

UTAH PROSECUTION COUNCIL MEETING AGENDA

Friday, June 24, 2016, 12:30 p.m.
Park City Marriott
1895 Sidewinder Drive
Park City, UT 84060

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

- I. Welcome. Memories of Chad.
- II. Approval of the minutes from the April 13, 2016 meeting - Steve **Tab A**
- III. Report from Matt Lloyd, Council Representative on State Bar Criminal Law Section
- IV. UPC Conferences - Bob and Marilyn
 - A. Completed Conferences
 - B. 2016/17 Conference Schedule, **Tab B**
- V. Financial Report - Bob
 - A. Surcharge FY16 and Year to Date, **Tab C**
 - B. FY16/Budget Comparison Report, **Tab D**
 - C. Proposed FY17 Budget, **Tab E**
- VI. Training Committee Report - Steve
- VII. UPAA Report - Chris
- VIII. Resource Prosecutors Reports
 - A. Donna: **Tab F**
 - B. Tyson: **Tab G**
- IX. IT Issues: PIMS / Case Management / Webpage - Ron and Bob
 - A. Conference Registration Innovations
 - B. Case Management: RFP

- X. UPPAC - Bob
- XI. John R. Justice
- XII. Other Business
 - A. Berkovich GRAMA Request, *Tab H*
 - B. UPC's Statute
 - C. Sexual Assault Kit Initiative (SAKI) Prosecutor/Trainer, *Tab I*
- XIII. Closed Door Meeting - Employee Incentive Awards Determination, *Tab J*
- XIV. Next meeting: September 14, 2016
- XV. Adjourn

Director's Summary of UPC Agenda Items

- I. Welcome. Memories of Chad
 - A. Steve wanted to give everyone the opportunity to remember Chad and share any memories and thoughts you may have.
 - B. Sim's office held a Memorial in Chad's honor the week following his death. Many were in attendance and shared their thoughts and memories of him.
 1. Sim did a great job recalling Chad's professionalism and contributions to the office and state. He reminded us to remember Chad for who he was and his many years of service.
 2. Paul gave a beautiful, heartfelt tribute. Not a dry eye.
 3. Josh Player had everyone laughing, crying and seeing a side of Chad most people didn't know. Very moving.
 4. Police officers extolled his expertise and the help he was always willing to provide.
 5. One of the greatest tributes was paid by a former defendant Chad prosecuted. He said that Chad treated him fairly but held him accountable. He said he was glad Chad was his prosecutor. They ran into each other several years later and struck up a friendship, discovering they had many things in common. He considers Chad a good friend.
- II. Approval of the Minutes.
 - A. See the enclosed minutes from the April 13, 2016, meeting. **Tab A**
- III. Report from Matt Lloyd, Council Representative on State Bar Criminal Law Section
- IV. UPC Conferences - Bob and Marilyn
 - A. Completed Conferences
 1. Regional Legislative Updates
 - a. Went great. Trained over 300 officers.
 - b. Greg Ferbrache and others from the Justice Division went with us. They discussed the various task forces in the AG's office and other services they can provide. They also put a plug in for the VIRTRA trainer. It was a great outreach opportunity. They plan to come every year.
 2. CJC/DV Conference
 - a. May 16-18, 2016
 - b. Great attendance from prosecutors. Great reviews asking for the same prosecutor specific track next year.
 - c. Keynote speakers were almost all suggested by Donna/UPC
 - B. Upcoming Conferences, **Tab B**
 1. UPAAs
 - a. June 22-24, 2016
 - b. Park City Marriott

