

UTAH PROSECUTION COUNCIL MEETING
PROPOSED AGENDA

Wednesday, April 17, 2019, 8:30 a.m.

UAC Offices

5397 S Vine Street

Salt Lake City, UT 84107

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

1. Minutes from the January 11, 2019 meeting, **Tab A**
 - a. Approval
 - b. Review of Action Items
2. Council Retreat
 - a. September 9, 10, 201
3. Financial Report
 - a. FY19 Budget Comparison Report, **Tab B**
 - b. FY19 Surcharge Report, **Tab C**
 - c. FY20 Budget Issue to be Aware of, **Tab D**
4. Training Schedule, **Tab E**
5. UPAA Report
6. Resource Prosecutor Reports
 - a. Tyson, **Tab F**
 - b. Marlesse, **Tab G**
 - i. Center for Prosecutor Integrity, **Tab H**
7. IT Issues, **Tab I**
8. SB135, UPC's Statute, **Tab J**
9. Petition for Judicial Review
10. Next meeting
11. Adjourn

Director's Summary of UPC Agenda Items

1. Minutes from January 11, 2019 meeting, **Tab A**
 - a. Approval
 - b. Review of action items:
 - i. II.7.b. Law clerk. Janice Macannas and the Justice Division have generously allowed us to use one of their law clerks, Trajan Evans.
 - ii. VIII.a.1.d. Non-timely payment of registration fees
 - (1) Marilyn followed up on this issue. The percentage of outstanding fees that have been paid:
 - (a) Fall 2018 - 100%
 - (b) Spring 2018 - 45%
 - (c) UMPA 2018 - 50%
 - (d) Civil 2018 - 85%
 - (e) Basic 2018 - 95%
 - (f) UPA 2018 - 50%
 - (2) We can provide names of offices and individuals if requested.
 - iii. VIII.a.1.d. Credit Card Payments
 - (1) Registration payment by credit card is available through a service provider called Eventbrite. This is what CCJJ uses for their conference.
 - (2) Eventbrite charges a small fee, .025% per participant per event.
 - (a) i.e. for a \$75 registration, we would get back from Eventbrite approximately \$73.16.
 - (b) Without increasing the registration fee, UPC would lose approximately \$1,230 per year in registration fee, based on last year's 655 registrants.
 - (3) The Training Committee proposed recommending to the Council of increasing the registration up to \$100 - \$125.
 - iv. X.C.3.
 - (1) Bob did not attend the GRAMA appeal. See paragraph 10 below.
2. Council Retreat: Mark your calendars now
 - a. September 9, 10, 2019, Kanab
 - b. Announcing the date now so you can get this on your calendar. If you are unable to attend, please send a proxy who has power to make decisions on your behalf.
 - c. Or, assign your proxy vote to another Council member.
3. Financial Report
 - a. FY19 Budget Comparison Report, **Tab B**

- i. Nothing to report for this years budget.
- b. FY19 Surcharge Report, **Tab C**
 - i. Monthly
 - (1) Mar 19: \$45,452.90 Mar 18: \$49,277.63
 - (2) Feb 19: \$38,364.08 Feb 18: \$43,322.61
 - (3) Jan 19: \$35,066.18 Jan 18: \$37,262.05
- c. FY20 Budget Issue to be Aware Of, **Tab D**
 - i. Legislature approved a 2.5% COLA for AG employees plus additional \$1.5M to disbursed among employees in a way as yet to be determined.
 - ii. Craig Barlow had me submit written request to AG's office for explanation how to account for this in UPC's budget. Question I asked were:
 - (1) Since Ron and Marilyn are merit employees of the AG's office, will UPC receive a portion of the funds appropriated to the AG's office for Ron and Marilyn's COLA?
 - iii. The AG's office receives an appropriation to cover the cost of employee incentive awards, \$1,000 per attorney and \$800 per support staff. Will UPC be reimbursed for any merit awards given to Ron and Marilyn?

4. Training Committee Report

- a. Conferences Since Last Council Meeting
 - i. Train the Trainer
 - (1) March 18-22, 2019, Springdale, UT
 - (2) Student Roster
 - (a) Bastian, Lance Utah
 - (b) Carlson, Will DA
 - (c) Nielson, John AG
 - (d) Rodier, Yvette WVC
 - (e) Scott, Christine Utah
 - (f) Telles, Ivy Summit
 - (g) Wardle, Blair Box Elder
 - (h) Choate, Andrew US Attorney's Office
 - (i) Dotson, Chad Iron County
 - (j) Klenk, Shane Iron
 - (k) Wuthrich, Steve AG
 - (l) Mills, Nic Kaysville City
 - (3) It was a great course. We will be able to use every student at future courses, and have already invited some to participate.
 - (a) John Nielson and Lance Bastian will present the case law update at Spring.
 - (b) Will Carlson, Marlesse Jones and Tyson Skeen are giving the criminal legislative update.
 - (c) We've invited Christine Scott and Yvette Rodier to present

at our DV101 Bootcamp.

- b. 2019 Training Schedule, **Tab E**
 - i. Spring
 - (1) April 18-19, 2019, Salt Lake Sheraton
 - (a) John Nielsen and Lance Bastian will give the case law update.
 - (b) The civility presentation given by Federal Magistrate, Brooke Wells.
 - (c) The criminal legislative update will be given by Will Carlson, Tyson Skeen and Marlesse Jones.
 - (d) The civil update will be given by Jami Brackin.
 - (e) We'll have a presentation on all things marijuana by Colleen Magee
 - (f) TED Talk style ethics presentation during lunch on Friday
 - (2) WiFi Fee
 - (a) One of our biggest costs. Do we want to continue to offer this service?
 - (b) Options.
 - (i) Increase conference fee to cover cost.
 - (ii) Not contract for WiFi and let people know ahead of time that they will need to rely on their own data plan.
 - 1) This would result in thousands of dollars in savings every year for all conferences.
 - (c) I raise this now because the issue raised itself in connection with Spring Conference. I'm not looking for an in-depth discussion at this point, but want you to start thinking about it. This, and other financially-related questions will be on the agenda for the Council retreat.
- c. Regional Legislative Update, April, May, June, 2019
 - i. The schedule is listed in the materials.
 - ii. An investigator from the AG's office has asked if they can attend and after our presentation, give a short presentation on their Rapid DNA machine. The AG's office has traveled with UPS staff in the past, presenting on various topics and initiatives.
 - (1) The state toxicology lab openly opposes Rapid DNA and has published information, studies, etc. on the topic. I have forwarded such information at their request, making sure to indicate UPC does not take a position on the issue.
 - (2) Should this be a concern about whether or not to invite and/or allow an investigator from the AG's office to "tag along?"
- d. Non-UPC Sponsored
 - i. Crime Victims Conference, April 25-26, 2019, Zermatt

- ii. CJC/DV Conference, April 15-17, 2019, Snowbird
 - e. DV Bootcamp, June 16-20, 2019, Logan
 - i. A preliminary outline has been created for the course.
 - ii. It is not a trial advocacy course, but will focus on essential skills needed to successfully prosecute DV cases.
 - iii. The general outline will be:
 - (1) Victim Dynamics
 - (2) Evidence Issues
 - (3) Trauma/Victim Interviewing
 - (4) Motion Practice
 - (5) Foundation and Objections
 - (6) Forfeiture by Wrongdoing
 - (7) Expert Witnesses
 - (8) Special/Collateral Considerations in DV cases
 - iv. We will follow the cycle of instruction we trained on at Train the Trainer
 - f. UPAA Conference, June 19-21, Logan
 - i. Agenda is set.
 - ii. Board will be available to assist with DV101 as needed
5. UPAA Report
- a. There are currently two openings on the board - city and county positions.
 - b. Please encourage your support staff to consider applying for the board.
6. Resource Prosecutor Reports
- a. Tyson: *Tab F*
 - b. Marlesse: *Tab G* Center for Prosecutor Integrity, <http://www.prosecutorintegrity.org/> *Tab H*
 - (1) This is an anti-prosecutor agency who puts out false and inaccurate information about prosecutor practices and policies.
 - (2) UPC received a letter challenging, among other programs, Start by Believing. They referenced studies, articles, etc., that when looked at, do not state or support the statements made by CPI. I've included a copy of the same letter received by the West Valley City Police Department.
 - (3) Be aware of this organization. If you receive any materials from them, or others come to you citing their information, be sure to closely examine the source material.
 - (4) EVAWI has responded by classifying them as a "hate group" who is sending out "harassing letters." Their e-mail, with guidance on how to respond, is included.
7. IT Issues - eProsecutor
- a. Grant Issues

- i. Two audits
 - (1) One from the state and one from the feds, to ensure the money is being used for its intended purpose.
 - (2) Ron gave a live demonstration, highlighting the features.
 - (3) Bob discussed the contract with Journal, the MOA with clients and the future of the project.
 - (4) We were praised on the obvious quality of eProsecutor and the thoroughness and attention to detail throughout the entire project.
 - b. Current Project Status, *Tab I*
 - i. Deployment schedule. Only those jurisdictions who have signed the MOA with UPC and the Joinder Agreement with Journal are scheduled to receive eProsecutor.
 - (1) There are still a few jurisdictions who have not signed as they have lingering questions about final, actual costs, language in the agreements, etc. I have tried to address the concerns, but have not delved into the detail being requested by some jurisdictions. My response has been that if the jurisdiction is not comfortable with the documents as they are, they do not have to benefit from this project. I knew going in we would not be able to please everyone or answer every question raised.
 - (2) We think that as these jurisdictions see the benefit of the program from other jurisdictions, they may be willing to overcome any lingering doubts and sign the documents.
 - c. Back-up for Ron
 - i. In an aside comment, the federal auditor asked who would cover for Ron if he were to retire, have an extended period of absence, or other dire circumstances.
 - ii. This is a very real concern as he is the designated project manager and the only point of contact between UPC and Journal. There is no one who could come in, take over, and provide the level of support required of this project.
 - iii. The Council is going to have to decide what to do about this. This will be a topic of discussion at the Council Retreat and MUST be addressed.
8. UPC's statute was amended via SB135. *Tab J*
 - a. My thanks to Steve Garside who worked with Senator Stevenson, who made this a priority, as well as the rest of the team who helped work out the details and language.
 - b. Of note:
 - i. Two additional Council members will be appointed by UMPA leadership.
 - (1) Ed Montgomery
 - (a) Prosecutor at South Jordan
 - (b) Been serving on the eProsecutor oversight committee from

- beginning
 - (2) Waiting to hear from other nominee as of the time of printing this agenda. I should have the other name by Council meeting.
 - ii. Director shall appoint resources prosecutors, with the consent of the council and consistent with attorney general personnel policies that are not in conflict with the chapter.
 - iii. Director shall appoint and supervise administrative staff consistent with attorney general personnel policies.
 - c. Practical effect on UPC personnel
 - i. Training Coordinator and IT Specialist positions are merit employees of the AG's office.
 - ii. Director and Resource Prosecutor positions are non merit, non-career service employees of the AG's office.
 - d. As mentioned above in the budget discussion, I have requested information regarding the COLA increase and employee incentive award funding questions. I will keep the Council apprised as I receive any information.
9. Council Retreat Agenda Items - We tabled these items last time until this meeting. However, with the addition of two new Council members who need to be part of this discussion and to give them, and everyone else time to consider these issues, I'm suggesting we put off their discussion until September's Council retreat. I will prepare a detailed Agenda and binder with all this information and get it to the Council by August so all will be prepared to dive right in. However, to keep them in the back of your mind and to spark additional items for discussion, here's what I've got so far.
- a. "Challenge the Process"¹
 - i. What is the Council's role?
 - (1) Mission statement
 - (2) Long-term goals
 - (3) Boards and committees
 - ii. Individual Council member responsibilities
 - iii. Can Council meeting be more effective?
 - b. Is UPC the "voice" of all things prosecution in the state?
 - c. Financial Issues
 - i. Increase in registration fees
 - ii. Change UPC's funding from surcharge funds to dedicated funds.
 - iii. Charge an administrative fee to the JRJ grant
 - (1) I estimate I spend 30-40+ hours a year on the grant
 - iv. Employee raises
 - v. Seek additional grant funding for other projects, courses
 - (1) This will require me, or someone, to spend time researching,

¹ *The Leadership Challenge, How to Make Extraordinary Things Happen in Organizations*, 6th Edition, James M. Kouzes and Barry Z. Posner

applying for, monitoring, complying with grant requirements.

- d. eProsecutor Future
 - i. Backup for Ron
 - e. Additional conferences beyond our standard courses
 - f. Best Practices
 - g. Other items
10. Petition for judicial review of state records committee decision and order, Case No. 190902866
- a. Request
 - i. Petitioner seeks judicial review of a records classification decision and order of the State Records Committee dated March 25, 2019.
 - ii. Petitioner requests a determination that the Open and Public Meetings Act is applicable to the public body (UPC) that created the record at issue.
 - iii. Petitioner requests declaratory relief that the public body (UPC) was illegally held and closed.
 - b. This is all the information I can provide the Council at this time. I am not suggesting the Council discuss this case now but wait until more information is available or a strategy session is needed.
 - c. I am simply making the Council aware of this filing.
11. Next Meeting
- a. Friday, June 7, 2019?
 - b. Location TBD
12. 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 11, 2019

5272 College Drive, #302

Murray, Utah

PENDING MINUTES

UPC : Barry Huntington, Chair, Garfield County Attorney
Haley Christensen, UPAAC Co-Chair, Salt Lake County District Attorney's Office
Robert Cosson, Chief Prosecutor, St. George City Attorney (*designee of Steve Garside, Layton City Attorney*)
Stephen Foote, Chair-elect, Duchesne County Attorney
Will Carlson, Deputy Salt Lake County District Attorney (*designee of Sim Gill, Salt Lake County District Attorney*)
Dave Carlson (*designee of Sean Reyes, Utah Attorney General*)

EXCUSED: Jann Farris, Morgan County Attorney
Steven Garside, Layton City Attorney
Sim Gill, Salt Lake County District Attorney
Ryan Peters, Juab 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*) *via telephone*

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

GUESTS: Robert VanDyke, Kane County Attorney

I. WELCOME AND APPROVAL OF THE MINUTES - SEPTEMBER 19, 2019

- A. The Council members were welcomed and the meeting convened.
- B. Robert Cosson made the motion to approve the September 19, 2019 minutes. Stephen Foote seconded the motion and it passed unanimously.

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II. FINANCIAL REPORT

Robert Church gave the following in depth financial report. Additional information can be found in the Director's Summary.

