

UTAH PROSECUTION COUNCIL
Wednesday, June 28, 2017
Wasatch County Search and Rescue Building
1359 S. US Highway 40
Heber City, Utah

APPROVED MINUTES

UPC : Steven Garside, Chair, Layton City Attorney
Barry Huntington, Chair-elect, Garfield County Attorney
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*)
Sim Gill, Salt Lake District Attorney
Kathy Locher, UPAA Co-Chair, Salt Lake County District Attorney's Office (*designee of Haley Christensen*)
Scott Sweat, Wasatch County Attorney

EXCUSED: Haley Christensen, UPAA Chair, Utah County Attorney's Office
Stephen Foote, Duchesne County Attorney
Sean Reyes, Utah Attorney General
Commissioner Keith Squires, Utah Department of Public Safety
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)

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

GUESTS: Paul Boyden, Executive Director, SWAP
 Jeff Buhman, Utah County Attorney
 Will Carlson, Deputy Salt Lake County District Attorney
 Margaret Olson, Summit County Attorney
 Robert Van Dyke, Kane County Attorney
 Alex Wilson, Legislative Research

I. WELCOME AND APPROVAL OF THE APRIL 26, 2017 MEETING MINUTES

- A. The Council members were welcomed and the meeting convened. Thank you to Scott Sweat for hosting the meeting.
- B. Jann Farris moved to approve the minutes from April 26, 2017, seconded by Sim Gill. 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. Spring Conference - April 27-28, 2017, The Riverwoods, Logan, Utah and remote locations. The onsite location was well attended. The remote locations

were well attended until the IT problems developed. Gross income was \$19,590. Net cost of \$19,271.42 leaving \$318.58 to the good.

2. Regional Legislative Updates (RLU)

Attendance stats were yet to be calculated. It is hoped that attendance was fairly good as there was an issue of getting the word out to law enforcement. Final expenditures are still pending. It is anticipated that expenses will be under budget. **Bob and will make a final report at the next meeting.**

3. UPA Conference - June 21-23, 2017, Uintah Conference Center, Vernal, Utah. Total income was \$16,875.00 which included the appropriation of \$12,000 and registration fees of \$4,875 for a total of \$16,875. Total net costs came to \$14,737.95 with \$2137.05 to the good.

B. Surcharge FY17 and Year to Date:

1. The surcharge report includes receipts through to May and June 2017. Surcharge receipts through June, year end projections show UPC ending FY17 at \$566,778.86, approximately \$114,831.34 less than the budgeted figure of \$681,410.00. **Because the June surcharge collections are yet to be received, Bob will give an updated report at the next meeting.**

C. FY18 Budget/Comparison Report:

1. Council reviewed the proposed the FY18 which showed a healthy carry over. Bob highlighted the following items:
 - a. Healthy carry over was partly due to not having to pay five months of salary/benefits for the SA/DVRP position.
 - b. Because of the anticipated increase, UPC could plan on possibly two more trainings including an Advanced Trial Skills Course.
 - c. Possibility, of SWAP reimbursing UPC for Government Civil Practice Conference.
 - d. TSRP grants reimburse UPC for lodging costs at the Basic Prosecutor Course.
 - e. User fees will continue to be collected in as long users are using PIMS.
 - f. Tooele County has been e-filing through PIMS which has come to \$2,000 in fees. UPC has put Tooele County on notice as of July UPC will no longer pay those fees pending the Council's approval.
 - g. AG Administrative fees have increased from to \$15K to \$35.
 - h. UPC will contribute two payments of \$1,000 to LEOJ.
 - i. UPC will be hosting the December NAPC Conference. UPC's expenses are only for UPC's staff travel per diem.

- j. Slight increase in salaries. It is hoped there maybe enough left over to hire a part-time secretary.
- k. \$500 for Best Practices Committee meeting.
Sim Gill moved to approve the FY18 Budget/Comparison Report and approve that Tooele County pay for their own e-filing fees, seconded by Jann Farris. The motion passed unanimously.
Bob invited questions. Hearing none, he moved to the next item.

