONTH	TECHNICAL ASSISTANCE	TRAINING PROVIDED	NUMBER OF PARTICIPANTS	CLASS HOURS
October 2017	55	4	70	4
November	54	3	239	6
December	50	2	34	8
January 2018	51	0	0	0
February	63	1	5	4
March	64	6	99	25
April				
May				
June				
July				
August				
September				
TOTALS	337	16	447	47

Tab J

January – March 2018 SA/DV Quarterly Report*

Trainings Attended/Conducted:

- Feb 8, 2018 – SART Training
 - o 8 hours training received
- Feb 21, 2018 – UT Peace Officer Training, St. George UT
 - o 2 hours instruction
 - o 34 attendees (majority, if not all were officers)
- March 7, 2018 – Moab City/County Law Enforcement
 - o 5 hours instruction
 - o 29 attendees (25 officers, 3 court, 1 advocate)
- March 8, 2018 – SWAVO (statewide advocate organization) Quarterly Training
 - o 1.25 hours instruction
 - o 6 hours training received
 - o 131 attendees (majority advocates, few officers, few prosecutors)
- March 21, 2018 - UDVC Strangulation Awareness Training
 - o 4 hours training received
- March 22, 2018 – POST DV Training (Assist Robert Church)
 - o Assist with 4 hours instruction
 - o 40 law enforcement attendees

Committees / Meetings Attended

- Jan 17, 2018 SAKI Review attended with Peter Leavitt
- Feb 1, 2018 UCVC Legislative Committee Meeting, UCVC Council Meeting
- Feb 1, 2018 Met with Ned Searle, Gov. Ofc on Domestic & Sexual Violence
- Feb 1, 2018 Met with Donna Kelly, SLDA
- Feb 7, 2018 SAKI Review Meeting; met with Ned Searle and Krystal Hazlett re program; met Jay Henry, Dir UT Crime Lab and toured facility
- Feb 13, 2018 HB200 SA Curriculum Workgroup
- Feb 28, 2018 DV Advisory Council / CCJJ
- March 14, 2018 Met with UDVC, Liz Watson and Selina Gorst
- March 15, 2018 UMPA Training Committee
- March 22, 2018 UPC Training Committee
- March 28, 2018 SA Advisory Council / CCJJ
- March 28, 2018 Met with Turner Bitton and Julie Stephenson, UCASA
- March 28, 2018 Met with Justin Boardman
- March 29, 2018 HB200 SA Curriculum Workgroup

Upcoming Events/Trainings/Conferences for next Quarter, to date:

- Attend - End Violence Against Women Conference, Chicago IL (April 3-5)
- Attend - Crimes Against Women Conference, Dallas TX (April 16-19)
- Attend - Spring Conference, SLC (April 26-27)

- Present – Legislative Updates (various dates and locations all through May/June)
- Attend – Trauma Training w/Donna Kelly, Ogden (May 17)
- Present – UHP – HB200, SLC (May 30)
- Attend – Trauma Informed Forensic Interviewing Training, Salem OR (June 18-19)
- Present – UPAA, Cedar City UT

Long Term Projects and Ideas

- DV 101 Boot Camp
- Revise SA Investigation and Prosecution Manual and publish on UPC Website
- Evidence Training – Short trainings on individual rules/issues at trial advocacy level
- Increase involvement and make #StartByBelieving Campaign a statewide movement

Other Notes / Comments:

In the past two months (*my start date was Jan 29th) I have focused on making contacts, building collaborations, and gaining knowledge needed to increase my value as a trainer. In addition, I have begun the revision process of the SA Investigation and Prosecution Manual. So far I have read it for content, and then re-read and nearly finished with editing, highlighting, and formulating additional changes to be made and content to be added. There is a lot to do and will be an ongoing project with the goal of it being published on the UPC website by January 2019. This goal is flexible given the eProsecutor demands on Ron.

The primary focus for 2018 is to calendar and present the HB200 training to as many law enforcement officers as possible.

Tab K

Memorandum

TO: Bob Church – UPC Council Members

FROM: Ron Weight

DATE: Thursday, April 12, 2018

SUBJECT: eProsecutor Project Summary

eProsecutor Project Summary

The last few months, the UPC eProsecutor committee has been working with Journal Technologies (JTI) personnel to configure and adjust eProsecutor to work and look like we need it to. We have gone over security, case initiation (screens and fields), person records, dropdown lists, menu choices, differences between city and county processes, the subpoena and warrant processes, victim rights workflow, charging screen, plea offers, closing a case, core searches / reports, core documents to include and many of the input screens associated with data entry. We've also briefly gone over civil and juvenile cases.