A. Amended FY19 Budget

1. Hold the Train the Trainer in lieu of Advanced Trial and Cyber Crime Course
2. Ethics Course - Co-sponsored with Layton
 - a. A 2-hour Ethics course. UPC co-sponsor and will spend \$1,000. Anticipate recouping the cost in registration fees.
3. Conference Materials
 - a. Handouts, etc., Calendars. Reduced amount in both categories.
4. Regional Training
 - a. Increased the amount from \$700 to \$2,000.
5. Postage
 - a. Decreased by several hundred dollars.
6. Telephone
 - a. Increase by \$1,000 to cover all 5 UPC phones, data plan, etc.
7. Law Clerk
 - a. There continues be no space for a law clerk. It's anticipated not having space in the immediate future so moved the \$20,000 to cover other costs, conferences, etc.
 - b. In an AG Justice Division meeting, a proposed remedy was discussed for creating a pool of law clerks that each section could use. This would be a cost saving fix by having access to a law clerk pool and could reduce the cost of employing a dedicated UPC clerk. A meeting is set between Janise Macanas, Spence Austin and Bob to address this issue. **Bob will keep the Council updated on this issue.**
8. Employee Incentive
 - a. Amount reduced by \$2,000, down to \$3,000.
 - b. In December, the Council approved employee incentive awards for Marlesse, Marilyn, Ron and Tyson ranging in amounts between \$500 and \$750.

C. Projecting Surcharge

1. Bob indicated he's taken a very conservative approach in estimating the budget such as how much the surcharge will be and will receive. On average the surcharge carry over has been around \$80-100,000. FY18's carryover was as large as it was due to UPC receiving a one-time influx of \$30,000 from the AG's office to be used for DV training (a consolation for the office releasing the .5% surcharge without consulting UPC.) Council's guidance was to remain conservative in estimating the budget.

Robert Cosson made the motion to approve the amended FY19 Budget. Will Carlson (*designee of Sim Gill*) seconded the motion. The motion passed unanimously.

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D. FY19 Budget Comparison Report

Financial numbers were available up to November. December figures were yet to be received and, of course, there are still six months left in the FY. Bob highlighted the following expenses.

- a. Civil Conference. Collected more registration fees than predicted. SWAP contributed \$3,500 toward the cost of the conference.
- b. Fall Conference. Registration fees lower than as expected.
- c. eProsecutor. Pass-through money only. Not all has been received and paid out.
- d. SADVRP Resource Prosecutor. The \$182,000 shown as expense reimbursements is from HB200 funds. They are accounted for in various other expense categories.
- e. PIMS revenue little more than predicted.
 - (1) Once eProsecutor goes live across the state, if we have 150 users paying \$204 per user, UPC will collect \$30,600.00
- f. Basic. Came in under budget.
- g. County Executive. Over budget. Originally, did not factor Marilyn attending/presenting at the seminar.
- h. Fall Conference. Under budget.
- i. NAPC Winter. Over budget. Ended up being a more expensive. Despite requesting airfare be booked early, reservations were not made until closer to the conference after prices had gone up. Bob discussed this problem with the AG finance department and they will work on measures so this doesn't happen again.
- j. UMPA. Under budget.

E. FY19 Surcharge Report

1. Monthly and Year End Comparison.
 - a. Nov18: \$41,462.63 Nov17: \$37,154.63
 - b. Oct18: \$36,553.45 Oct17: \$38,184.71
 - c. Sep18: \$39,099.57 Sep17: \$43,043.04
2. Year End
 - a. FY18: \$511,483.77 FY17: \$511,291.74
 - b. We ended FY18 \$192.03 better than we did last year.
3. Bob demonstrated yearly totals from 2008 to 2016. FY09 reached the 10-year high of \$588,600.00. Over those last 10 years, UPC lost as much as **\$77,116.23**, the equivalent of Spring, Fall, a law clerk, and/or the .5% Surcharge, \$70,000 for DV training.

III. TRAINING COMMITTEE REPORT

Steve Garside, Chair of the UPC Training Committee, was excused so Bob gave the training committee report. Additional information can be found in Directory's Summary.

F. Civil

1. As mentioned above, SWAP contributed \$3,500 toward the cost of this conference.

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G. Train the Trainer

1. The training committee and staff discussed the initial training schedule and determined to hold a Train the Trainer course this year and table the Advanced Trial Skills and a Cyber Crime conference until next year. The reason was a decline in losing experienced trainers and the committee realized that there was a need to increase the pool of trained trainers. These trainers would be used especially for Basic.
2. March 18-22, 2019, Holiday Inn Express, Springdale, UT (the former Zion Park Inn)
3. The following individuals were invited to attend.
 - a. Bastian, Lance Utah
 - b. Carlson, Will DA
 - c. Hansen, Matt Weber
 - d. Lyons, Nathan Davis
 - e. Miles, Brandon Davis
 - f. Nielson, John AG
 - g. Rodier, Yvette WVC
 - h. Scott, Christine Utah
 - i. Telles, Ivy Summit
 - j. Walsh, Spencer Cache
 - k. Wardle, Blair Box Elder
 - l. Young, Kelsey Utah
4. The faculty invited consists of the following individuals
 - a. Steve Garside Layton
 - b. Bob Church UPC
 - c. Tyson Skeen UPC
 - d. Marlesse Jones UPC
 - e. Josh Player SLCDA
 - f. Sandi Johnson SLCDA
 - g. AnnMarie Howard Juab
 - h. Jared Olsen Idaho TSRP
 - i. Marilyn Jaspersen UPC

H. Government Ethics

1. March 18, 2019, Northridge High School, Layton
2. Marianne M. Jennings, Emeritus Professor of Legal and Ethical Studies will be the featured presenter.

I. Spring and 2019 Training Schedule

1. April 18-19, 2019, Salt Lake Sheraton
2. John Nielsen and, hopefully, Steve Garside will give the case law update.
3. The civility presentation will most likely be given by Federal Magistrate, Brooke Wells.
4. Will Carlson, Tyson Skeen and Marlesse Jones have agreed to give the criminal legislative update.

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5. The civil update will be given by Jami Brackin.
6. A presentation on all things marijuana.
7. TED Talk style ethics presentation during lunch on Friday

J. New County Attorney

1. January 16-18, 2019, College Drive offices, Murray, 1st Floor Training Room
2. All new County Attorneys have been invited.
 - a. Christine Sloan - Grand
 - b. David Leavitt - Utah
 - c. Greg Lamb - Uintah
 - d. Chad Dotson - Iron
 - e. Ryan Peters - Juab
 - f. Jeremy Humes - Carbon
 - g. Kevin Daniels - Sanpete
 - h. Margaret Olson - Summit
 - i. Ben Willoughby - Rich
3. All incumbent county attorneys were welcomed to attend.

IV. UPAА REPORT

- A. There are currently two openings on the board - city and county positions.

V. RESOURCE PROSECUTOR REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. It was noted that Tyson trained 1,711 people, the most ever trained by a Utah TSRP since we've been keeping track of the numbers.
- B. Marlesse Jones referred the Council to the in depth SADVRP report as outlined in the handouts. Marlesse has train 1,923 people.
- J. In addition, Bob mentioned that he asked Ron and Marilyn for the same data. Marilyn trained 171 people at three conferences. Ron provided hands-on, technical training to 36 people.

VI. IT ISSUES - ePROSECUTOR

- A. Grant funding.
 1. The final \$235K grant funds were awarded/committed. Grant manager says it should come through in the next few weeks. These funds will cover the entire purchased price of the contract.
- B. Current Project Status
 1. Ron reported that on Monday, January 7, 2019, South Jordan City and Wasatch County went live with very little problems or glitches. Provo City and Juab County are expected to go live later this month.
 2. JTI will be providing training/support until the above mentioned four offices are up and running after that Ron will then take over that role. If Ron runs into an issue, he can consult with JTI .
 3. Those offices who have signed the agreement will be next in line to go live. They need to contact Ron to set an appointment. It is anticipated there will

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be a total of 150 users. If that number is exceeded the costs associated with additional users will need to be addressed.

4. There is a search facility in the system where a user can search for a case to see if a defendant has other issues in another jurisdiction. Information is limited to the court case and a phone number to contact that respective court.
5. Tyson will continue doing the offense table.
6. Ron will be maintaining local/city codes. If there are changes to the codes, agencies need to contact Ron so he can update the system.
7. The civil portion will be added sometime in May 2019.
8. Sending declinations automatically will be a separate project in the future.
9. Access to the testing version and live version is available. The civil portion will be added in May.
10. The UPC webpage has been updated to include an eProsecutor section that addresses common problems and how to solve them. Also, Ron will be posting how-to videos in the near future.

Ron was complimented on the great work he's been doing as he is always responsive and helpful whenever called upon.

VII. 2019 LEGISLATIVE SESSION

- a. UPC Statute
Bob indicated that his last conversation with Steve Garside is that Steve has contacted a representative.
- b. .5% Surcharge, \$70,000 in DV training dollars
Dan Burton, AGO has reached out to Rep Hutchings to try and schedule a meeting with Bob, Steve Garside, Reed Richards to discuss recovering the \$70,000 in DV training dollars. Bob has language drafted to present at the meeting.

VIII. FINANCIAL ISSUES

Robert Church discussed the following financial issues for the Council's consideration. Additional information can be found in the Director's Summary as well as the addendum to the budget.

- A. Non-timely payment of registration fees consisting of 2018 Spring to County Attorney Executive Seminar
 1. Out standing registration fees and the associated problems was discussed. The time frame covered only 2018 conferences which included Spring Conference to County Attorney Executive Seminar. It was noted that the County Attorney Executive Seminar does not require a registration fee even though UPC pays for the CLE.
Recommended remedies included:
 - a. Email an invoice to the participant, office secretary/manager, and the boss/office.
 - b. UPA Board will be asked to develop a regional contact list of office secretaries/managers so the appropriate office personnel will receive the notices.
 - c. After 90 days of no response, to process the payment/donation.

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- d. Going forward, there will be no change to the registration process. However, the participants' access to the evaluation/CLE link will not be activated until payment is received. Participants will have 90 days to make payment and thereby be able receive credit for the conference(s) they attended. If the participant does not respond after the 90 days, they could self report.

Bob will send out an email blast for the 2019 conferences. Also, the change will be noted on the UPC website, the registration page, it will be included on UPC brochures, and will be announced at each conference.

Question regarding credit card payments. Marilyn has contacted finance and was turned down because the AG finance department did want to deal with processing fees associated with the transactions. However, she will revisit the issue with AG finance department and report at the next meeting.

- B. Increase in registration fees to \$125
 - 1. Increasing the registration fee from \$75 up to \$125 was mentioned.
 - a. UPC provides a high quality training for a very inexpensive rate.
 - b. Over the past 10 years UPC has lost about \$77,000 in surcharge reimbursements.
 - c. In the past 5 years Marilyn, Ron and Bob have not received any kind of pay raise, other than the minimal COLA's approved by the legislature. There are no funds available this year for raises. Bob encouraged the Council to consider pay raises for FY20.
 - a. The question will become on how to fund raises. Without raising registration fees, in UPC's current situation, we would have to look at cutting services, conferences.
- C. Additional conferences
 - 1. UPC has its standard repertoire of conferences that our budget can meet. When we start adding additional conferences, we obviously run into budgeting challenges.
 - 2. There are times we must offer additional training, i.e., Train the Trainer. This is a significant cost that strains our budget and staff time. Bob provided a list of speciality conferences. However, given our current financial situation does not allow us to legitimately consider offering them. It was discussed to partner with other agencies. Collaborate with other agencies and include break out sessions or a dedicated track of specific subjects. Fall Conference would be a good event to add break outs/tracks. The latter may be the solution to accommodate prosecutors demanding schedules and maximize attendance.
- D. Change UPC's funding from surcharge funds to dedicated funds was discussed.
 - 1. Reed Richards and Bob have preliminarily talked about this.

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- E. Charge an administrative fee to the JRJ grant
 - 1. Up until now, UPC has absorbed the cost of all the work involved in managing this grant.
 - 2. The grant does allow administrative costs to be charged to the grant. If the Council decides to charge the grant, we'll have to look at the requirements and see just how much we can reasonably charge and then document it.

IX. "CHALLENGE THE PROCESS"¹

Robert Church discussed the following section for the Council's consideration. Additional information can be found in the Director's Summary.

- A. Bob mentioned that he has attended a couple of leadership conferences as well as read leadership books. His intent was to bring this process to the Council and discuss how UPC can become a better organization and how to provide the best services for our clientele. What UPC as an organization can learn and benefit from examining what we do and why we do it. For example:
 - 1. What is the Council's role? Are Council members talents being fully utilized?
 - 2. How can the Director improve the existing processes?Bob proposed having a Council retreat later this summer where the Council can discuss those items outlined in the Director's Summary as well as other issues the Council feel are important. The Council agreed that a retreat would be beneficial. **Bob will check the calendar for May/June dates.** Looking at the Prosecutor Handbook was a suggested agenda item.

X. OTHER

- A. NDAA Veteran's Committee
 - 1. Bob informed the Council that he has been invited to be on this committee to address how veterans interact with the criminal justice system, whether as a defendant in a case or a veteran.
- B. Orem ALJ
 - 3. With the Council's approval, Bob applied for and was hired to be Orem's ALJ. This will only require a few hours each month. He will be hearing appeals to their nuisance ordinance and hearings will be scheduled on his days off or take annual leave so as not to interfere with his full-time responsibilities. He has a 30-day termination clause in his contract with the City if needing to cancel the contract.
- C. GRAMA Issues
 - 1. A former employee noticed that the written minutes from the October 18, 2015 emergency Council Meeting said that a recording was made using "Freeconferencecall.com" and asked for a copy. Bob had forgotten about it but searched the program and found the recording.
 - 2. He provided the recording to the AG's GRAMA officer who redacted

¹ *The Leadership Challenge, How to Make Extraordinary Things Happen in Organizations*, 6th Edition, James M. Kouzes and Barry Z. Posner

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

portions of the recording. The redacted recording was provided to the former employee.

3. An appeal has been filed with the state records committee wanting an unredacted copy. The AG's office will obviously handle the appeal. Bob will attend the hearing (not scheduled yet) and report back.