VI. TRAINING COMMITTEE REPORT

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

- A. Training Committee met March 2017.
 - 1. June special Training Committee meeting was canceled. Next meeting will be Oct. 16-17, 2017 in Torrey, Utah.
- B. Discussed 2017 Spring Conference and the remainder of the training calendar.
 - 1. Spring Conference -
 - a. Remote broadcasting Spring Conference to the various presented some challenges but once the glitches were worked out by midday things went smoothly from there.
 - b. The CLE reporting was another issue for reporting those attended via remotely. The Utah State Bar requires that any participant who watches an event remotely or by video must submit their CLE hours through a “self study” form. There is a \$10 fee for self study credit. Because UPC was the sponsor and registration fees were assessed from all attendees which included the CLE hours from remote attendees and in order to meet the Bar’s reporting requirements compiling the report to the Bar proved to be more labor intensive than usual and created some confusion between the Bar and UPC during that process. UPC recommended that it will continue to film conferences and post them on the UPC website for “self study” credit, but going forward UPC would not like to be responsible for reporting CLE credit to the Bar for those who watch UPC conferences remotely or by video unless otherwise directed by the Council.
 - 2. Regional Legislative Updates -
 - a. May 15 - June 21
As was stated, some areas did not receive the flier and/or didn’t have enough time to get it on their schedules so turn out was lower than usual. Next year’s schedule will go out the first of the year so everyone has time to receive the flier and be able to schedule the session of their choice. **Attendance stats for this year’s numbers will be reported at the next meeting.**
 - 3. UMPA Conference -
 - a. August 3-4, 2017
 - b. St. George Courtyard

4. Basic Prosecutor Course
 - a. August 14-18, 2017
 - b. University Inn, Logan
 5. Fall Conference
 - a. October 4-6, 2017
 - b. St. George Hilton Garden Inn
 6. Civil Conference
 - a. October 18-20, 2017
 - b. St. George Hilton Garden
- B. Other training events in partnership with the Salt Lake County District Attorney's office.
1. Expert Witness Training - SLDA Primary Sponsor
 - a. September 6-7, 2017
 - b. Salt Lake City
 2. Title 3 Conference - SLDA Primary Sponsor
 - a. October TBD
 - b. Salt Lake City
- C. 2018 upcoming training Salt Lake County District Attorneys' office and NDAA
- a. Anticipate 300 to attend.

VII. UPAA

Kathy Locher, UPAA Co-Chair gave the following UPAA report.

- A. The UPAA conference was held June 21-23, 2017 at the Uintah Conference Center in Vernal, Utah. It was very well received.
- B. Keynote speakers included Officer Brody Young. He gave an inspiring presentation about his experience being shot and Kevin Miller spoke on customer service, leadership development.
- C. The Board will recess until September.

VIII. RESOURCE PROSECUTORS REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. He expressed an interest in getting out to each county attorney and learn what he can do best to serve their jurisdiction.
- B. The job announcement for the SA/DVRP will be issued in the next week.

IX. IT ISSUES

In addition to the in depth report in the Director's Summary, Ronald Weight and Bob Church gave the following PIMS report.

- A. PIMS:
 1. PIMS will continue to run as long as software will support it.

