

These minutes have been approved by the Utah Prosecution Council.

**UTAH PROSECUTION COUNCIL
Wednesday, October 4, 2017
Hilton Garden Inn
1731 S. Convention Center Drive
St. George, Utah**

APPROVED MINUTES

UPC : Steven Garside, Chair, Layton City Attorney
Barry Huntington, Chair-elect, Garfield County Attorney
Haley Christensen, UPAA Co-Chair, Salt Lake County District Attorney's Office
Robert Cosson, Chief Prosecutor, St. George City Attorney
Jann Farris, Morgan County Attorney
Greg Ferbrache, Justice Division Director, Utah Attorney General (*attending for Spence Austin, designee of Sean Reyes, Utah Attorney General*)
Stephen Foote, Duchesne County Attorney
Will Carlson, Deputy Salt Lake District Attorney, (*designee of Sim Gill, Salt Lake District Attorney*)
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires via telephone*)
Scott Sweat, Wasatch County Attorney

EXCUSED: Sean Reyes, Utah Attorney General
Commissioner Keith Squires, Utah Department of Public Safety

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

GUESTS: Dan Barton, Chief of Policy and Communication, Utah Attorney General's Office
Jeff Buhman, Utah County Attorney
Ryan Robinson, West Valley City Chief Prosecutor
Robert Van Dyke, Kane County Attorney
Jeremiah Humes, Deputy Carbon County Attorney

I. WELCOME AND APPROVAL OF THE JUNE 28, 2017 MEETING MINUTES

- A. The Council members were welcomed and the meeting convened.
- B. Will Carlson made the motion to approve the minutes from June 28, 2017, seconded by Barry Huntington. The motion passed unanimously.

II. FINANCIAL REPORT

- A. Conference Financial Reports
Bob Church gave an in depth report on the following completed conferences. Please refer to the Director's Summary for details.
 1. UMPA Summer Conference - August 3-4, 2017, St. George Courtyard Marriott. Gross income was \$9,275. Net cost of \$11,495 leaving \$2,100 over budget. However, it was well attended.

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2. Basic Prosecutor Course - August 14-18, 2017, USU University Inn.
To date, the gross income was 19,775. Net cost was at \$18,505.00 leaving \$1,275 to the good. However, not all expenses have been submitted. Bob will give an update report at the next meeting. The conference was very well received and attended.
- B. Proposed FY18 Budget:
 1. Bob indicated that the proposed budget of FY18 has not changed much since the last meeting. He has met with Kimberly Schmelling, AG Finance Director and there has not been any historical changes. The Council agreed that the motion to adopt the budget from the last meeting should stand.
- C. Surcharge FY18 and Year to Date:
 1. Surcharge report includes receipts through to June and August 2017. Surcharge receipts for June ending at \$49,717.27 a gain of \$10,709.41 from 2016. July ended at \$36,286.88 which was \$5,079.44 lower than last year. August 2017 ended at \$41,482.06 with slight difference of \$347.94 from last year.
- D. FY Budget Closeout Report
 1. Bob indicated that while our numbers show total expenses at \$818,199.13, a 83.1% expenditure. We are waiting for final year-end data from finance. Bob will give an update report at the next meeting.

III. PAST AND UPCOMING CONFERENCES

- A. Regional Legislative Update -
Bob indicated that notification/fliers for the 2018 Regional Legislative Update will go out earlier next year such as in February. This effort should boast attendance from last year's lower numbers because notices did not reach the various agencies in time.
- B. UMPA Conference (August 3-4, 2017) -
As mentioned, this year's conference was very well received and attended. The 2018 UMPA Conference will be held in November either in Springdale or Moab depending if the state rate is available at those locations.
- C. Basic Prosecutor Course (August 13-18, 2017) -
There were 22 attendees which were more than expected and required an extra break out. Bob and Marilyn filled in for the extra break outs. Suggestion for next year's agenda was to add back the evidence presentation.
- D. Fall Prosecutors Training Conference (October 4-6, 2017) -
This year's Fall Conference was well received. Keisa Williams, Associate-General Counsel, Administration of the Courts asked to be added to the agenda to inform prosecutors that as of November 13, 2017 Utah judges will begin using a validated risk assessment instrument at probable cause determinations and at any future bail determinations prior to adjudication.
- E. Government Civil Practice Conference (October 18-20, 2017) -
Bob Church gave an in depth report on the payment/reimbursement for this conference and asked the Council for a vote to no longer fund this conference. He reported on the organizational oversight regarding the reorganization of SWAP and those changes. He asked the Council to divest UPC of the responsibility for planning and hosting this conference and turn it over to SWAP. And he explained the Utah Municipal Attorney's Association (UMAA) factor. Please refer to the Director's Summary for details. After a lengthy discussion, Scott Sweat made the motion that Bob look into the feasibility of combining the two conferences, UPC Civil Conference and UMAA Conference, evaluate the costs of providing that training and UPC's relationship with

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law enforcement, civil, and whether it's time to revisit increasing the registration fees. Will Carlson seconded the motion and the motion passed unanimously.