XI. NEXT MEETING

- A. Wednesday, April 17, 2019, 8:30 a.m. (and/or coordinate with SWAP)
- B. Location SLCDA

XII. ADJOURN

Tab B

Utah Prosecution Council Comparison Report - Budget vs. Actual

July 2018 through June 2019

3:58 PM
04/10/19
Cash Basis

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
Income				
CONFERENCE REGISTRATION FEES				
Advanced Trial Skills Training	0.00	0.00	0.00	0.0%
Basic Prosecutor	1,275.00	1,275.00	300.00	123.5%
Civil Conference	7,475.00	4,800.00	2,675.00	155.7%
Cyber Crime	0.00	0.00	0.00	0.0%
Domestic Violence	450.00	1,875.00	-1,875.00	0.0%
Ethics	7,350.00	1,000.00	-550.00	45.0%
Fall Conference	0.00	7,000.00	350.00	105.0%
Other Training Event	9,075.00	20,000.00	-10,925.00	0.0%
Spring Conference	2,325.00	2,200.00	125.00	45.4%
UMPA	0.00	0.00	0.00	105.7%
UPAA	0.00	0.00	-9,900.00	0.0%
Total CONFERENCE REGISTRATION FEES	28,250.00	38,150.00	-9,900.00	74.0%
EXPENSE REIMBURSEMENTS				
ePROSECUTOR				
John R Justice grant	447,500.00	1,235,000.00	-787,500.00	36.2%
SADVRP RESOURCE PROSECUTOR	36,409.00	36,112.00	297.00	100.8%
TSRP RESOURCE PROSECUTOR	0.00	182,000.00	-182,000.00	0.0%
DPS Traffic Safety Funds - TSRP	0.00	0.00	0.00	0.0%
TSRP - Salary and Benefits	0.00	131,745.85	-131,745.85	0.0%
TSRP - Supplies and Operating	0.00	8,955.00	-8,955.00	0.0%
TSRP - Travel	0.00	16,825.00	-16,825.00	0.0%
Total TSRP RESOURCE PROSECUTOR - Other	63,347.26	159,525.85	-96,178.59	39.7%
Total TSRP RESOURCE PROSECUTOR	63,347.26	159,525.85	-96,178.59	39.7%
Total EXPENSE REIMBURSEMENTS	547,256.26	1,612,637.85	-1,065,381.59	33.9%
PIMS Income				
PIMS User Fees	11,330.00	10,000.00	1,330.00	113.3%
PIMS Income - Other	113.61	0.00	113.61	114.4%
Total PIMS Income	11,443.61	10,000.00	1,443.61	114.4%
CHARGE & NON-LAPSING CARRYOVER				
DV Training Surcharge Funds	0.00	30,000.00	-30,000.00	0.0%
Monthly Surcharge Receipts	352,569.77	537,000.00	-184,430.23	65.7%
Non-lapsing Carry Over	0.00	135,666.00	-135,666.00	0.0%
CHARGE & NON-LAPSING CARRYOVER - Other	42,224.84	702,666.00	-307,871.39	56.2%
Total CHARGE & NON-LAPSING CARRYOVER	394,794.61	702,666.00	-307,871.39	56.2%
Total Income	881,744.48	2,363,463.65	-1,381,709.37	41.5%
Expense				
ADMINISTRATIVE FEES				
Administrative fee to AG	26,775.00	35,700.00	-8,925.00	75.0%
Building GS&M	2,700.00	0.00	2,700.00	75.0%
DB Purc (West Law)	1,199.97	1,600.00	-400.03	75.0%
Ins & Bonds	900.00	1,200.00	-300.00	75.0%
Total ADMINISTRATIVE FEES	31,574.97	38,500.00	-6,925.03	82.0%
CASE MANAGEMENT				
eProsecutor grant Pass-Through	447,500.00	1,235,000.00	-787,500.00	36.2%
PIMS Support & Installation	164.08	300.00	-135.92	54.7%
Maintenance / Installation	66.00	150.00	-84.00	44.0%
Lodging	1,114.54	100.00	1,014.54	1,114.5%
Meals	0.00	0.00	0.00	0.0%
Mileage	0.00	0.00	0.00	0.0%
Total Maintenance / Installation	1,344.62	550.00	794.62	244.5%
Total PIMS Support & Installation	1,344.62	550.00	794.62	244.5%
Total CASE MANAGEMENT	448,844.62	1,235,550.00	-786,705.38	36.3%
CONFERENCES	0.00	0.00	0.00	0.0%
ADVANCED TRIAL SKILLS	0.00	0.00	0.00	0.0%

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2018 through June 2019

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
BASIC PROSECUTOR COURSE				
audio-visual	90.00			
catering	3,652.13			
facilities charge	5,859.00			
Lodging, students	17,246.00			
MCLE fee	429.00			
meals	929.00			
mileage	1,735.27			
miscellaneous	91.44			
Total BASIC PROSECUTOR COURSE	30,031.84	30,000.00	-30,000.00	100.1%
BASIC PROSECUTOR COURSE - Other				
Total BASIC PROSECUTOR COURSE	30,031.84	30,000.00	31.84	
CIVIL CONFERENCE				
catering	1,850.44			
facilities charge	975.84			
lodging	2,906.57			
MCLE fee	690.00			
meals	643.00			
mileage	2,857.73			
miscellaneous	501.79			
Total CIVIL CONFERENCE - Other	10,425.37	15,500.00	-5,074.63	67.3%
CONFERENCE MATERIALS				
Handouts, Materials, SWAG	348.82	750.00	-401.18	46.5%
Utah Travel Council Calendars	847.50	750.00	97.50	113.0%
Total CONFERENCE MATERIALS	1,196.32	1,500.00	-303.68	79.8%
COUNTY EXECUTIVE				
lodging	609.95			
meals	311.00			
mileage	1,100.91			
miscellaneous	107.27			
Total COUNTY EXECUTIVE - Other	2,129.13	900.00	-900.00	0.0%
CYBER CRIME				
air fare	0.00	0.00	0.00	0.0%
honorary	0.00	0.00	0.00	0.0%
Total CYBER CRIME - Other	0.00	0.00	0.00	0.0%
DOMESTIC VIOLENCE				
ETHICS	0.00	0.00	0.00	0.0%
FALL CONFERENCE	0.00	30,000.00	-30,000.00	100.0%
audio-visual	1,000.00	1,000.00	0.00	
catering	6,003.62			
facilities charge	11,097.36			
Handouts	1,172.18			
lodging	257.63			
MCLE fee	1,615.00			
meals	1,330.00			
mileage	142.00			
printing	184.26			
Total FALL CONFERENCE - Other	22,456.72	29,000.00	-6,543.28	77.4%
NATIONAL CONFERENCES (not RP's)				
NAPC (not RP's)	0.00	0.00	0.00	
NAPC Summer Conference	642.40			
Airfare	581.75			
Lodging	105.26			
Mileage	182.99			
Misc	104.00			
Per Diem	500.00			
Registration Fee	0.00			
NAPC Summer Conference - Other	2,400.00	2,400.00	-2,400.00	0.0%
Total NAPC Summer Conference	2,117.40	2,400.00	-282.60	88.2%

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2018 through June 2019

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
NAPC Winter Conference				
Airfare	2,399.60			
Lodging	1,295.60			
Meals	424.00			
Mileage	258.53			
Misc	70.00			
Registration	250.00			
NAPC Winter Conference - Other	0.00			
Total NAPC Winter Conference	<u>4,597.73</u>	<u>2,400.00</u>	<u>-2,400.00</u>	<u>0.0%</u>
Total NAPC (not RP's)	<u>6,705.13</u>	<u>4,800.00</u>	<u>1,905.13</u>	<u>139.7%</u>
NDAAC CONFERENCE (not RP's)				
Ground Transportation	110.03			
Lodging	1,138.30			
Misc	46.87			
Parking	252.00			
NDAAC CONFERENCE (not RP's) - Other	0.00			
Total NDAAC CONFERENCE (not RP's)	<u>1,547.20</u>	<u>25,000.00</u>	<u>-23,452.80</u>	<u>0.0%</u>
Total NATIONAL CONFERENCES (not RP's)	<u>8,252.33</u>	<u>29,800.00</u>	<u>-21,547.67</u>	<u>27.7%</u>
NEW COUNTY ATTORNEY TRAINING				
Catering	1,751.00			
Mileage	163.29			
Registration	121.39			
Total NEW COUNTY ATTORNEY TRAINING	<u>2,035.68</u>	<u>2,000.00</u>	<u>-35.68</u>	<u>101.8%</u>
REGIONAL TRAINING (not RP's)				
Legislative Update	41.00			
Total Legislative Update	<u>41.00</u>	<u>2,000.00</u>	<u>-1,959.00</u>	<u>0.3%</u>
REGIONAL TRAINING (not RP's) - Other	0.00	2,000.00	-2,000.00	0.3%
RESOURCE PROSECUTOR TRAINING				
SADVRP TRAINING COSTS				
IN STATE TRAVEL				
Airfare	594.60			
Car Rental	889.06			
Catering	602.37			
Equipment and Supplies	53.37			
Gas / Mileage	926.41			
Lodging	402.56			
Meals	207.00			
Misc	42.00			
Total IN STATE TRAVEL - Other	<u>3,718.17</u>	<u>11,000.00</u>	<u>-7,281.83</u>	<u>33.8%</u>
Total IN STATE TRAVEL	<u>11,000.00</u>	<u>11,000.00</u>	<u>-7,281.83</u>	<u>33.8%</u>
OUT OF STATE TRAVEL				
Airfare	2,644.00			
Car Rental	109.73			
Gas / Mileage	1,715.01			
Lodging	3,459.88			
Meals	1,085.00			
Misc	186.79			
Total OUT OF STATE TRAVEL - Other	<u>9,200.41</u>	<u>11,000.00</u>	<u>-1,799.59</u>	<u>83.6%</u>
Total OUT OF STATE TRAVEL	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
SADVRP TRAINING COSTS - Other	12,918.58	22,000.00	-9,081.42	56.7%
Total SADVRP TRAINING COSTS	<u>12,918.58</u>	<u>22,000.00</u>	<u>-9,081.42</u>	<u>56.7%</u>
TSPRP TRAINING COSTS				
IN STATE TRAVEL				
Gas / Mileage	460.48			
Lodging	745.07			
Meals	250.00			
Total IN STATE TRAVEL - Other	<u>3,500.00</u>	<u>3,500.00</u>	<u>-3,500.00</u>	<u>0.0%</u>
Total IN STATE TRAVEL	<u>1,455.55</u>	<u>3,500.00</u>	<u>-2,044.45</u>	<u>41.6%</u>

Utah Prosecution Council Comparison Report - Budget vs. Actual July 2018 through June 2019

	Jul '18 - Jun '19	Budget	\$ Over Budget	% of Budget
OUT OF STATE TRAVEL				
Airfare	3,644.10			
Car Rental	205.41			
Conference Registration Fees	3,045.00			
Gas / Mileage	401.89			
Lodging	2,187.33			
Misc	889.41			
	0.00			
	10,392.94	15,000.00	-15,000.00	0.0%
OUT OF STATE TRAVEL - Other				
Total OUT OF STATE TRAVEL	0.00	15,000.00	-4,607.06	66.3%
TSRP TRAINING COSTS - Other				
Total TSRP TRAINING COSTS	11,848.49	18,500.00	-6,651.51	64.0%
Total RESOURCE PROSECUTOR TRAINING	24,767.07	40,500.00	-15,732.93	61.2%
SPRING CONFERENCE	0.00	30,000.00	-30,000.00	0.0%
TOP GUN	0.00	0.00	0.00	0.0%
Train the Trainers				
air fare	1,327.50			
catering	1,108.23			
facilities charge	1,020.00			
lodging	10,452.22			
meals	2,204.00			
mileage	2,218.21			
Misc (Miscellaneous)	699.81			
Train the Trainers - Other	0.00			
Total Train the Trainers	19,029.97	30,000.00	-30,000.00	0.0%
UMAA Conference	0.00	30,000.00	-10,970.03	63.4%
UMPA CONFERENCE				
audio-visual	210.00	500.00	-500.00	0.0%
catering	1,120.00			
facilities charge	795.00			
lodging	2,000.00			
MCLE fee	551.00			
meals	412.00			
mileage	2,536.04			
miscellaneous	1,773.96			
UMPA CONFERENCE - Other	0.00	13,500.00	-13,500.00	0.0%
Total UMPA CONFERENCE	9,398.00	13,500.00	-4,102.00	68.6%
UPAA Conference				
miscellaneous	654.67	12,000.00	-12,000.00	0.0%
UPAA Conference - Other	0.00			
Total UPAA Conference	654.67	12,000.00	-11,345.33	5.5%
Total CONFERENCES	131,418.10	268,200.00	-136,781.90	49.0%
COUNCIL AND COMMITTEE MEETINGS				
Council and other committees				
catering	313.36			
meals	29.00			
mileage	1,239.42			
Total Council and other committees	1,581.78			
Training Committee				
catering	177.05			
lodging	1,332.38			
meals	660.00			
mileage	2,349.17			
miscellaneous	560.00			
Training Committee - Other	0.00			
Total Training Committee	5,078.60	6,500.00	-6,500.00	0.0%
COUNCIL AND COMMITTEE MEETINGS - Other				
Total COUNCIL AND COMMITTEE MEETINGS	0.00	4,000.00	-4,000.00	0.0%
Total COUNCIL AND COMMITTEE MEETINGS	6,660.38	10,500.00	-3,839.62	63.4%
CURRENT EXPENSES				
Annual MCLE Fee	0.00	2,200.00	-2,200.00	0.0%
Donation to UT Journal Crim Law	0.00	2,500.00	-2,500.00	0.0%
Donations UT Crim Victims Crime	0.00	1,500.00	-1,500.00	0.0%
Dues & Memberships	2,226.00	2,100.00	126.00	106.0%
Equipment/Supplies-not Data Pro	2,512.99	1,000.00	1,512.99	251.3%