We've discussed getting data from law enforcement. There is a portal where law enforcement officers can initiate a case, but it does require them to enter it in manually, it doesn't come electronically from their system. There is a way to build interfaces that will accomplish this, but it isn't included as part of this grant, but we are looking at what it would entail to do this.

Electronic discovery will be available through a portal that can be made accessible to defense attorneys and doesn't require additional user licenses. It automatically keeps track of when it was made available and when it was accessed or downloaded, so you know when the defense has received and viewed it.

We currently plan to deploy eProsecutor to two agencies initially who are willing to put a lot of time into it quickly to discover any bugs or processes that either don't work properly or are missing. These two agencies will basically be beta testers for the rest of us and will need to be willing to go through the sometimes painful and time-consuming work of testing out a new system. We anticipate that we should be able to find and fix most of what's needed in a couple

of months. After that, we can start deploying to the other agencies that have signed agreements. There isn't a firm timeline yet for when that will happen, but we hope to have it ready to start beta testing with the initial agencies somewhere around September – November.

We are working now to come up with some core, standardized documents and reports that the system will be deployed with. The goal is to have documents and reports that will work for everyone and only minimal customization in each office.

A partial feature list:

- Electronic Discovery with verification of receipt.
- Customizable searches that individual users can save and re-use. A core (pre-built) search can be easily customized in many ways by users and then saved to be used whenever needed.
- A report is basically a search that you run and then you can export it to one of several formats including Excel, PDF, and RTF.
- Cases assigned to anyone within your agency will show up on the individual dashboard of everyone assigned to a case, so you can quickly get to them.
- You can open several cases at the same time (in separate tabs).
- Cases can be related to each other and you easily access related case information from any of the related cases.
- It is easy to redact documents right in the system. It will store the original as well as the redacted copy.
- Once a person is entered into the system you can re-use them in different roles in any other case without needed to type in their information again.
- You can access the system from anywhere with an internet connection (your office, courts, from home, while on vacation, etc.).
- You will be able to e-file cases with the courts.

Tab L

Memorandum

TO: Bob Church – UPC Council Members

FROM: Ron Weight

DATE: Monday, March 19, 2018

SUBJECT: Personnel time to perform eProsecutor Administrative tasks

Here is a list of tasks that I will need to take care of as the eProsecutor System Admin:

- User Management
 - Create new users and assign appropriate security
 - Help users with logon issues
- Document Management
 - Create and edit documents – both global and agency unique docs.
- Searches and Reports
 - Users will be able to create their own ad-hoc searches and reports, but the initial rollout will need to include some standard searches and reports
- Selection List Maintenance (drop down lists)
 - The bulk of this will be done by the time we go live with the first agency. There will need to be some management of the lists as we start using it.
- Updating and Managing the Offense table – Statute management
 - If UPC continues updating the offense table with the legislative changes (which I highly recommend), we will need to design a method to update eProsecutor (similar to the way PIMS is updated).
 - This will require some up-front work that will take a significant amount of time, but once the update piece is finished, the process of updating will only take a few seconds, though the update done by a UPC attorney will be the same and takes a few hours of their time.
- Product Support
 - This is the time needed to work with JTI to solve any system or programming issues (bugs) or to add functions.
 - This is also the area where I will spend some time adding or editing input forms.

It's difficult to be certain of the amount of time that will be needed to complete all these tasks, but here is my best estimate based on past experiences with PIMS and experiences of others who do administrative tasks for JTI's old product, JustWare.

Until the first roll out when we go live with the system, I only use about 20-35% of my time on eProsecutor related issues (8-14 hours per week).

First roll out of eProsecutor: 90-100% of my time will be needed (36-40 hours per week). I think this period will cover about 6 months to a year. I will still have the time I need to take care of UPC issues such as updating the web site and helping with conferences. I can do almost everything related to eProsecutor from any location.

Some travel time may be needed when installing the system at an agency.

After 1 year live: 50-75% of my time (20-30 hours per week).

After 2 years live (at this point, all agencies that want eProsecutor should have it running in their office): 35-65% of my time (14-26 hours per week).

By the end of the 5-year contract, I estimate that only about 25-45% of my time will be needed (10-18 hours per week).

The difference between eProsecutor and PIMS is that with eProsecutor I will be the one doing administrative tasks for all agencies. With PIMS, a lot of that was done locally with only occasional help needed when problems came up. Still, once we have things running smoothly, the time needed to support eProsecutor will decrease.