2. Ron will continue providing support and is responsible for tracking user fees.
- B. Case Management:
1. The Evaluation Committee awarded the RFP to Journal Technologies for the purchase of eProsecutor. The 5-year contract exceeds the amount of the grant. Therefore, the balance will have to be paid by each jurisdiction/user.
 2. Bob mentioned that smaller jurisdictions who cannot afford the new system can still use PIMS as long as it is viable.
 3. Since the last Council meeting, the Evaluation Committee went through the cost analysis and determined that Journal Technologies was the best value for the state. While Bob could not disclose what the winning bid was, he estimated there will be \$200K that will not be covered by the grant. He figured there could be as many as 150 users that would be assessed a \$1500 fee for the period of the 5-year contract. Also, that Journal Technology would increase their annual user fee. Bob didn't feel it would be that much but would be less that if users were on their own.
 4. Journal Technologies indicated that since they will "not be making any money" on this contract will not be willing to make many concessions.
 5. UPC's contract situation is not unusual in that a lead agency negotiates and enters into a "master contract" with various agencies entering into "sub-contracts" with the vendor. That is what needs to happen here as each jurisdiction may have individual needs or requirements that must be met.
 6. Basically, Journal Technologies position is they want to enter into a contract with UPC for the purchase. Then create a one-size-fits-all user contract for the jurisdictions which for UPC would need to make significant revisions. And UPC would not own the product. According to Journal's attorney, making those kinds of revisions to account for multiple users would require substantial work. Chris Jennings, attorney with state purchasing, urged UPC to draft our own version of the contract in order to get the terms we want in the contract. Bob indicated that while he doesn't have the technical expertise or the time, or that there is not enough time for each jurisdiction to participate in the contract drafting process, he will reach out to contract attorneys' in the AG's office for help as well as reviewing the contracts SLCounty and Utah County's have with Journal. Users such as job share would have separate user license and there will a limited number of law enforcement users built into the bid. Journal Technologies are willing be to abide by Utah law and are willing to mediate and arbitrate any issues in Utah.
 7. Justware v. eProsecutor
Council discussing transitioning from Justware to eProsecutor. The hope is that by creating a Utah eCentric product that will help speed up the deployment time for the rest of the office throughout the state within two years. Keeping in mind that the 5-year contract begins when an office goes live. In the meantime, it is hoped to benefit from the SLDA's office up start.
 8. From the technical aspects of the program Ron indicated that it will be cloud based. It will all be the same program but every office will have its own piece

In other words, the user layout will be uniform but there will be capability of tailoring documents, a similar feature as PIMS has. It will be hosted by Amazon Cloud Services which is very secure with very little downtime.

9. Storage cost is an annual fee of \$40 per terabyte and is billed according to actual usage of storage. If videos are stored that could use up a lot of space, be cost prohibitive, and could slow up the system. So storing videos will have to be stored somewhere else. It's not a streaming service.
10. Connectivity
Will need internet connection to have access to the system. If it is slow so will the connectivity due to the internet connection even though the server is doing its job.
11. User Group
As we move along in the process, the User Group that has already been established will help to address issues and they come along.
12. Administrator
eProsecutor has suggested that UPC be the central administrator. Then the internal protocol can be worked out among the agencies. It was stressed that data will not be shared or can be access from one agency to another. So it will be secure and kept confidential from agency to agency.

Sim Gill suggested that UPC reach out the AOC in order to interface with their CORIS system. Bob will make an update report at the next meeting.

XIII. OTHER BUSINESS

- A. UPC Region I Election Results -
Congratulations to Jann Farris. He was voted to remain in his position on the Council.
- B. Additional GRAMA Request, State Records Review Committee -
Steve referred the Council to additional GRAMA requests from Mr. Ed Berkovich. Steve invited questions. Hearing none, he moved to the next item.
- C. JRJ Loan Review Committee -
On June 19, 2017, the Review Committee met to distribute \$35,263.00 of which six public defenders applied and received an award and 24 prosecutors applied of which 13 received an award. DOJ is no longer going requiring agencies match future awards. Instead, each jurisdiction is going to have to apply for an award.
- D. New County Attorney's -
 1. Summit County: With the passing of Robert Hilder, Margaret Olson has been appointed as the new Summit County Attorney.
 2. Juab County: Jared Eldridge has been appointed to the bench in the Fourth Judicial District, Perry Davis will be stepping in his stead.
 3. Wayne County: LeEllen McCartney has resigned. Her replacement is yet to be named.
 4. Rich County: Gary Heward has retired. His replacement is yet to be named. UPC will be planning a New County Attorney Training sometime in January or February 2018.

E. Meeting with UPC and AG's Office

On June 26, 2017, Bob, Steve, and Barry met with Spence Austin, Missy Larsen (Chief of Staff.) They discussed ways to improve communication between the AG's office and UPC. As a result of the conversation the AG's office would like to have a representative sit on the interview panel for the SA/DVRP and to have quarterly meetings like this one in the near future. Also, UPC will draft an MOU to inter in with the AG's office to help define policies and procedures UPC will follow in light of the unique relationship UPC has with the AG's office. Last, coordinate between what DV training the AG's office will be taking on. Overall, it was a good meeting with a positive outcome.

XIV. NEXT MEETING

Wednesday, October 4, 2017

8:30 a.m.

Hilton Garden Inn

1731 S. Convention Center Drive

St. George, Utah

XVI. ADJOURN