Utah Prosecution Council Comparison Report - Budget vs. Actual

July 2018 through June 2019

3:58 PM
04/10/19
Cash Basis

	Jul '18 - Jun 19	Budget	\$ Over Budget	% of Budget
IT (Hardware and software requirements for UPC.)				
Hardware	1,347.48	1,200.00	147.48	112.3%
Network Services	736.72	4,800.00	-4,063.28	15.3%
Software	1,342.45	1,050.00	292.45	127.9%
UPC Website	0.00	1,150.00	-1,150.00	0.0%
Total IT (Hardware and software requirements for UPC.)	3,426.65	8,200.00	-4,773.35	41.8%
LEOJ Training	0.00	2,000.00	-2,000.00	0.0%
Library & Subscriptions	2,317.22	3,000.00	-682.78	77.2%
Miscellaneous	1,356.83	750.00	606.83	180.9%
Office Supplies	539.55	2,200.00	-1,660.45	24.5%
Personal Vehicle Mileage	94.72	500.00	-405.28	18.9%
Postage	526.12	1,300.00	-773.88	40.5%
Telephone	2,473.43	4,000.00	-1,526.57	61.8%
Total CURRENT EXPENSES	15,473.51	31,250.00	-15,776.49	49.5%
John R Justice Grant	30.74	36,112.00	-36,081.26	0.1%
OTHER IN-STATE TRAVEL	290.73	30,000.00	-9,625.57	67.9%
OTHER OUT OF STATE TRAVEL	20,374.43	30,000.00	-9,625.57	67.9%
DV Training Surcharge Funds (This is the one time DV18 surcharge AG appropriation.)	25.00			
Gas / Mileage	470.05			
Lodging				
Total OTHER OUT OF STATE TRAVEL	20,869.48	30,000.00	-8,130.52	69.6%
PERSONNEL SERVICES				
DIRECTOR				
base salary	68,633.60	111,529.60	-42,896.00	61.5%
benefits	37,675.97	61,045.45	-23,369.48	61.7%
Total DIRECTOR	106,309.57	172,575.05	-66,265.48	61.6%
IT DIRECTOR				
base salary	51,335.21	81,806.40	-30,471.19	62.8%
benefits	28,080.47	44,609.72	-16,529.25	62.9%
Total IT DIRECTOR	79,415.68	126,416.12	-47,000.44	62.8%
Law Clerk I	0.00	0.00	0.00	0.0%
STAFF ATTORNEY - SADVRP				
base salary	55,081.16	88,150.40	-33,069.24	62.5%
benefits	31,937.11	51,742.86	-19,805.75	61.7%
Total STAFF ATTORNEY - SADVRP	87,018.27	139,893.26	-52,874.99	62.2%
STAFF ATTORNEY - TSRP				
base salary	55,193.99	86,670.40	-31,476.41	62.2%
benefits	32,482.91	51,942.49	-19,459.58	62.5%
Total STAFF ATTORNEY - TSRP	87,676.90	140,612.89	-52,935.99	62.4%
STAFF SECRETARY				
base salary	44,834.40	73,361.60	-28,527.20	61.1%
benefits	28,256.07	46,065.68	-16,809.61	63.5%
Total TRAINING COORDINATOR	74,090.47	119,427.28	-45,336.81	62.0%
UPC EMPLOYEE INCENTIVE				
base salary	250.41	3,000.00	-2,749.59	8.3%
Total PERSONNEL SERVICES	434,761.30	701,924.60	-267,163.30	61.9%
UNCATEGORIZED EXPENSES	95.00	12,000.00	-11,905.00	0.8%
UPAA APPROPRIATION	0.00	0.00	0.00	0.0%
UPPAC	0.00	0.00	0.00	0.0%
Total Expense	1,090,018.83	2,364,036.60	-1,274,017.77	46.1%
Net Income	-108,274.35	-582.75	-107,691.60	18,579.9%

Tab C

**FY 2019
Criminal Fine Surcharge
Allocation Schedule**

Please remember to spend the lesser of the (AMOUNT COLLECTED plus ending fund balance) or the Appropriation

Description	Total Surcharge Collected		General Fund First \$30,000 Obj 7953		LESA First 4.5% Obj 7954		Total Before Allocation		Pros Council 3% Obj 7959		Check Totals
July Adjustments											
July New FY 19	1,384,999.30		30,000.00		-34,967.91		1,353,649.30		40,609.48		1,384,999.30
Total YTD	1,384,999.30		30,000.00		1,350.00		1,353,649.30		40,609.48		1,384,999.30
August Adjustments											
August	1,407,494.78		0.00		73,646.33		1,333,848.45		40,015.45		1,407,494.78
Total YTD	2,792,494.08		30,000.00		74,996.33		2,687,497.75		80,624.93		2,792,494.08
September	1,340,416.56		0.00		37,097.40		1,303,319.16		39,099.57		1,340,416.56
Total YTD	4,132,910.64		30,000.00		112,093.73		3,990,816.91		119,724.50		4,132,910.64
October	1,255,374.15		0.00		36,925.80		1,218,448.35		36,553.45		1,255,374.15
Total YTD	5,388,284.79		30,000.00		149,019.53		5,209,265.26		156,277.95		5,388,284.79
November	1,421,628.20		0.00		39,540.41		1,382,087.79		41,462.63		1,421,628.20
Total YTD	6,809,912.99		30,000.00		188,559.94		6,591,353.05		197,740.58		6,809,912.99
December	1,231,676.78		0.00		33,475.71		1,198,201.07		35,946.03		1,231,676.78
Total YTD	8,041,589.77		30,000.00		222,035.65		7,789,554.12		233,686.61		8,041,589.77
January	1,203,346.32		0.00		34,473.58		1,168,872.74		35,066.18		1,203,346.32
Total YTD	9,244,936.09		30,000.00		256,509.23		8,958,426.86		268,752.79		9,244,936.09
February	1,315,487.26		0.00		36,684.65		1,278,802.61		38,364.08		1,315,487.26
Total YTD	10,560,423.35		30,000.00		293,193.88		10,237,229.47		307,116.87		10,560,423.35
March	1,561,304.04		0.00		46,207.44		1,515,096.60		45,452.90		1,561,304.04
Total YTD	12,121,727.39		30,000.00		339,401.32		11,752,326.07		352,569.77		12,121,727.39
April	0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust											
April Cor. Alloc.					0.00		0.00		0.00		0.00
Correct Adjust											
April Revised					0.00		0.00		0.00		0.00
Total YTD	12,121,727.39		30,000.00		339,401.32		11,752,326.07		352,569.77		12,121,727.39
May	0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust											
May Cor. Alloc.					0.00		0.00		0.00		0.00
Correct Adjust											
May Revised					0.00		0.00		0.00		0.00
Total YTD	12,121,727.39		30,000.00		339,401.32		11,752,326.07		352,569.77		12,121,727.39
June	0.00		0.00		0.00		0.00		0.00		0.00
Correct Adjust											
June Cor Alloc					0.00		0.00		0.00		0.00
Correct Adjust											
June Revised					0.00		0.00		0.00		0.00
Total YTD	12,121,727.39		30,000.00		339,401.32		11,752,326.07		352,569.77		12,121,727.39
FUND			Fd 1000		Fd 1408		CEAA		Fd 1255		
LINE ITEM											
FY2019 Approp			30,000.00		617,900.00		542,000.00				
Total Collected Revenue to Approp			30,000.00		13,731,111.11		18,066,666.67				
Over/(Under) Approp Limitation			-		(278,498.68)		(189,430.23)				

H:\UPC\SURCHARGE\FY19\March 19 Surcharge.xls\March 19 Surcharge.xls

THROUGH MARCH OF 2019

TOTALS THROUGH MARCH OF:	YEAR END TOTALS FOR UPC IN:
FY19=\$352,569.77	FY19 = \$352,569.77
FY18=\$367,423.70	FY18 = \$511,483.77
FY17=\$367,740.69	FY17 = \$511,291.74
FY16=\$338,693.96	FY16 = \$531,893.94

12 MONTH EXT. THRU JUNE OF 2019

THRU: JULY:	\$487,313.76
AUG:	\$483,749.58
SEPT:	\$478,898.00
OCT:	\$468,833.85
NOV:	\$474,577.39
DEC:	\$467,373.22
JAN:	\$460,719.07
FEB:	\$460,675.31
MAR:	\$470,093.03
APR:	\$
MAY:	\$
JUNE:	\$
BUDGETED:	\$537,000.00
APPROPRIATED:	\$727,300.00

TOTAL YTD STATE COURT RECEIPTS	\$2,216,233.98
TOTAL YTD JUSTICE COURT RECEIPTS	\$4,905,493.01

**FY 2019
Criminal Fine Surcharge
Allocation Schedule**

Input Section

Description	Fund 8016 - Surcharge Fines - Receipts		2018 Collections		
	RS 4107 St Courts 90% surchrg	RS 4108 St Courts 35% surchrg	RS 4109 JP Courts 90% surchrg	RS 4110 JP Courts 35% surchrg	Total Collected Surcharge 2018
July Old FY 18	2,146.37	945.80	666,152.62	533,152.77	4,480.81
July New FY 19	168,765.76	13,835.98	666,152.62	533,152.77	1,266,435.18
Total YTD	170,912.13	14,781.78	664,678.49	525,691.58	1,270,915.99
August	214,841.96	22,282.75	1,310,831.11	1,058,844.35	1,422,622.45
Total YTD	385,754.09	37,064.53	625,290.67	492,381.14	2,693,538.44
September	199,096.08	23,648.67	1,936,121.78	1,551,225.49	1,474,451.38
Total YTD	584,850.17	60,713.20	543,975.88	433,965.92	4,167,989.82
October	276,597.55	834.80	2,480,097.66	1,985,191.41	1,308,788.16
Total YTD	861,447.72	61,548.00	682,399.07	521,707.43	5,476,777.98
November	196,276.81	21,244.89	3,162,496.73	2,506,898.84	1,274,494.98
Total YTD	1,057,724.53	82,792.89	540,963.37	439,337.07	6,751,272.96
December	202,941.35	48,434.99	3,703,460.10	2,946,235.91	1,418,705.94
Total YTD	1,260,665.88	131,227.88	545,107.57	416,068.64	8,169,978.90
January	220,971.97	21,198.14	4,248,567.67	3,362,304.55	1,278,190.55
Total YTD	1,481,637.85	152,426.02	619,225.92	481,760.10	9,448,169.45
February	195,988.49	18,512.75	4,867,793.59	3,844,064.65	1,486,246.11
Total YTD	1,677,626.34	170,938.77	686,351.63	507,283.14	10,934,415.56
March	340,480.28	27,188.99	5,554,145.22	4,351,347.79	1,695,134.53
Total YTD	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	12,629,550.09
April	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	1,616,404.32
Total YTD	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	14,245,954.41
May	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	1,663,612.72
Total YTD	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	15,909,567.13
June	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	1,528,210.24
Total YTD	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79	17,437,777.37

**FY 2019
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 - 2019 - YTD	2,018,106.62	198,127.76	5,554,145.22	4,351,347.79
Total FY - 2018	2,897,546.14	271,646.32	8,011,963.39	6,286,621.52
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	9,934,842.94	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	5,661,821.17
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	5,777,392.45	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
Total FY - 2019 YTD	Total 85/90%	Total 35%	Total All	35% of Total
	7,572,251.84	4,549,475.55	12,121,727.39	37.53%
Total FY - 2018	10,909,509.53	6,528,267.84	17,437,777.37	37.44%
Total FY - 2017	11,399,265.08	6,185,409.58	17,584,674.66	35.18%
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	9,692,146.85	4,028,272.36	13,720,419.21	29.36%

Tab D

MEMO

From: Robert J. Church, Director, Utah Prosecution Council 
To: Craig Barlow, Acting Director, Justice Division
Date: April 3, 2019
Re: Budget Questions: COLA, Employee Recognition Funds

Per our conversation, I have the following questions.

1. Marilyn Jaspersen and Ron Weight are merit employees of the Attorney General's office despite the fact that they are hired by the Council and their salary is paid from UPC funds. Will the COLA funds appropriated to and received by the AG's office be used to fund Marilyn and Ron's COLA increases? If so, I am requesting guidance on how to account for that in UPC's budget; i.e. will there be a transfer of funds to UPC's budget from the AG office, etc.
2. Tyson Skeen, Marlesse Jones and I are non-merit, non career service employees of the AG's office even though we are hired by the Council and paid from UPC funds. Will the COLA funds appropriated to and received by the AG's office be used to fund Tyson, Marlesse's and my COLA increases? If so, I am requesting guidance on how to account for that in UPC's budget; i.e. will there be a transfer of funds to UPC's budget from the AG office, etc.
3. Employee incentive funds. I have the same question as above regarding appropriated employee incentive funds and how they apply to UPC staff members. Rather than share my assumption, I would ask for specific guidance.

Thank you.

Tab E

FY19 PROPOSED TRAINING SCHEDULE

January 11	COUNCIL MEETING	5272 College Dr., Murray
January 16-18	NEW COUNTY/DISTRICT ATTORNEYS SEMINAR <i>For all newly elected county/district attorney's.</i>	5272 College Dr. Murray, UT
March 20-22 ¹⁹	<i>Train the Trainer</i> <i>By invitation only.</i>	<i>Springdale</i>
April 17	COUNCIL MEETING	Sheraton SLC Hotel
April 18-19	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
May 15-17	CJC/DV CONFERENCE <i>For anyone who has a role in DV or Child Abuse Cases</i>	Cliff Lodge Snowbird Resort
June 7	COUNCIL MEETING	TBD
June 16-20	<i>DV 101 Bootcamp</i> <i>For prosecutors</i>	Riverwoods Conf. Ctr. Logan, UT
June 19-21	Utah Prosecutorial Assistants Assn. Annual Conference <i>Training for para-legals and secretarial staff in prosecutor offices</i>	Riverwoods Conf. Ctr. Logan, UT
August 18-23	BASIC PROSECUTOR COURSE <i>Trial advocacy and substantive legal instruction for new prosecutors</i>	TBD Logan, UT
October 2	COUNCIL MEETING	St. George
October 2-4	FALL PROSECUTORS TRAINING CONFERENCE <i>The annual CLE and idea sharing event for all Utah prosecutors</i>	TBD St. George, UT
October 14-15	TRAINING COMMITTEE	Moab, UT
October 16-18	GOVERNMENT CIVIL PRACTICE CONFERENCE <i>Training designed specifically for government civil attorneys from counties and cities</i>	SpringHill Suites & Inn Moab, UT
November 7-8	UTAH MISDEMEANOR PROSECUTORS ASSN. SUMMER CONFERENCE <i>Training for city prosecutors and others who carry a misdemeanor case load</i>	TBD
November 14-15	COUNTY/DISTRICT ATTORNEYS' EXECUTIVE SEMINAR <i>An opportunity for all county/district attorneys to discuss common issues</i>	Dixie Center St. George, UT

*Utah Prosecution Council
Peace Officer Standards & Training
and*

*The Statewide Association
of Prosecutors*

*will again sponsor regional legislative
updates throughout the state in 2019.*

*Come and learn what new laws have
been passed and how they affect the way
you do your jobs.*

All law enforcement officers,
public attorneys and other
public officials are invited to
attend.

*Two hours of Self-Study MCLE credit for
lawyers. Self-study forms will
be provided.*

*Two hours of P.O.S.T. training credit for
law enforcement officers.*

*Lodging is available at the conference
rate as stated for each location.*



Utah Prosecution Council
5272 College Drive, #302
Murray, Utah 84123

2019 Legislative Update

for
Law Enforcement
Public Attorneys
and other
Public Officials

NOTE:

**Materials will NOT be provided.
They can be downloaded at:
[http://www.upc.utah.gov/training-
regional.php](http://www.upc.utah.gov/training-regional.php)
Then click on Legislative Update**



Sponsored by:
Utah Prosecution Council

Peace Officer Standards and Training
*See the statewide schedule
inside for the date and
location nearest you.*



Wasatch Front & Adjacent Counties

BOX ELDER: Brigham City 442 West Forest St.
Monday, April 22th, 10:00 a.m. - 12:00 p.m.
Brigham City Emergency Services Center,
442 West Forest Street, Brigham City

TOOELE: Tooele 90 N. Main Street
Wednesday, April 24th, 9:00 - 11:00 a.m.
Tooele City Council Chambers, Tooele City Office
90 North Main Street, Tooele (Please park in the gravel
lot on the east side of Garden St.)