Thanks,

Ron Weight

Tab M

Memorandum

TO: Bob Church – UPC Council Members

FROM: Ron Weight

DATE: Monday, March 26, 2018

SUBJECT: Estimated Time For Creating Offense Table Process for eProsecutor

I thought it might be helpful to let the council know an estimated time for creating an offense update process for eProsecutor. The time spent on this project will be interwoven among all the tasks I will be doing. I don't expect to be able to focus entirely on this project without interruption and getting sidetracked. That's the nature of IT projects. I don't usually have the luxury to focus on just one project, so the estimated time for completion is not counting the sidetracks and other duties that will take me away from this project. Still, if I was able to focus purely on this project, I estimate that it would take me between 2.5 weeks to a month of full time work to complete.

This is what it would entail:

- Getting access to the API for interacting with eProsecutor programmatically (JTI assures me they will give me access)
- Learning the API so I can design and develop a process to use it to update the offense tables
 - Specifically, I will need to learn the structure and usage of the API events and methods used to add and modify offenses
- Determine the best technology to use to do the update
 - Web or client based
- Design, code and test the solution
 - This would require a test database which we already have
- Implement it

Time it would take to do all of this (estimated only – there will be some trial and error along the way which is difficult to know in advance). These steps will take place concurrently and iteratively, not linearly. I might do some test design while learning the API and do some coding as I'm learning.

- Learning API: 40-80 hours
 - This will involve reading documentation, doing some test coding and probably talking to JTI support.
- Solution Design: 32-64 hours
 - This may involve some trial and error to get to the best solution.
- Coding: 40-80 hours
- Testing and debugging: 16-32 hours
- Implementation: 4-8 hours

Total Time: 132 hours (16.5 days) to 264 hours (33 days)

This is the best I can estimate for now. I know that there is a lot of difference between the shortest and longest times, but would prefer to plan on the longer times then deliver early.

Thanks,

Ron Weight

Tab N

GRAMA REQUEST

TO: Utah Prosecution Council (“UPC”), Utah Attorney General’s Office (“AGO”) (Name of government office holding the records and/or name of agency contact person.)

Robert J. Church
UPC Director
5272 College Drive, Suite 201
Murray, Utah 84123

Description of records sought (record must be described with reasonable specificity):

Shortly prior to a State Records Committee (“SRC”) hearing held on December 14, 2017, in SRC case number 17-48, UPC Director Robert J. Church (“Church”) prepared Declaration of Robert J. Church and executed it on December 12, 2017 (“Declaration”). That Declaration was provided by AGO records counsel Lonny Pehrson at the hearing to both SRC members and the undersigned requester. That Declaration contains, among other things, Exhibit 5, containing a document titled “Confidential Memo[,]” a 29-page document, apparently also referred to as “Memo to Council Emergency Executive Session[.]” (Declaration, ¶ 13) Exhibit 5, pp. 7-8, of the Declaration contains what appears to be a cut and paste of Affidavit of John Orr (“Affidavit”).

I request a copy of the actual Affidavit that John Orr signed and presumably was notarized.

Reasonable specificity: Church’s file where he keeps the other documents attached to the Declaration related to the October 21, 2015 UPC emergency meeting, and which are subject to the applicable government document retention schedule.

I would like to receive a copy of the record.

I do not authorize costs because I am the subject of the record. The unsigned apparent cut and paste refers to me by name at least eight times.

Respectfully submitted this March 18, 2018.

/s/ Edward A. Berkovich

Edward A. Berkovich

950 West 400 North

Salt Lake City, Utah 84116 (requester requests a digital response only to

edberkovich.utah@gmail.com).

(801) 441-9113

[End of GRAMA request]

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

Spencer E. Austin
Chief Criminal Deputy

Tyler R. Green
Solicitor General

Ric Cantrell
Chief of Staff

Bridget K. Romano
Chief Civil Deputy

April 2, 2018

Sent via Email Only

Edward A. Berkovich
950 West 400 North
Salt Lake City, UT 84116
edberkovich.utah@gmail.com

RE: Utah Attorney General's Office Record Request (18-051)

Dear Mr. Berkovich:

The Attorney General's Office has completed processing your records request received March 19, 2018, regarding an Affidavit of John Orr.

The Office was unable to locate a signed or notarized version of the affidavit. The only version located was a Microsoft Word document created by Mr. Orr and sent to Robert Church, Director of the Utah Prosecution Council. I am providing the electronic version of this record to you along with this letter.