- F. County Attorney Executive Seminar (November 16-17, 2017 - This will be held at the St. George Dixie Center. UPC participates with helping to set agenda, publishing the brochure/agenda, and requests approval for MCLE from the Bar. Marilyn and Bob attend this event.

IV. TRAINING COMMITTEE REPORT

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

- A. Training Committee will meet October 16-17, 2017 in Torrey, Utah.
 - 1. The committee will welcome two new members, Troy Little, Deputy Iron County and Jake Summers, Orem City Prosecutor, Utah.
 - 2. Thanks to Letitia Toombs, Deputy Weber County for her past service.
 - 3. The committee will look at drafting by-laws on issues such as term of service, how many members and from what types of jurisdictions and attendance at planning meetings.

V. UPAA

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

- A. There are two board memberships will be opening. Haley will report on the new appointments.
- B. The Board is beginning on planning the 2018 UPAA Conference agenda.

VI. 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.
- B. Bob expressed his thanks to the interview committee for the Sexual Assault/Domestic Violence Resource Prosecutor (SA/DVRP) open position. He stated that the interview committee interviewed a total of six candidates of which they unanimously selected Peter Leavitt and is recommending him to the Council.
 - 1. The question of his salary needed to be addressed. Greg Ferbrache indicated he endorsed the selection but recommended that since UPC is under the AG's pay scale that UPC stay as close to the AG's scale as possible. After a lengthy discussion, Will Carlson made the motion to pay Peter the \$90K salary (\$43.51 per hour.) Stephen Foote seconded the motion and the motion carried with one nay from Jann Farris and one nay from Greg Ferbrache on the basis of the salary amount, but endorsed the recommendation.

VII. 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. Oversight Committee - It was agreed to form an oversight committee with Ron Weight as the Chair. Committee members suggested was JoEll Rowley, Wasatch County Attorney's office; Ale Crow, West Valley City Attorney's

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Office; Karyn Walker, Provo City Attorney's office, representative from Juab County. Also, Scott Sweat and Ryan Peters expressed an interest in participating on the committee as well. John Peak of Journal Technologies has agreed to attend the meeting. The first meeting was planned for the first of November.

2. Fee for system administrator - Because this will take up quite a bit of Ron's time, Bob proposed that each jurisdiction be assessed a fee for this service. However, if Bob can get another grant that can cover the remaining \$235,000 that is not now covered, it would be divided between the users and would eliminate a cost of an administrator fee from the user. If there is a fee, the Council agreed to have the Oversight Committee come up with a fee amount. After the five years of the grant, Bob plans on reapplying for funds to cover the user fees. It was agreed that the annual licensing fee is covered for five years. Question was asked if a user fee can be prepaid their user fee, Bob indicated he would need to check with the AG Finance to see if that's possible.

XIII. OTHER BUSINESS

- A. *Brady/Giglio* Oversight Committee -
Scott Stephenson asked the Council's guidance on what is the process for officer to appealing this in an attempt to clear his/her name. Scott indicated that Chief Ross has called a meeting, Thursday, October 4th with law enforcement at the Bountiful Police Department to discuss this matter. Will Carlson indicated that he and Blake Nakamura will be at the meeting to announce Salt Lake County District Attorney's *Brady/Giglio* protocol.
- B. POST Recording Fees -
POST can no longer record our conferences for free. POST is willing to pay for half of those costs. The bill to UPC would be in the amount of \$2,975 which is half of POST's fee. In the past, we have had POST film Fall and Civil Conference. Bob was asked to check if there is a difference in live feed versus recording costs. UPC has small, handheld cameras that record, but not to the level and quality as provided by POST.
- 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.

XIV. NEXT MEETING

Friday, January 5, 2018
10:30 a.m.
SLDA 's Office
ADDRESS
Salt Lake City, Utah

XVI. ADJOURN