SUMMIT: Park City 6300 N. Silver Creek Rd.
Wednesday, April 24th, 1:00 - 3:00 p.m.
Summit County Sheriff's Training Room,
6300 Justice Center Road, Park City

WASATCH: Heber 301 S. Main Street
Thursday, April 24th, 3:30 - 5:30 p.m.
Heber City Public Safety Building
301 South Main Street, Heber City

UTAH: Provo 51 S. University Ave.
Tuesday, May 7th, 10:00 a.m. - 12:00 p.m.
Health & Justice Building, Room 2500
151 S. University Avenue, Provo

DAVIS & MORGAN: 2750 Univ. Park Blvd. Layton
Thursday, May 9th, 3:00 - 5:00 p.m.
Weber State University - Davis Campus
2750 University Park Blvd., Layton

JUAB: Nephi 425 W. Sheep Lane Dr.
Thursday, May 23rd, 8:30 - 10:30 a.m.
Juab County Sheriff's Conference Room,
425 West Sheep Lane Drive, Nephi

CACHE & RICH: Logan 1225 W. 200 N.
Wednesday, June 19th, 8:30 - 10:30 a.m.
3rd Floor Training Rm, Cache County Sheriff's Office,
1225 West 200 North, Logan

RICH - See the Cache County listing

Central & Southwest Utah Counties

WASHINGTON: Hurricane 750 S. 5300 W.
Wednesday, May 8th, 8:30 - 10:30 a.m.
Washington County Sheriff's Training Facility,
750 South 5300 West, Hurricane

SANPETE: Mantt 1500 S. Highway 89
Thursday, May 23rd, 1:00 - 3:00 p.m.
Training Room, Sanpete County Public Safety Complex,
1500 South Highway 89, Mantt

SEVIER, WAYNE & PUTE: Richfield 835 E. 300N
Wednesday, May 22nd, 1:30 - 3:30 p.m.
Training Room, Sevier County Sheriff's Department,
835 East 300 North, Richfield

GARFIELD & PUTE: Panguitch 55 S. Main
Wednesday, May 22nd, 8:30 - 10:30 a.m.
County Commission Chambers, Garfield County
Courthouse, 55 South Main Street, Panguitch

KANE: 30 W. Airport Drive
Tuesday, May 21st, 3:00 - 5:00 p.m.
Search and Rescue Building at the airport,
30 W. Airport Drive, Kanab

IRON: Cedar City 105 N. 100 E.
Wednesday, May 8th, 1:30 - 3:30 p.m.
Festival Hall - Room 1&2, 105 North 100 East, Cedar
City (Park on 2nd level of the parking garage and take
the skyway)

BEAVER: Beaver 2270 S. 525 W.
Thursday, May 9th, 8:30 - 10:30 a.m.
Training Room, Beaver County Public Safety Facility,
2270 South 825 West, Beaver

MILLARD: Fillmore 765 S. Highway 99
Thursday, May 9th, 1:30 - 3:30 p.m.
4th Judicial District Courtroom, Public Safety
Building, 765 South Highway 99, Fillmore

Eastern Utah Counties

UINTAH & DAGGETT: Vernal 641 E. 300 S.
Tuesday, June 4th, 8:30 - 10:30 a.m.
Uintah County Sheriff's Training
Room, 2nd Floor, 641 East 300 South, Vernal

DUCHESNE: Duchesne 21554 W. 9000 S.
Tuesday, June 4th, 1:30 - 3:30 p.m.
Duchesne County Sheriff, EOC Conference Room,
21554 W. 9000 S. Duchesne

CARBON: Price 450 S. Fairgrounds Way
Wednesday, June 5th, 8:30 - 10:30 a.m.
Carbon County Senior Center,
450 South Fairgrounds Way, Price

EMERY: Castle Dale 1850 N. 550 W.
Wednesday, June 5th, 1:30 - 3:30 p.m.
Emery County Sheriff's Training Room, 1850 North 550
West, Castle Dale

GRAND: Moab 217 E. Center St.
Thursday, June 6th, 8:30 - 10:30 a.m.
Moab City Center Conference Room, 217 E. Center
Street, Moab

AIRPORT SECURITY: SLC Airport

SLC Airport

Monday, Sept. 17, 9:00 - 11:00 a.m
Tuesday, Sept. 18, 9:00 - 11:00 a.m
Wednesday, Sept. 19, 9:00 - 11:00 a.m
Thursday, Sept. 20, 9:00 - 11:00 a.m

DV Bootcamp

Monday - June 17

DRAFT

Welcome - Icebreaker

Victim Dynamics

- Give the jury the why: Understanding dynamics (abuser and v) and obstacles for victim to leave
- Small group activity: review report and compare to dynamics of abuser / v behaviors
- Mention: cohabitant definition, elder abuse
- Handout: Victim rights

Evidence - screening / case assessment / follow up requests

- Identification and collection
 - o 911, jail, dash cam, surveillance, text, phone, social media (3rd party provider)
 - Handout: Checklist tool
 - o Photos / forensics re pics of injuries, how to distinguish and interpret what it means
 - o Interviews of everyone
 - o Canvas area for witnesses, evidence
 - o Physical evidence - tag and bag
 - o Medical
 - HIPAA, obtaining release
 - Subpoena - pay for expert
 - Response to Defense subpoenas / quash
 - o Mention
 - Doctrine of Chances - understand, consider for follow up investigation requests

examples
checklists
tips

Trauma / Victim Interview

Chart on wall / Brain

- Trauma behavior and its value as evidence
- Interview
 - o Officer use of TIVI
 - o Prosecutor use of TIVI
 - o Handout - TIVI / foundation - 2 sided

trauma informed practice?

- open-ended questions practice

Motion Practice

404B

- Doctrine of Chances
- Motions in Limine
- ... samples / templates

Foundation / Objections

task - foundation questions re

Use emphasis to your advantage

- Chart - cheat sheet of foundation questions on the wall

foundation formula
must contain
objections

Forfeiture by Wrongdoing

- Crawford

- Criteria / arguments, etc.

Experts

- Identify when and who to use
- Develop CV
- Qualifying on the stand
- Vetting defense experts

Special Considerations

- Military
- Lgbtq
- Personality vs mental health disorders
- Negotiation issues
 - o Is conviction/trial the right thing to do?

Wrap UP

- What did you learn
- What are you taking back
- What will you change

Tab F

January - March 2019 TSRP Report

Trainings Attended/Conducted:

- January 18, 2019 – Newly Elected County Attorney Seminar, Murray, UT
 - Presented to newly elected county attorneys in state on importance of misdemeanor cases
 - **45-minute training**
 - **7 attorney attendees**
- January 29-30, 2019 – Colorado River Law Enforcement Association Annual Conference, Laughlin, NV
 - Presented on impacts of Utah's .05 BAC law
 - **1-hour training**
 - **210 law enforcement attendees**
- February 4, 2019 – Multi-Agency Taskforce Meeting, Ogden, UT
 - Presented about new Utah Medical Cannabis Act
 - **1 hour training**
 - **20 attendees**
- February 5, 2019 – Multi-Agency Taskforce Meeting, Orem, UT
 - Presented about new Utah Medical Cannabis Act
 - **1 hour training**
 - **15 attendees**
- February 7, 2019 – Multi-Agency Taskforce Meeting, South Jordan, UT
 - Presented about new Utah Medical Cannabis Act
 - **1 hour training**
 - **18 attendees**
- February 20, 2019 – American Fork PD Police In-Service, American Fork, UT
 - Presented Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hour training**
 - **13 attendees**
- February 26, 2019 – Utah County Sheriff's Office In-Service Training, Provo, UT
 - Presented Winning the DLD Hearing and Marijuana Update
 - **2 hours training**
 - **55 attendees**
- February 26, 2019 – Utah County Sheriff's Office In-Service Training, Provo, UT
 - Presented Winning the DLD Hearing and Marijuana Update
 - **2 hours training**
 - **50 attendees**
- March 5, 2019 – DRE School Legal Update, Sandy, UT
 - Presented legal update for prospective DREs
 - **1 hour training**
 - **31 attendees**

- March 13, 2019 – Duchesne County Sheriff In-Service Training, Duchesne, UT
 - Presented Combating Common DUI Defenses, Winning the DLD Hearing, and Marijuana: The New Frontier of Impaired Driving
 - **4 hour training**
 - **13 attendees**
- March 18-22, 2019 – Train the Trainer, Sprindale, UT
 - Was faculty at the NHTSA/TSI created training course for the state of Utah, and presented the below sections throughout the week in addition to general workshops, feedback sessions, etc.
 - **19 total attendees** (12 students, 7 faculty for each of my presentations)
 - Determining Content/Analyzing Audience
 - **1 hour training**
 - Low-tech training aides
 - **1 hour training**
 - Effectively Promoting Interaction and Participation
 - **1 hour training**
 - Dealing with Challenges
 - **1.5 hours training**
 - Games presenters play
 - **1 hour training**

Upcoming Trainings:

- March 31-April 2, 2019 – Lifesavers Conference, Louisville, KY
- April 18-19, 2019 – UPC Spring Conference, Salt Lake City, UT
- April 22-24, 2019 – Various regional legislative updates

Current Projects:

- Updating the state's Master Offense Table after the legislative session
- Preparing and carrying out the regional legislative updates
- Updating Utah TSRP Training Curriculum

Meetings Attended:

- January 7, 2019 – SWAP-LAC Meeting, Murray, UT
- January 11, 2019 – SWAP Board Meeting, Murray, UT
- January 11, 2019 – Utah Prosecution Council Meeting, Murray, UT
- January 25, 2019 – SWAP-LAC Meeting, Murray, UT
- February 1, 2019 – SWAPLAC Meeting, Salt Lake City, UT
- February 4, 2019 – Regional Legislative Update Planning Meeting, Murray, UT
- February 8, 2019 – SWAPLAC Meeting, Salt Lake City, UT
- February 12, 2019 – UPC Staff Meeting, Murray, UT
- February 15, 2019 – SWAPLAC Meeting, Salt Lake City, UT
- February 20, 2019 – Train the Trainer Faculty Meeting, Murray, UT

- February 22, 2019 – SWAPLAC Meeting, Salt Lake City, UT
- February 28, 2019 – UPC Training Committee Meeting, Murray, UT
- March 1, 2019 – SWAP-LAC Meeting, Salt Lake City, UT
- March 6, 2019 - .05 Work group Meeting, Taylorsville, UT
- March 7, 2019 – Train the Trainer Faculty Meeting, Murray, UT
- March 25, 2016 – UPC Train the Trainer faculty Meeting, Murray, UT
- March 26, 2019 – Utah Attorney General’s Office Justice Division Meeting, Murray, UT

Other Notables:

- Updated Traffic Safety blog with recent appellate case concerning traffic stops
- January and February were the two highest months ever for technical assistance requests

Technical Assistance Provided:

MONTH	TECHNICAL ASSISTANCE	TRAINING PROVIDED	NUMBER OF PARTICIPANTS	CLASS HOURS
October 2018	62	2	25	8
November	69	2	283	3
December	45	1	15	1
January 2019	77	2	217	2
February	76	6	171	11
March	58	7	63	10.5
April				
May				
June				
July				
August				
September				
TOTALS	387	20	774	35.5

Tab G

January – March 2019 SA/DV Quarterly Report

OVERVIEW / COMMENTS RE QUARTER

The second session of the 3-day Adult Sex Crimes Investigations Course was held on February 25-27, 2019. Prior to that session, and as a result of the first session held in September 2018, a comprehensive curriculum revision occurred. This revision included both structure and content revisions. Many official and unofficial meetings and discussions were held with instructors to identify the changes needed. Assignments were made, however, at the first meeting when instructors had not had time to complete the assignments due to their other job responsibilities, I determined that I needed to be the primary person to get the work done and coordinate their review on the product once revised. This format worked well, however, it resulted in the entire burden of the revision falling to me. I spent hundreds of hours revising the curriculum, including adding content, removing content, changing the flow of content, editing slides, creating interactive exercises, etc. As a result of this responsibility, Hb200 First Responder trainings had to be kept to a minimum. Fortunately, the instructors were incredibly helpful and supportive in reviewing and making recommendations during the revision of the 3day Hb200 curriculum. The end result was a far better product for the second session of training than we had for the first session. Since the completion of the second session, the curriculum review committee has met to consider some additional minor changes and those will be integrated before the next training occurs. An email will be going out to law enforcement agencies to refresh their memory as to the availability of the Hb200 First Responder curriculum and I anticipate my schedule increasing in that effort.

Dave Carlson, Justice Division AG, and I are members of the Utah Council for Victims of Crime. Dave volunteered to Chair the Crime Victims Conference (April 25-26, 2019) and asked me to Co-chair the event with him. Due to a variety of factors outside of the committee's control, the planning committee had fallen behind in meeting important deadlines. Then, as many of you are aware, Dave had a medical issue and car accident that has removed him from being able to continue with this project. As such, the responsibility of getting the UCVC Conference to the finish line fell to me. Members and I, of the conference planning committee, have worked hard to meet deadlines and finalize the conference plans. This too, has taken a large amount of time in my schedule and I look forward to the successful completion of this event the end of this month.

Recently HB281 passed which allows victims of first-degree felony sex assault cases, that have been declined for prosecution, to have their cases rescreened with the Attorney General's Office. I have sought and been approved to be part of the screening process for those cases. In addition, as opportunity and schedule will allow, I may be involved as a second chair to the prosecution of cases filed. Being involved at both levels of this process will provide additional opportunity to identify training needs for both law enforcement and prosecution. It also allows me to continue to grow as a prosecutor and stay relevant on court issues.