2. UMPA
 - a. August 4-5
 - b. Bryce Canyon, Utah
 - c. Agenda set
 - d. Focus on drug related driving. Bringing the TSRP from Colorado to discuss the effects of legalized marijuana and traffic related offenses.
3. Basic
 - a. August 15-19, 2016
 - b. University Inn, Logan, UT
 - c. Agenda set
 - d. Will be looking for nominations from offices.
 - (1) Already have several who have registered.
 - e. Two prosecutors from Wyoming will be attending. They're paying all their own expenses.
4. Fall Conference
 - a. October 5-7, 2016
 - b. Vernal, Utah
 - (1) Visited the new conference building. It's beautiful. Probably the nicest venue we will have used for a very long time.
 - c. Agenda set
 - (1) Focus on mental health issues. Creighton Horton will be teaching several of the sessions.
 - (2) DA from Aurora, CO theater shooting to be keynote speaker. Comes highly recommended.
5. Government Civil Practice
 - a. October 19-21, 2016
 - b. St. George, UT
 - c. Planning committee meeting April 25, 2016
 - (1) Send suggestions for topics to me, Marilyn, Kelly Wright
6. County/District Attorney's Executive Seminar
 - a. November 10-11, 2016
 - b. St. George, UT
7. Future Conferences
 - a. With a healthy carryover we are hoping to use those funds and hold the Advanced Trial Practice, a Train the Trainers Bootcamp and possibly other advanced courses.

V. FY 15/16 Financial Report - Bob

A. Surcharge Report *Tab C*

1. Monthly totals since last meeting.
 - a. Mar 16: \$53,799.07 Mar 15: \$52,186.65
 - b. Apr 16: \$48,853.94 Apr 15: \$57,988.06
 - c. May 16: \$55,338.18 May 15: \$49,032.16

- B. FY16 Budget/Comparison Report, *Tab D*
 - 1. The surcharge report includes receipts through to May 2016.
 - a. Final grant reimbursement numbers for Donna's and Tyson's salaries and grants will be available until July.
 - 2. Conference registration and PIMS fees continue to come in.

- C. FY17 Proposed Budget, *Tab E*
 - 1. Reimbursement from SWAP
 - a. Thanks to Paul Boyden/SWAP for bringing it to our attention that SWAP had agreed to reimburse UPC for the costs of Civil Conference. They have not done so for several years. Depending on how things go in their meeting, Paul is proposing reimbursing UPC \$42,437.40 for the last 5 years conferences.
 - b. Averaging the last 5 year's conferences I project that they will reimburse us a little over \$8,000 this year.
 - c. I anticipate we will receive \$50,437.40 from SWAP for next year's budget.
 - 2. Non-lapsing Carryover
 - a. This is only a projection based on the past 4 years.
 - 3. PIMS Income
 - a. Here is how I determined this amount:
 - (1) I subtracted those agencies who have already gone to a third party vendor from the list of PIMS users. That would mean UPC would receive approximately \$20,000 in PIMS income.
 - (2) I planned for having our own case management system sometime in the next fiscal year.
 - (3) Not everyone will come on board during the next fiscal year, simply due to the amount of time it takes to install the software and work out the bugs.
 - (4) Therefore I projected that our PIMS income would be reduced by half next year and accounted for PIMS income of \$10,000.00
 - 4. \$105,190.00 carry over.
 - a. I didn't show this as income on the first comparison report sent out last week. With this additional income UPC is in a good position financially.

VI. Training Committee Report - Steve Garside

- A. The committee hasn't met since last Council meeting.
- B. New presenters.
 - 1. With Laura Dupaix retiring and Matt Bates taking the bench will need to select new presenters for Spring Conference.
 - a. John Nielsen, AG's office, will present Supreme Court case update at Fall Conference.

- b. John Nielsen suggested the following names as presenters:
 - (1) Ryan Tenney. Formerly at the AG's office, now at the U.S. Attorney's office.
 - (2) Blair Wardle. Box Elder County
 - (3) Peter Leavitt - SLDA's office
 - 2. Will need to select someone to replace Chad for the legislative update.
- VII. UCAA Report - Chris Stevens
 - A. Report on UCAA's conference.
 - B. Searching for two new board members - city and county representative.
- VIII. Resource Prosecutors Reports
 - A. Donna, *Tab F*
 - B. Tyson: *Tab G*
- IX. IT Issues: PIMS / Case Management / Webpage
 - A. Bar code scanners for conference registration.
 - 1. Ron has developed a way to create bar codes for individual attendees to scan when they attend a conference.
 - B. Case Management
 - 1. Got a 12-month extension through August 31, 2017.
 - 2. RFP Process
 - a. Met with State Purchasing and got their feedback on the RFP. I started making the changes but got interrupted with legislative updates.
 - b. Hope to have the changes made, submitted and back from Purchasing by the end of July, early August.
 - c. Will issue the RFP after that.
 - C. PIMS
 - 1. Anticipate at least one more year of PIMS billing. Even once a contract is entered into for a CMS it will take time to get it installed across the state.
- X. UPPAC
 - A. Nothing new to report.
- XI. John R. Justice Grant
 - A. Application process closed for this year's grant.
 - B. DOJ's matching requirement does not go into effect until after next year's grant.
 - C. This means two more years of JRJ.
- XII. Other Business
 - A. Berkovich GRAMA Request, *Tab H*
 - 1. Ed Berkovich filed a GRAMA request with the AG's office on May 20, 2016 requesting documents from UPC.