The Office has waived the fees for this request pursuant to Utah Code § 63G-2-203(4). Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lonny Pehrson".

Lonny J. Pehrson
Assistant Attorney General
Government Records Counsel

Encl.

Appeal Procedure

You have the right to appeal this response to the chief administrative officer of the Office, as provided in Utah Code § 63G-2-401(1)(b). To do so, you must send a Notice of Appeal within 30 days to Attorney General Sean D. Reyes at following address:

(If by hand-delivery)

GRAMA Appeal
Office of the Attorney General
Utah State Capitol Complex
350 North State Street Suite 230
Salt Lake City, UT 84114

(If by mail)

GRAMA Appeal
Office of the Attorney General
PO Box 140860
Salt Lake City, UT 84114-0860

(If by email)

GRAMA Coordinator
ago_grama_coordinator@agutah.gov

Your Notice of Appeal must contain your name, mailing address, daytime telephone number, and a statement of the relief you seek. You may also file a short statement of facts, reasons and legal authority in support of your appeal. Please note that Utah Code § 63G-2-401(9) provides that the duties of the chief administrative officer for handling such appeals may be delegated.

Affidavit of John Orr

My name is John Orr, and I am the law clerk for the Utah Prosecution Counsel. I work for and report directly to Robert Church, Director of the Utah Prosecution Counsel. On July 10, 2014, at approximately 10:00 a.m., I observed a brief verbal altercation between Edward "Ed" Berkovich and Marilyn Jaspersen. This altercation occurred while we were at the University of Utah S.J. Quinney College of Law. As I entered the conversation, Ed seemed agitated as he addressed Marilyn. Although I did not understand the complete context of the conversation, Ed was sternly directing Marilyn that she was not to volunteer Ed to speak at an upcoming conference as she did at a previous conference. From my perspective, Ed appeared very agitated and aggressive. He continued to gesticulate and express this same sentiment while using different words. He also continued to tell Bob Church that he would explain his tone of voice, if Bob wanted to know more about Ed's concerns. Bob asked everyone to calm down because it was obvious tensions were running high. Marilyn did not say anything throughout Ed's lecture, and she appeared upset. She shortly thereafter left the College of Law to return to the Heber Wells building. I later observed Bob and Ed hold a private conversation, although I did not hear anything that was said in that conversation.

I certify under penalty and perjury of law that the foregoing is true and correct

X _____

John Orr

Robert Church

From: Lonny Pehrson
Sent: Monday, April 2, 2018 1:02 PM
To: Robert Church
Subject: RE: Records Search Needed: 18-051 Berkovich (Declaration re Affidavit of John Orr)

Bob,

I need to send out our response this afternoon. If you haven't received anything further from John I can just do the no records response for now and we can supplement it later. Please let me know.

Thanks,
Lonny

Lonny J. Pehrson
Assistant Attorney General, State of Utah
Government Records Counsel
Tel: (801) 366-0312

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From: Robert Church
Sent: Thursday, March 29, 2018 3:14 PM
To: Lonny Pehrson <lpehrson@agutah.gov>
Subject: RE: Records Search Needed: 18-051 Berkovich (Declaration re Affidavit of John Orr)

Just texted him. He forgot but will get it to me tomorrow.

Robert J. Church

Director, Utah Prosecution Council
5272 College Drive, Suite 200
Murray, UT 84123
rjchurch@agutah.gov
O. 801.281.1212
C. 801.921.3274
upc.agutah.gov



Training and Serving Utah Prosecutors Since 1990

From: Lonny Pehrson
Sent: Thursday, March 29, 2018 1:11 PM
To: Robert Church <rjchurch@agutah.gov>
Cc: Gina Proctor <ginaproctor@agutah.gov>
Subject: RE: Records Search Needed: 18-051 Berkovich (Declaration re Affidavit of John Orr)

Hi Bob,

Just wondering if you were able to get that additional material from John that we discussed on the phone?

Thanks,
Lonny

Lonny J. Pehrson
Assistant Attorney General, State of Utah
Government Records Counsel
Tel: (801) 366-0312

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From: Robert Church
Sent: Monday, March 19, 2018 11:21 AM
To: Gina Proctor <ginaproctor@agutah.gov>
Cc: Lonny Pehrson <lpehrson@agutah.gov>
Subject: RE: Records Search Needed: 18-051 Berkovich (Declaration re Affidavit of John Orr)

Gina and Lonny,

There is no signed or notarized copy of the statement. John e-mailed me his statement and I saved it to my computer.