TRAININGS ATTENDED/CONDUCTED:

- January 9, 2019 – Trainer – HB200, West Jordan PD
 - o 2 hr training, 24 law enforcement trained
- January 9, 2019 – Attendee – Crime Lab Lecture Series
 - o 1.5 hr training obtained re DNA

- January 10, 2019 – Trainer – HB200, West Jordan PD
 - o 2 hr training, 19 law enforcement trained
- January 10, 2019 – Trainer – HB200, Farmington PD
 - o 2 hr training, 22 law enforcement trained
- January 14, 2019 - Trainer – HB200, West Jordan PD
 - o 2 hr training, 27 law enforcement trained
- January 15-17, 2019 – Attendee - Sexual Assault Case Training, Burien WA
 - o 16 hours of training received
- January 23, 2019 - Trainer – HB200, West Jordan PD
 - o 2 hr training, 23 law enforcement trained
- January 28-30, 2019 – Attendee – Sexual Assault Kit Initiative Training, Phoenix AZ
 - o 20 hours of training received
- January 31, 2019 - Trainer – HB200, West Jordan PD
 - o 2 hr training, 12 law enforcement trained
- February 11, 2019 – Trainer – HB200, WVC PD
 - o 2 hr training, 8 law enforcement trained
- February 25, 2019 – Facilitator/Trainer – HB200 Advanced Investigations Training, P.O.S.T.
 - o 24 hr training
- March 6, 2019 – Neurobiology of Trauma in DV Cases, BYU Law School
 - o 1.5 hr training, 6 law students and 1 professor trained
- March 13, 2019 – HB200 Springdale PD
 - o 2 hr training, 8 law enforcement trained
- March 20-22, 2019 – Faculty/Trainer – Train the Trainer
 - o 26 hr training, 12 attorneys trained

COMMITTEES / MEETINGS ATTENDED

- January 9, 2019 - SAKI Case Review
- January 10, 2019 – Mtg with Att Rape / Att Homicide survivor
- January 11, 2019 – UCVC Council Meeting, Conference Planning Meeting
- January 14, 2019 – HB200 Curriculum Review Meeting
- January 14, 2019 – SAKI Curriculum Mtg, Crime Lab, DPS, re Adv Hb200
- January 23, 2019 – SAKI Case Review
- January 24, 2019 – Sexual Violence Bench Book Meeting
- February 1, 2019 – UCVC Conference Planning Meeting
- February 4, 2019 – HB200 Trauma Module Meeting
- February 7, 2019 – HB200 Curriculum Review Meeting
- February 20, 2019 – Train the Trainer Faculty Meeting
- February 21, 2019 Sexual Violence Bench Book Meeting
- February 22, 2019 UCVC Meeting, Conference Planning Meeting
- February 27, 2019 SAKI Case Review
- February 28, 2019 UPC Training Committee Meeting
- February 14, 2019 Train the Trainer Conference Call / Meeting
- March 25, 2019 HB200 Curriculum Review Meeting
- March 25, 2019 UCVC Conference Planning Meeting

- March 27, 2019 Sexual Violence Advisory Council
- March 27, 2019 SAKI Case Review

ASSISTANCE PROVIDED

- Assistance and support was provided to the following based on independent contact (not in conjunction with trainings):
 - o Attorneys - 5

UPCOMING EVENTS/TRAININGS/CONFERENCES FOR NEXT QUARTER, AS SET TO DATE:

- April 16, 2019 - Trainer - HB200 Sex Assault Investigator Training
 - o 2 hr training
- April 17-19, 2019 - Presenter / Staff – UPC Spring Conference
 - o 20 hr training
- April 22, 2019 - Trainer – Legislative Update Brigham City
 - o
- April 24, 2019 - Trainer – Legislative Update
 - o Tooele City
 - o Park City
 - o Heber City
- April 25-26,2019 - Presenter / Co-Chair UCVC Conference, Midway UT
 - o
- May 8, 2019 - Trainer – HB200 San Pete County (@Murray AG Ofc)
 - o 2 hr HB200 + 1 hr DV
- May 9, 2019 - Trainer – Legislative Update
 - o Beaver
 - o Fillmore
- May 14-16, 2019 - Attendee – CJC Symposium
 - o
- May 16, 2019 - Trainer – HB200 San Pete County (@Murray AG ofc)
 - o 2 hr HB200 + 1 hr DV
- May 21, 2019 - Trainer – Legislative Update, Kanab
 - o
- May 22, 2019 - Trainer – Legislative Update, Panguitch
 - o
- June 4, 2019 - Trainer – Legislative Update
 - o Vernal
 - o Duchesne
- June 5, 2019 - Trainer – Legislative Update
 - o Price
 - o Castle Dale
- June 6, 2019 -Trainer – Legislative Update and Trauma in DV Cases training
 - o Moab
- June 17-19, 2019 - Trainer – DV Bootcamp, Logan
- June 19-21, 2019 - Staff / Presenter – UPAA Conference, Logan

LONG TERM AND ONGOING PROJECTS AND IDEAS

- Develop Regional Trainings for Prosecution – SAKI/Crime Lab/UPC
- HB200
 - o Neurobiology script to add to POST Sex Assault online training
 - o Provide training to prosecution throughout the state re prosecuting these cases
 - o Establish training locations and dates for 2 hr training throughout the state on a regular rotating schedule
- Establish training locations and dates for 3-day training throughout the state on a rotating schedule
 - o Regional Training – piggyback with SBI/DPS?
- DV Boot Camp in June 2019
- 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 in support of improved trauma informed response

DAY 1

Mod1: Foundations

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	7	14
Presenters	0	0	0	5	18

A lot of useful information

All Good

Darrin, the new DV law was unknown to me!

Carr did well giving good examples of how our first responding officers can help our cases by eliminating bias

Darren is a great presenter

Very well presented and put together

Resource Exercise

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	2	5	14
Presenters	0	0	1	6	14

Mod2: Investigations

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	6	15
Presenters	0	0	0	6	16

Very good information

Forensics: WFN

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	5	16
Presenters	0	0	0	3	19

Very informative, good information

Trish is a great presenter

Trish gives good examples of how her nurses help our cases

Great information and resources

Awesome

Trish is very thorough. Good speaker

Trish always does great

Forensics: Crime Lab

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	1	5	16
Presenters	0	0	0	6	17

Hard to make DNA exciting but did a good job
Going to lab would help
Good stuff Chad, Thank you
Good job simplifying complex DNA explanations
Good information so we can understand DNA
Good information but maybe too much for the time allowed to the instructor
So easy I was able to understand
Very complex
Explained very well. Thanks for the info
Could be cut in half because the bigger cities have gone through that type of training

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Overall Comment:

All presenters were knowledgeable and energetic!

=====

DAY 2

Mod2: Investigations

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	5	17
Presenters	0	0	0	4	17

Good information
Examples would be cool as to packaging of evidence
All great information
Great material, involved class, kept my attention
Enjoyed Bob here also, shared great court experience
Good information and new information
Well presented

Mod3: Victim Trauma

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	6	16
Presenters	0	0	0	3	18

More examples from real victims if possible
 Good information to better understand and empathize with a victim
 A lot of insight I hadn't thought of before
 Kept things real interesting – great presenter
 I believe this is the most important part of the class
 Good material, involved class, kept attention
 Good information about how the brain works during trauma
 Well presented

Mod3: Victim Interview

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	3	19
Presenters	0	0	0	4	17

A lot of insight I hadn't thought of before
 Kept things real interesting – great presenter
 Great interview points
 Watching an interview would help
 The material was interesting and easy to follow. Great group exercise / wish we spent more time on scenarios
 A recorded example of a good interview to put all the ideas and examples in real life
 Great instructors, great presentation, definitely felt their passion for what was being taught

Mod3: Practical Interview Exercise

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	5	15
Presenters	0	0	0	4	16

Good exercise
 Great practice and feedback
 More on the 'nuggets', how to 'tivi'(? illegible)

=====

DAY 3

Practical Interview Exercise (Class)

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	1	6	2
Presenters	0	0	1	3	4

Great information and presentation

Great exercise with the group interview
 Good example in study of realistic case. Great reminders to stay neutral and open ended.
 It seemed that we covered it in 15 min and kept going over and over it
 I liked the group discussion. No one in the “hot seat”
 Presenters were very good, obvious experience
 Almost felt like we were beating a dead horse. Maybe do another interview in pairs

Mod4: Judicial Process

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	1	5	9
Presenters	0	0	0	5	11

Good/helpful information to use
 I like a lot of examples. Good job. Court story – would’ve liked more time listening to in-court testimony
 The cross examination audio was helpful
 Audio/cross examination was great to hear
 A bit long but Josh was a good presenter
 Good review

Mod5: Report Writing

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	2	4	11
Presenters	0	0	1	3	12

Great reminders!
 Great refresher
 Learned things I hadn’t thought of before

Practical Report Writing Exercise

Scoring	1 Poor	2	3	4	5 Great
Materials	0	1	1	4	10
Presenters	0	1	1	2	11

Great! Enjoyed putting training into play
 Good exercise. Time well spent.
 The presentation was helpful but the practical wasn’t super helpful
 Good exercise

=====

Overall 3-day Training

Scoring	1 Poor	2	3	4	5 Great
Materials	0	0	0	6	10
Presenters	0	0	0	3	12

- Loved it! Thanks!

- Excellent class. More time to cover topics would be great.
- Thanks for making lunch at 11:30
- More case studies
- I feel you have a lot of good info. However, for this course of “Advanced Sexual Assault Investigation” a few things I would suggest:
 - Your class is not cadets. There is a lot of info covered that took a large amount of time that we already know, or is irrelevant or not useful in an investigation
 - i.e. how to collect evidence at a crime scene
 - how to photograph
 - 3 hours of explaining x & y chromosomes and cells, etc. etc.

From speaking to others and myself these things are not needed or are taking too much time.

From the title we expected to learn more about:

- Interview
- Signs of trauma – physical and mental
- Show examples of a SANE nurse report
- Talk more about how to collect semen and bodily fluids
- How to use different light to photograph semen stains
- Spend time to really help understand FIT interview techniques
- Show videos of interviews of rape victims
- Cover murder / rape scenes and how to process them

We like knowing resources and things available but it does not need to take an hour or more to cover some of these things. The judicial info was again very basic info, good for academy but too much time was spent on it. A good idea would be to bring in a rape victim to tell her story and what was good or bad about the investigation and officers/court process.

- Really Good Training
- Very good group of presenters. A vast of knowledge
- This is going to seem critical. The discussion portion of this class were the best parts. I feel this training is very beneficial for basic officers. I am disappointed with the word (Advanced) in the title of this training. Most of the officers I spoke with in the class were expecting (Advanced) investigation techniques. I was hoping to learn more about
 - Subpoenas
 - Warrants
 - Equipment used for collection of evidence

For an officer being promoted to detective or on SVU Unit, this training would be beneficial. As an officer who has already been investigating sex crimes, this class is as basic as it can be. The class as a whole is great. The information and materials covered were excellent. The FIT interviewing techniques were probably the most beneficial to me. I was hoping to learn more about

- Collecting evidence at rape crime scenes and what to look for
- The collection of cell phones and process of getting warrants for phones. I would have enjoyed more hands on training.
- The use of tools such as UV lighting or oblique lighting would be helpful

The materials covered were awesome, but too much time was spent on certain things. I would like to see some actual interview videos, more survivor videos, and actual crime scene photos or information. The information concerning resources available was valuable. The first responders information was valuable. I enjoyed portions of each training, but feel time could have been

appropriated differently. All the victim interviewing and victim trauma information was valuable.

This was a great class. Thank you.

EMAIL FEEDBACK:

Thank you so much for the training. I do mostly property crimes unless the other Detective is on vacation, but this training change my way of view about victims of a sex crime, by start believing. I was wondering when is your next training so I can recommend some of the Detectives to attend.

great class

Tab H

Robert Church

From: Marlesse Jones
Sent: Thursday, April 11, 2019 10:03 AM
To: Robert Church
Subject: FW: ALERT: How to Respond to Hate Group Letters
Attachments: SBB_CenterForProsecutorIntegrity_WVCPD.pdf

I've attached the letter/document sent to WVCPD – it is similar to what we received. Below is the EVAWI response complete with links to other sample letters being sent out.

Marlesse D. Jones

SA/DV Resource Prosecutor
Utah Prosecution Council
5272 College Drive, Suite 302
Murray, UT 84123
Website: www.upc.utah.gov
Ph. 801-725-4748



Training and Serving Utah Prosecutors Since 1990

From: EVAW International <donotreply@evawintl.org>
Sent: Tuesday, April 2, 2019 8:27 AM
To: Marlesse Jones <marlessejones@agutah.gov>
Subject: ALERT: How to Respond to Hate Group Letters

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Hate Group is Sending Out Harassing Letters:

How to Respond if You Get One

Police departments, prosecutor's offices, and colleges/universities across the country are currently receiving harassing letters from an organization that goes by two names: the Center for Prosecutor Integrity (CPI) and Stop Abusive and Violent Environments (SAVE). These letters make a number of false claims about EVAWI and the Start by Believing campaign, as well as other trauma-informed and victim-centered approaches.

If your agency receives one of these letters, we have resources to help you respond.

- In the [letters to police departments and prosecutor's offices](#), CPI makes numerous false and misleading statements, and concludes by urging agencies to "take prompt and decisive action to assure criminal investigations in your jurisdiction are conducted in an ethical, impartial, and honest manner."
- In the [letters to colleges and universities](#), SAVE concludes with a number of demands, including payment of \$2,000 to reimburse them for "administrative fees" associated with preparing and drafting their harassing letter.

If you receive one of these letters, we urge you to review EVAWI's [point-by-point refutation of the false claims made by CPI/SAVE](#). This document should help your agency prepare a response and avoid wasting time on this extortionary tactic.

We also offer a [brief history of EVAWI and Start by Believing](#), explained in the context of other victim-centered, trauma-informed approaches to sexual assault response. These approaches play a critical role in improving responses to sexual assault victims globally.

Taking Action

Even if you are not working for an agency that receives one of these harassing letters, you can still take action to help defeat such bullying tactics. Here are just a few ideas:

- Add your thoughts by posting on social media with hashtags such as #StartbyBelieving, #EVAWI2019, #MuteRKelly, #MeToo, #TimesUp, #NoMore, #WhyIDidn'tReport, and #BelieveSurvivors.
- Learn more about the Start by Believing philosophy and tools at [startbybelieving.org](#). In particular, you might want to review the [FAQ page](#), which provides information to help respond to misinformed attacks such as these.
- Make your own [personal pledge](#) to Start by Believing, when someone tells you they were raped or sexually assaulted.
- Speak out against attacks on the Start by Believing philosophy and other victim-centered, trauma-informed reforms, both on social media and in the community.
- Continue to spread the Start by Believing message, by launching a new campaign or expanding an existing one, and encouraging others to stand in support of survivors.
- Consider [donating](#) to EVAWI and the Start by Believing campaign, to advance our crucial work to improve responses to sexual assault.

To Learn More

To learn more about EVAWI's work, please see our [2018 annual report](#).