2. I provided the requested documents to the AG's GRAMA attorney, along with a Memo addressing three issues on May 25, 2016.
 - a. The Memo is fairly self explanatory but I will answer any additional questions at Council meeting.
 3. The AG's office mailed him the documents on June 1, 2016.
- B. Redrafting of UPC's statute
1. UPC law clerk is doing a survey of all states that have similar prosecution councils, focusing on those who are organized similar to UPC; located within the AG's office, funded by surcharge, etc.
 2. Spoken with Paul Boyden and Mark Nash regarding UPC's origins. UPC was based on Arkansas' model but they have since changed somewhat.
 3. It was decided to house UPC in the AG's office more by default than any formal negotiation, discussion, etc. It seemed the practical thing to do in light of the fact that in 1991 UPC staff was small, the funds were coming from the state, the AG's office had space and the AG at the time offered.
 4. General Reyes has asked for a report back to explore a couple issues.
 - a. Office space is at a premium in the Heber Wells building and they would like our offices.
 - (1) Looked at possibly moving in with the Insurance Fraud unit at 1300 S. State street but there wasn't enough room for us and even if there were it would have been cost prohibitive.
 - (2) We pay \$15,000 in rent and overhead costs to the AG's office. Cannot get that price elsewhere.
 - b. Approach the legislature for solution to budget issues, similar to POST. Guaranteed funds.
 5. UPC as its own entity.
 - a. Would need a substantial increase in funding.
 - b. At least two FTE's.
 - (1) Grant manager
 - (2) Secretary/travel/admin, etc.
 - c. Don't see that as a feasible alternative.
- C. Sexual Assault Kit Initiative (SAKI) Training Prosecutor *Tab I*
1. CCJJ obtained a grant to fund this position.
 - a. This training prosecutor is funded solely by a grant from the National Sexual Assault Kit Initiative Grant.
 - (1) 30-hours per week
 - (2) \$35 hourly = \$55,000 per year
 - b. This person's goal is to provide and develop a victim-centered approach in investigating, prosecuting and notifying victims of cold case sexual assault cases within Salt Lake County.
 - c. This person will research topics related to unsubmitted sexual assault kits and victim-centered and trauma informed protocols and prepare appropriate training.

- d. This person will prepare and administer trainings to criminal justice agencies in Utah, focusing first in Salt Lake County.
2. Initially they approached the Salt Lake County DA's office about housing this person there but determined it would not be a good fit.
3. Ned Searle approached Donna, Greg Ferbrache and myself about the possibility of this person falling under UPC. The way it was described, a training prosecutor, similar to what Donna does, it seemed a good fit for UPC.
 - a. First obstacle, we have no room to add another person in the Heber Wells building.
4. April Ensign is the grant manager. She and I exchanged e-mails back and forth.
 - a. Once I saw the actual description of what this job would entail, it raised several concerns that I addressed in the e-mail that I won't reproduce here.
5. Greg Ferbrache, Ned Searle, April Ensign and I met June 6, 2016 to talk about this position and the apparent challenges.
 - a. We all acknowledge that the idea for this position is a good one but recognize there are a myriad of issues that need to be addressed before anyone can move forward with this.
 - b. Towards the end of our meeting, Greg had the great idea of possibly housing this person with Heidi Nestel at Utah Crime Victims Legal Clinic.
 - (1) April and Ned will approach Heidi about that possibility.

XIII. Closed-door Session: UPC Employee Incentive Awards, **Tab J**

- A. Continue discussion from last time.

XIV. Next Meeting: September 14, 2016

XV. Adjourn