Attached is the original Word copy and a pdf copy.

Bob

Robert J. Church

Director, Utah Prosecution Council
5272 College Drive, Suite 200
Murray, UT 84123
rjchurch@agutah.gov
O. 801.281.1212
C. 801.921.3274
upc.agutah.gov

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From: Gina Proctor
Sent: Monday, March 19, 2018 11:10 AM
To: Robert Church <rjchurch@agutah.gov>
Cc: Lonny Pehrson <lpehrson@agutah.gov>
Subject: Records Search Needed: 18-051 Berkovich (Declaration re Affidavit of John Orr)

You are receiving this email because you have been identified as someone who might have records responsive

to a GRAMA request received from: **Edward Berkovich**

Please read the attached record request carefully in order to search for the specific search terms and types of records that are sought.

Please respond by Wednesday, March 28, 2018, even if just to let me know you need more time. If there is anyone else in the office you feel may have potentially responsive records please let me know as well.

Our Office is responding to this request and your help is needed. I have been asked to gather the Office's potentially responsive records.

Please do a search for all records you have that may be responsive to this request. **Please email them to me by close of business on March 28, 2018. Please send them in PDF format in vertical orientation.** If you cannot respond by that date, please let me know as soon as possible.

I have enclosed a document entitled "Standard Records Search Instructions for Potential Records Custodians." It contains important instructions regarding procedures to follow in searching for responsive records. Please review it carefully.

If you have any questions, please let me know. Your cooperation is appreciated. This process cannot take place without your help.

Gina Proctor
GRAMA Coordinator/Paralegal
Utah Attorney General's Office
801-366-0267

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Robert Church

From: Gina Proctor
Sent: Thursday, April 12, 2018 2:19 PM
To: GRAMA_Coordinator AT; Edward Berkovich
Subject: RE: GRAMA request dated March 18, 2018 #18-051 Berkovich
Attachments: 18-051 John Orr Supplemental Affidavit.pdf

Mr. Berkovich, Attached is the signed Affidavit for your records.
Thank you for your patience.

From: GRAMA_Coordinator AT
Sent: Monday, April 02, 2018 2:35 PM
To: Edward Berkovich <edberkovich.utah@gmail.com>
Subject: RE: GRAMA request dated March 18, 2018 #18-051 Berkovich

Dear Mr. Berkovich,

Please find attached the response to your above referenced GRAMA request, as well as the responsive record in MS Word format.

Sincerely,

Lonny J. Pehrson
Assistant Attorney General, State of Utah
Government Records Counsel
Tel: (801) 366-0312

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From: Edward Berkovich <edberkovich.utah@gmail.com>
Sent: Sunday, March 18, 2018 6:50 PM
To: GRAMA_Coordinator AT <ago_grama_coordinator@agutah.gov>; Lonny Pehrson <lpehrson@agutah.gov>
Subject: GRAMA request dated March 18, 2018

Dear GRAMA Coordinator and Mr. Pehrson,

Attached please find the referenced GRAMA request.

Sincerely,

Edward A. Berkovich

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AFFIDAVIT OF JOHN M. ORR, ESQ.,

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

I, John M. Orr, Esq., being first duly sworn, do depose and state as follows:

1. I am an Associate attorney at Lewis Brisbois Bisgaard & Smith LLP, and am in good standing and duly licensed to practice law in the State of Nevada. I am competent to testify to the matters set forth herein, and will do so if called upon.

2. On or around July 10, 2014, during my first year of law school, and while the clerk for the Utah Prosecution Council (“Council”), my direct supervisor and Director of the Council, Robert Church, Esq., asked me to draft an affidavit (“2014 Affidavit”) regarding an incident I observed between Edward Berkovich and Marilyn Jaspersen that occurred at the S.J. Quinney College of Law sometime during July 2014.

3. I never signed the affidavit that I prepared at that time.

4. On or around March 21, 2018, Mr. Church contacted me and asked that I review this 2014 Affidavit and prepare a supporting Affidavit that the information in the 2014 Affidavit is accurate. My understanding is that the purpose of this Affidavit is to assist the Council’s Response to Mr. Berkovich’s recent GRAMA Request.

5. I have reviewed the 2014 affidavit. Its contents are a true and accurate reflection of the events I observed in July 2014, to the best of my recollection. The 2014 Affidavit has not been altered or otherwise modified since the time I first drafted it.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my understanding.

Dated this 4th day of April, 2018



JOHN M. ORR, ESQ.