EVAWI has also published several Training Bulletins with detailed guidance on Start by Believing and the implications for criminal justice responses to sexual assault:

[Start by Believing to Improve Responses to Sexual Assault and Prevent Gender Bias](#)

[Interviews with Victims and Suspects: Start by Believing and the Question of Bias](#)

[Start by Believing: Evaluating the Impact of a Public Awareness Campaign Designed to Change the Community Response to Sexual Assault](#)



STAY CONNECTED



EVAWI International | 145 S. Main Street, Colville, WA 99114

[Unsubscribe marlessejones@agutah.gov](mailto:marlessejones@agutah.gov)

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Sent by donotreply@evawintl.org in collaboration with

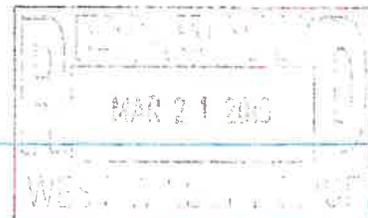


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RE: **“Start By Believing:” Request for Public Records and Policy Review**

March 14, 2019

Chief of Police Colleen Jacobs
West Valley City Police Department
3575 South Market Street
West-Valley-City, UT-84119



Dear Chief of Police Jacobs:

The ethics code of the International Association of Chiefs of Police (IACP) states, “The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice.”¹

The World Association of Detectives (WAD) similarly instructs its members, “We will be faithful and diligent in carrying out assignments entrusted to us, and to determine the true facts and render honest, unbiased reports in reference thereto.”²

Likewise, the American Bar Association (ABA) prosecutorial investigations standards instruct investigators that “criminal investigations are not based upon premature beliefs or conclusions as to guilt or innocence, but are guided by the facts.”³

Publicly available information reveals that law enforcement personnel in your department attended a training session on “Start By Believing” investigative methods: <https://www.wvc-ut.gov/1553/Start-by-Believing>

The purpose of this Letter is four-fold:

1. Advise you that utilization of “Start By Believing,” “trauma-informed,” and similar “victim-centered” investigative methods represents a form of law enforcement misconduct,
2. Request that you send the Center for Prosecutor Integrity certain records under your state’s public records review act,
3. Request that your office institute appropriate corrective measures, including revision of your policies, procedures, and training materials, to conform to recognized investigative principles and methods, and
4. Request that you send a copy of these revised policies, procedures, and training materials to the Center for Prosecutor Integrity.

¹ <http://ethics.iit.edu/ecodes/node/3352>

² <http://www.wad.net/code-of-ethics>

³ https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/Pros_Investigations.pdf

4. Start By Believing also endorses the use of “trauma-informed” investigative methods.¹² While “trauma-informed” methods may be appropriate for use in the therapeutic context, they serve to bias the investigative process. As a California Task Force has explained,¹³

“The use of trauma-informed approaches to evaluating evidence can lead adjudicators to overlook significant inconsistencies on the part of complainants in a manner that is incompatible with due process protections for the respondent. Investigators and adjudicators should consider and balance noteworthy inconsistencies (rather than ignoring them altogether)...”

In addition to violating the ethics codes promulgated by leading criminal justice organizations and curtailing citizens’ constitutional right to due process,¹⁴ the investigative concepts espoused by “Start By Believing” represent an open invitation for defense attorneys to impeach the testimony of law enforcement personnel;¹⁵ create a liability risk for municipalities;¹⁶ increase the risk of a wrongful conviction;¹⁷ and undermine the integrity of the criminal justice system.¹⁸ In the college campus context, numerous judges have issued rulings against universities for their use of “Start By Believing” and other “victim-centered” investigative methods.¹⁹

As such, the use of “Start By Believing” methods represents a severe form of police misconduct and a threat to justice.²⁰

Criticisms of “Start By Believing”

Start by Believing has been the focus of stiff criticism in recent years.

UCLA law professor Eugene Volokh wrote in the *Washington Post*, “In cases that proceed to trial, defense counsel likely could impugn investigators and claim that alternative versions of the crime were ignored and/or errors were made during the investigation as a result of confirmation bias created by the “belief” element of the Start By Believing campaign.”²¹

¹² <https://www.evawinll.org/Library/DocumentLibraryHandler.ashx?id=842>

¹³ <http://www.ive.edu/policies/titleix/Documents/Recommendations-from-Post-SB-169-Working-Group.pdf>

¹⁴ <https://www.law.columbia.edu/events/due-process-and-bias-criminal-investigations>

¹⁵ <http://www.saveservices.org/sexual-assault/cross-examination-voir-dire/>

¹⁶ <http://www.live5news.com/2019/02/21/city-charleston-pays-k-settle-false-arrest-suit/>

¹⁷ <http://www.prosecutorintegrity.org/pr/start-by-believing-investigations-may-result-in-a-proliferation-of-wrongful-convictions/>

¹⁸ Center for Prosecutor Integrity, *Victim-Centered Investigations Undermine the Presumption of Innocence and Victimize the Innocent: Report of an Expert Panel* (2016). <http://www.prosecutorintegrity.org/wrongful-conviction-day/victim-centered-investigations-undermine-the-presumption-of-innocence-and-victimize-the-innocent-report-of-an-expert-panel/>

¹⁹ <http://www.saveservices.org/2019/02/continued-judicial-rulings-against-biased-victim-centered-campus-investigations/>

²⁰ <http://www.prosecutorintegrity.org/pr/start-by-believing-lawmakers-must-act-swiftly-to-root-out-police-misconduct-and-bias/>

²¹ Eugene Volokh, *Don't 'start by believing'* (Dec. 2016). https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/12/15/dont-start-by-believing/?utm_term=.0b2517d7b160.

Duty to Root Out Misconduct

Crimes are not a matter of what one *believes*, but what the facts *reveal*. The Center for Prosecutor Integrity urges you to take prompt and decisive action to assure criminal investigations in your jurisdiction are conducted in an ethical, impartial, and honest manner.

Feel free to contact me at ebartlett@prosecutorintegrity.org.

Sincerely,

E. Everett Bartlett

President



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DEBBIE MOAK
DIRECTOR

November 16, 2016

Guidance: *Start By Believing*

Governor's Commission to Prevent Violence Against Women

Sexual assault is a violent crime with devastating safety and health implications for every person in Arizona, be they a victim, a survivor or family member, loved one, friend, neighbor, or co-worker. One in five women and one in 71 men will be raped at some point in their lives.¹ Among undergraduate college students the statistics are even more abhorrent; nearly one out of every four women and one out of 20 men have experienced rape or sexual assault through physical force, violence, or incapacitation.² Offenders often target victims whom they perceive will not be believed; and unfortunately, law enforcement, friends, and family often focus on the victim's character, behavior, or credibility rather than the offender's actions. This attitude has permeated society, and as a result victims fear that they will not be believed and do not come forward after an assault. It is estimated that *at least* 65% of rape or sexual assault victimizations go unreported to law enforcement.³

In November of 2014, the Governor's Commission to Prevent Violence Against Women adopted the *Start By Believing* campaign offered by End Violence Against Women International and began encouraging communities and organizations around the State of Arizona to participate. *Start By Believing* is a public awareness campaign focused on cultivating an orientation of belief when responding to sexual assault. This approach encourages friends, loved ones, or law enforcement to treat victims with compassion and respect and communicate a message of belief and understanding. This approach creates an atmosphere in which victims feel more comfortable and willing to report an assault and provide law enforcement the information necessary to investigate the case. Appropriate response to sexual assault is critical; a negative response can worsen the trauma and foster an environment where perpetrators face zero consequences for their crimes.⁴

Recently, several serious concerns have surfaced regarding the *Start By Believing* campaign and whether it is appropriate for criminal justice agencies and others involved in the criminal justice

¹ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2011).

² David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).

³ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2014 (2015).

⁴ Start by Believing, <http://www.startbybelieving.org/TheMessage.aspx> (June, 2016).

process to participate. The concern is that the interjection of "belief" into the law enforcement investigation creates the possibility of real or perceived confirmation bias. Confirmation bias is the tendency to search for, interpret, favor, and recall information in a way that confirms one's preexisting beliefs or hypotheses, while giving disproportionately less consideration to alternative possibilities. In cases that proceed to trial, defense counsel likely could impugn investigators and claim that alternative versions of the crime were ignored and/or errors were made during the investigation as a result of confirmation bias created by the "belief" element of the *Start By Believing* campaign. Additionally, many detectives have not been adequately trained to effectively defend the *Start By Believing* campaign on the witness stand. During a recent case in Iowa, a detective testified that the campaign required him to believe the victim, "no matter what". The prosecutor in the case explained, "...the [*Start By Believing*] verbiage is what's killing everybody in court".

Recognizing the veracity of these concerns, the Governor's Office of Youth, Faith and Family and the Governor's Commission to Prevent Violence Against Women convened a *Start By Believing* Workgroup (Workgroup) to examine these differing viewpoints and work collaboratively to develop overarching guidance for the State. The Workgroup was comprised of a broad array of stakeholders that included county attorneys, prosecutors, law enforcement, forensic nurses, a defense attorney, advocacy centers, policy makers, and advocates. Based on a series of meetings, the Workgroup recommends the following:

- The *Start By Believing* campaign is most appropriate for non-criminal justice agencies and others not involved in the criminal justice system. While investigations and interviews with victims should always be done in a respectful and trauma-informed manner, law enforcement agencies, and other agencies co-located in advocacy centers, are strongly cautioned against adopting *Start By Believing*. Should a law enforcement agency have interest in adopting *Start By Believing*, we strongly encourage that agency to consult and work in close collaboration with their county attorney. The discussions should include weighing the high possibility of challenges during criminal legal proceedings based on actual or perceived confirmation bias. If the county attorney has even the slightest concern with the potential legal challenges associated with the *Start By Believing* campaign, it should not be adopted by law enforcement within that jurisdiction.

The Governor's Office of Youth, Faith and Family and the Governor's Commission to Prevent Violence Against Women is committed to addressing sexual assault and the devastating impact on Arizona's citizens. We look forward to continued collaboration with agencies, organizations, and citizens to end sexual violence in Arizona.

Debbie Moak

Debbie Moak
Director, Governor's Office of Youth,
Faith and Family

³ Rebecca Campbell, Tracy Sefl, Holly Barnes, Courtney Ahrens, Sharon Wasco and Yolanda Zaragoza-Diesfeld, "Community Services for Rape Survivors: Enhancing Psychological Well-Being or Increasing Trauma," *Journal of Consulting and Clinical Psychology* Vol 67, No 6, (1999).

Robert Church

From: Marlesse Jones
Sent: Monday, April 1, 2019 3:22 PM
To: Julie Valentine
Cc: Bryan.Peterson@wvc-ut.gov; Robert Church
Subject: RE: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

Julie and Bryan,

We received this material within the last couple of weeks as well. SAVE actually falls under Center for Prosecutor Integrity (see: <http://www.saveservices.org/category/center-for-prosecutor-integrity/>) . So they are the same/related group with the same goals, which is defendant focused.

Interestingly, if you source checked some of the claims in that correspondence, complete with footnote citations, they do not say what they say it does. So they have an agenda and are trying to get traction across the US through these mass mailing campaigns which are not based on truth or accuracy.

This is not a new effort as they have been targeting prosecutors throughout the US. One of our division's counterparts from another state (meaning a prosecution training division) went to one of their conferences a year or so ago and was extremely concerned with the discussion held there. It is not supportive of victims, law enforcement, or prosecution, in general.

It is important for law enforcement to remember that a trauma informed response is applicable to victims of all crimes (and other traumatic life events), from traffic accidents to homicides to death of a loved one to our law enforcement who are traumatized during the course of performing their duties. While attacking a trauma informed response tries to specifically infer sex assault investigations/prosecution misconduct allegations, in reality the basis for the attack, if it were true, would undermine and turn a blind eye to what science has learned about the neurobiology of trauma. Scientifically this makes no sense.

As an officer first takes a report from a complainant, any complainant, they do not know of its truthfulness until further investigation occurs. They should always be receptive and open minded to the information they receive and then move forward to investigate. SBB does not call for lack of neutrality or bias, the opposite is true. It merely calls for additional sensitivity to receiving a sex crime report because of the nature of trauma involved. I train law enforcement (WVC included) to always thoroughly investigate. Be considerate and kind in receiving the report and then investigate thoroughly! This training is in line with officer integrity and professionalism in all cases, not just sexual assault. However, due to sexual assault cases having a first responder basic report and then a full interview at a later time, the first responder report should be a collection of core information, received in a compassionate manner and absent doubt or challenging of the victim. The follow up interview may have a different approach depending on evidence, witness statements, etc. collected during the investigation prior to the interview. But all that being said, we have learned that more information will be gleaned from both victim and defendant when asked in a trauma sensitive format because of the comfort level it creates in the conversation. So the benefits of the TIVI protocol is not limited to victims.

I'm interested in Joanne's response, as I'm certain she's familiar with the groups and their anti-prosecution efforts. These are just my thoughts, but hope it provides some clarification.

Sincerely,

Marlesse D. Jones

SA/DV Resource Prosecutor

Utah Prosecution Council
5272 College Drive, Suite 302
Murray, UT 84123
Website: www.upc.utah.gov
Ph. 801-725-4748



Training and Serving Utah Prosecutors Since 1990

From: Julie Valentine <julie_valentine@byu.edu>
Sent: Monday, April 1, 2019 1:08 PM
To: Marlesse Jones <marlessejones@agutah.gov>
Cc: Bryan Peterson <Bryan.Peterson@wvc-ut.gov>
Subject: Fw: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

Marlesse,

I am forwarding an email thread onto you with permission of WVCPCD police chief, Chief Colleen Jacobs. Interesting that this should come up as we have been discussing Start by Believing and right before Start by Believing Day!

WVCPCD has been the target of 2 groups working to get them to drop their endorsement of Start by Believing and Trauma Informed Response. Please see my email response to WVCPCD. I will also be forwarding this information on to EVAWI director, Joanne Archambault as I am sure these groups are trolling police agencies endorsing SBB.

The 2 groups are Stop Abusive and Violent Environments (SAVE) and Center for Prosecutor Integrity. I did some research on SAVE. It is a group focused on the rights of the accused. They have been very active in the very concerning reforms of Title IX of the current administration.

Here is a link to the information emailed to WVCPCD:

<http://www.saveservices.org/2019/03/pr-presumed-guilty-dishonest-and-unethical-start-by-believing-investigations/>

Can you see what you can find out about Center of Prosecutor Integrity? I have cc'd Bryan Peterson, SVU lead detective with WVCPCD, on this email. Please email both of us back with any info you can find on Center for Prosecutor Integrity. I attached the letter they sent to WVCPCD police chief. Really concerning.

I look forward to getting your insights on this!

Thanks,

Julie

Julie L. Valentine PhD, RN, CNE, SANE-A
Assistant Professor
Brigham Young University College of Nursing
532 KMBL
Provo, Utah 84602
801-573-0640 (cell)
801-422-3164 (office)
julie-valentine@byu.edu

From: Bryan Peterson <Bryan.Peterson@wvc-ut.gov>
Sent: Monday, April 1, 2019 11:33 AM
To: Julie Valentine
Subject: Re: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

Yes please forward this on.. I talked to my chief and she approved

On Mar 31, 2019 20:26, Julie Valentine <julie_valentine@byu.edu> wrote:

Hi Bryan,

Sorry it took me awhile to investigate this information. I have learned that the SAVE organization is a lobbying group trying to reverse Title IX investigations. They focus on protecting the rights of the accused and preventing false accusations. In my opinion, Start by Believing does not interfere or bias an investigation. For law enforcement, it merely implies that police will believe victims and launch an investigation. As we know, historically many rape cases were shelved and not investigated. Start by Believing does not dictate where the conclusions of the investigation will lead. I think by implying that law enforcement will not conduct an objective investigation is insulting to law enforcement.

I also think trauma-informed approach provides skills for law enforcement on multiple levels. As we have presented, trauma-informed response relates to sexual assault investigations as well as to working with all victims who have experienced trauma.

I believe these emails represent a "trolling" method to undermine police agencies.

Are you OK if I share this information with EVAWI director and Marlese at the AG's office? I would like to learn more about the efforts of these agencies nationally and more background on what they are doing. For now, I believe WVCPCD has lead Utah in improvements in sexual assault cases. Part of this leadership is reflected in the Start by Believing campaign.

Let me know if I can forward this info on. I will then keep you posted on any new information I discover.

Thanks, Bryan!

Julie

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801-422-3164 (office)
julie-valentine@byu.edu

From: Bryan Peterson <Bryan.Peterson@wvc-ut.gov>
Sent: Monday, March 25, 2019 8:36 AM
To: Julie Valentine
Subject: FW: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

Hey Julie-
I am sure this is a lot of stuff to look at.. But will you look this over and tell me what you think?
I have also attached a PDF that was sent to us in the mail late last week.

Thanks
Bryan

From: Colleen Jacobs <Colleen.Jacobs@wvc-ut.gov>
Sent: Thursday, March 7, 2019 10:12 AM
To: Bryan Peterson <Bryan.Peterson@wvc-ut.gov>; Brandon Christiansen <Brandon.Christiansen@wvc-ut.gov>; Kent Stokes <Kent.Stokes@wvc-ut.gov>; William Merritt <William.Merritt@wvc-ut.gov>
Subject: Fwd: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

Have any of you heard of this or have we ever experienced any issues with it?

Begin forwarded message:

From: Save MS <save.media.service@gmail.com>
Date: March 7, 2019 at 08:04:13 MST
To: undisclosed-recipients;;
Subject: PRESUMED GUILTY: Dishonest and Unethical 'Start By Believing' Investigations

<http://www.saveservices.org/2019/03/pr-presumed-guilty-dishonest-and-unethical-start-by-believing-investigations/>

PRESS RELEASE

Contact: Rebecca Stewart
Telephone: 513-479-3335
Email: info@saveservices.org

PRESUMED GUILTY:

Dishonest and Unethical ‘Start By Believing’ Investigations

WASHINGTON / March 7, 2019 – Stop Abusive and Violent Environments (SAVE) is launching a national campaign to warn criminal defense attorneys, lawmakers, and others about the perils of Start By Believing (SBB) and other “victim-centered” investigative methods (1). SBB instructs law enforcement officers and prosecutors to take a “pledge” to “Start By Believing” complainants’ allegations. This flawed approach will likely lead to false arrests, malicious prosecutions, sham trials, and wrongful convictions.

Law-enforcement officials are ethically bound to conduct their investigations in an impartial, unbiased, and honest manner (2). In stark contrast, Start By Believing programs instruct investigators to start the probe with an “initial presumption” of guilt and engage in dishonest practices such as (3):

- Deemphasizing inconsistencies in the complainant’s statements to “minimize the risk of contradiction.”
- Slanting the investigative report to emphasize evidence that “corroborate[s] the victim’s account.”
- Emphasizing feelings over facts to sway judge and jury in favor of complainants.

A Governor’s Commission in Arizona warned state law enforcement agencies in 2016 to avoid use of “Start By Believing” methods, correctly noting that “defense counsel likely could impugn investigators and claim that alternative versions of the crime were ignored and/or errors were made during the investigation as a result of confirmation bias created by the ‘belief’ element of the Start By Believing campaign.” (4)

Criminal defense attorney Scott Greenfield has ridiculed the Start By Believing movement, noting (5):

“We’ve reached a very weird place in law, a post-factual society, when a government official needs to guide police to rely on facts rather than beliefs in the performance of their duty. Weirder still that advocacy groups are taken seriously when they demand that facts be ignored in favor of their beliefs. But then, conviction of innocents isn’t their concern, any more than police treating all people with respect. Confirmation bias is still bias, no matter how much you want to believe.”

To date, over 150 criminal defense attorneys and other legal experts have signed an Open Letter condemning the use of “victim-centered” methods such as Start By Believing (6). Attorneys who wish to co-sign the Open Statement should send their name, affiliation, city, and state to info@saveservices.org

Citations:

1. <http://www.saveservices.org/camp/sbb/>
2. <http://www.prosecutorintegrity.org/sa/ethics-codes/>
3. <https://www.evawintl.org/library/Detail.aspx?ItemID=43>
4. <https://www.phoenixnewtimes.com/news/arizona-state-university-media-office-embarrassment-journalism-school-11229419>

5. <https://blog.simplejustice.us/2016/12/17/believe-victims-or-evidence-when-you-cant-do-both/#more-31038>

6. <http://www.saveservices.org/wp-content/uploads/VCI-Open-Letter-7.20.18.pdf>

SAVE (Stop Abusive and Violent Environments) is working for effective and fair solutions to sexual assault, sexual harassment, and domestic violence: www.saveservices.org

Tab I

Memorandum

TO: eProsecutor Governance Committee

FROM: Ron Weight

DATE: 4/8/2018

SUBJECT: Proposal for eProsecutor deployment schedule

I know we are not 100% where we want to be yet, but it is important that we move forward with deploying eProsecutor to other agencies that are waiting and anxious to start using the system. This will be like it was with PIMS where changes will be on-going even as we deploy to new agencies. It will take at least a month from now if I started today to get the next agency ready to go live with eProsecutor.

I am aware that there are still some issues, but I'm confident that we can and must move forward with deploying to those who have signed agreements. Any issues that come up as new agencies are brought online should not impact your offices, though it will certainly increase my workload, but that's what I'm here for. As we bring on new agencies, I will still depend on you for input (and agreement) regarding changes or updates that other agencies may suggest that will impact everyone.

Next Deployment Schedule (in suggested order)

West Valley City (10 users)	May - June
Sevier County (4 users)	May - June
Garfield County (3 users)	June
Kane County (6 users)	June
Clearfield City (3 users)	July
Riverdale City (3 users)	July
Beaver County (2 users)	July

Cedar City (2 users)	August
Iron County (11 users)	August
Tooele City (5 users)	August
Saratoga Springs (4 users)	September
Lehi City (4 users)	September
Pleasant Grove City (2 users)	September
Duchesne County (6 users)	October
San Juan County (4 users)	October - November
Park City (4 users)	November

These are all the agencies that have signed agreements that we can deploy to. Obviously, the schedule needs to be a little bit fluid as deployments are not always without any issues and there could be some delays. This is an aggressive, but achievable schedule. Of course, as we add the juvenile, civil and e-file modules to the system, we will have some growing pains. I've been through this before with PIMS and know that things will be crazy for a while, but that's on me.

Thank you,



Ron Weight – UPC eProsecutor Administrator

Monday, April 8, 2019

eProsecutor Update and Report

On January 7, 2019 eProsecutor was deployed live in South Jordan City and Wasatch County. On January 14th, Provo City started using it live in their office. On January 22nd, Juab County started using eProsecutor live. We have made great progress and are now ready to begin the deployment process in additional agencies.

The juvenile module is not yet deployed in production but is being testing in development and should be ready very soon to add to production. The civil module is close but needs more design work on the civil litigation part to make sure it meets the need of users.

The e-filing module is making progress, but there have been some significant issues that still need to be worked out. I don't have an ETA for it yet but hope to have an update soon.

The following is a report of the time (in hours) spent on eProsecutor support and training.

Support Hours 2019

Meetings	Admin	Testing	Training	Docs	All Other	Total
17.25	129.00	39.50	32.25	69.75	66.50	354.25

The total hours spent is approximately 68% of my time. This is under what I estimated I would need to support eProsecutor, but we are still in the initial stages of support with only four agencies using the system live. Because of the nature of my job where I get pulled from one project to another depending on the needs of the day, these numbers may not be 100% accurate, but are as close as I can reasonably make them without spending more time tracking than I do working.

Most of my training hours shown are spent in training for myself. There is a lot to learn with this new system and I expect to spend many more hours on training during the rest of this year, both for myself and users.

Tab J

1 PROSECUTION COUNCIL AMENDMENTS

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Jerry W. Stevenson

5 House Sponsor: Lee B. Perry

7 LONG TITLE

8 General Description:

9 This bill makes changes to the Utah Prosecution Council.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ adds two city prosecutors to the council;
- 13 ▶ provides for an approval procedure for certain members;
- 14 ▶ allows for the appointment of resource prosecutors and sets qualifications; and
- 15 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

22 67-5a-1, as last amended by Laws of Utah 2018, Chapter 200

23 67-5a-2, as last amended by Laws of Utah 2001, Chapter 131

24 67-5a-4, as enacted by Laws of Utah 1990, Chapter 136

25 67-5a-5, as enacted by Laws of Utah 1990, Chapter 136

26 67-5a-6, as enacted by Laws of Utah 1990, Chapter 136

27 67-5a-7, as last amended by Laws of Utah 1997, Chapter 354

29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section 67-5a-1 is amended to read:

31 **67-5a-1. Utah Prosecution Council -- Duties -- Membership.**

32 (1) There is created within the Office of the Attorney General the Utah Prosecution
33 Council, referred to as the council in this chapter.

34 (2) The council shall:

35 (a) (i) provide training and continuing legal education for state and local prosecutors;

36 and

37 (ii) ensure that any training or continuing legal education described in Subsection
38 (2)(a)(i) complies with Title 63G, Chapter 22, State Training and Certification Requirements;

39 (b) provide assistance to local prosecutors; ~~and~~

40 (c) as funds are available and as are budgeted for this purpose, provide reimbursement
41 for unusual expenses related to prosecution for violations of state laws~~[-];~~ and

42 (d) provide training and assistance to law enforcement officers, as required elsewhere
43 within this code.

44 (3) The council shall be composed of ~~[10]~~ 12 members, selected as follows:

45 (a) the attorney general or a designated representative;

46 (b) the commissioner of public safety or a designated representative;

47 (c) four currently serving county or district attorneys designated by the county or
48 district attorneys' section of the Utah Association of Counties; ~~[a county or district attorney's~~
49 ~~term expires when a successor is designated by the county or district attorneys' section or when~~
50 ~~he is no longer serving as a county attorney or district attorney, whichever occurs first;]~~

51 (d) ~~[two]~~ four city prosecutors designated as follows:

52 (i) two by the Utah Municipal Attorneys Association; ~~[a city prosecutor's term expires~~
53 ~~when a successor is designated by the association or when he is no longer employed as a city~~
54 ~~prosecutor, whichever occurs first;]~~ and

55 (ii) two by the Utah Misdemeanor Prosecutors Association.

56 (e) the chair of the Board of Directors of the Statewide Association of Prosecutors and
57 Public Attorneys of Utah; and

58 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

59 (4) Council members designated in Subsections (3)(c) and (3)(d) shall be approved by
60 a majority vote of currently serving council members.

61 (5) A county or district attorney's term expires when a successor is designated by the
62 county or district attorneys' section or when the county or district attorney is no longer serving
63 as a county attorney or district attorney, whichever occurs first.

64 (6) A city prosecutor's term expires when a successor is designated by the association
65 or when the city prosecutor is no longer employed as a city prosecutor, whichever occurs first.

66 Section 2. Section **67-5a-2** is amended to read:

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

68 (1) The term of each council member is four years, unless the term is earlier terminated
69 by:

70 (a) the authority that designated the member; [or]

71 (b) the member ceasing to hold the office that qualified [~~him~~] the member for
72 membership; or

73 (c) voluntary resignation.

74 (2) A member whose term has expired may continue, for not more than four months, to
75 serve as a council member until a successor is selected and [~~qualified~~] approved.

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

77 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
78 appointed for a full term that commences on the date of [~~appointment~~] council approval. The
79 vacancy shall be filled according to the provisions of Section 67-5a-1.

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

82 Section 3. Section **67-5a-4** is amended to read:

83 **67-5a-4. Holding public employment.**

84 A member of the council may not be disqualified as a member by holding any public
85 office or employment, and [~~he~~] does not forfeit any office or employment due to [~~his~~]

86 membership on the council. This section takes precedence over any conflicting state law, local
87 ordinance, or city charter.

88 Section 4. Section 67-5a-5 is amended to read:

89 **67-5a-5. Quorum -- Meetings.**

90 (1) The attendance of [~~five~~] six members at any regular or special meeting of the
91 council constitutes a quorum. Any member may designate in writing a representative to attend
92 any meeting. The representative's attendance shall be counted toward the quorum, and [~~he~~] the
93 representative may vote on any issue.

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

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

98 (b) The [~~chairman or~~] chair, a majority of the members of the council, or the council
99 director may call a special meeting at any time or place upon five days notice to all of the
100 members. A quorum of all members may waive notice requirements in writing.

101 Section 5. Section 67-5a-6 is amended to read:

102 **67-5a-6. Council director -- Qualifications and compensation.**

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

105 (2) The director shall:

106 (a) be an attorney admitted to practice in the courts of the state;

107 (b) be selected on the basis of professional ability and experience in the fields of
108 administration, prosecution, and criminal law; and

109 (c) possess an understanding of court procedures, evidence, and criminal law.

110 (3) The director shall appoint resource prosecutors, with the consent of the council, and
111 consistent with attorney general personnel policies that are not in conflict with this chapter.

112 Resource prosecutors shall serve at the pleasure of the council. Resource prosecutors shall:

113 (a) be an attorney admitted to practice in the courts of this state;

114 (b) be selected on the basis of professional ability and experience in the fields of
115 prosecution and criminal law; and

116 (c) possess an understanding of court procedures, evidence, and criminal law.

117 (4) The director shall appoint and supervise administrative staff consistent with
118 attorney general personnel policy.

119 ~~[(3)]~~ (5) The council shall select and establish the compensation of the director,
120 resource prosecutors, and administrative staff,] consistent with state personnel policies.

121 Section 6. Section **67-5a-7** is amended to read:

122 **67-5a-7. Responsibilities of the director.**

123 Under the general supervision of the council and within the policies established by the
124 council, the director has the responsibility to:

125 (1) assign, supervise, and direct the staff of the council;

126 (2) implement the standards, policies, rules, and guidelines of the council;

127 (3) prepare and administer the budget of the council and comply with the Utah

128 Budgetary Procedures Act;

129 ~~[(4) conduct studies of prosecution procedures and systems in the state, including~~
130 ~~reference to the district attorney prosecution system, and prepare reports and~~
131 ~~recommendations;]~~

132 ~~[(5)]~~ (4) maintain liaison with governmental and other public and private groups
133 having an interest in prosecution;

134 ~~[(6)]~~ (5) organize and administer a program of training and continuing legal education
135 for prosecutors in the state, including establishing training standards for prosecutors;

136 ~~[(7) screen all requests addressed to any specialized investigation and prosecution unit~~
137 ~~created in the Office of the Attorney General for the investigation and prosecution of any child~~
138 ~~abuse offenses; and]~~

139 (6) ensure all statutory required training occurs; and

140 ~~[(8)]~~ (7) perform other duties as assigned by the council.