

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

Wednesday, April 17, 2019

UAC Offices

5397 S Vine Street

Salt Lake City, Utah

PENDING MINUTES

UPC : Barry Huntington, Chair, Garfield County Attorney
Will Carlson, Deputy Salt Lake County District Attorney (*designee of Sim Gill, Salt Lake County District Attorney*)
Robert Cosson, Chief Prosecutor, St. George City Attorney
Jann Farris, Morgan County Attorney
Stephen Foote, Chair-elect, Duchesne County Attorney
Steven Garside, Layton City Attorney (*designee of Haley Christensen*)
Ryan Peters, Juab County Attorney
Scott Stephenson, Deputy Director of P.O.S.T (*designee of Commissioner Keith Squires*)

EXCUSED: Haley Christensen, UPAA Co-Chair, Utah County Attorney's Office
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General
Commissioner Jess Anderson, Utah Department of Public Safety

UPC

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

GUESTS: Jeff Buhman, SWAP
Nic Mills, Kaysville City Attorney
Ed Montgomery, South Jordan City Attorney
Yvette Rodier, Deputy West Valley City Attorney
Scott Sweat, Wasatch County Attorney
Robert VanDyke, Kane County Attorney

I. WELCOME AND APPROVAL OF THE MINUTES - JANUARY 11, 2019

- A. The Council members were welcomed and the meeting convened.
- B. Stephen Foote made the motion to approve the January 11, 2019 minutes. Will

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Carlson seconded the motion and it passed unanimously.

- C. Robert Church reported that Trajan Evans is UPC's new law clerk. Trajan comes from the AG's office and shares his time between UPC and AG's office.
- D. Marilyn followed up on the non-timely payment of registration fees. Below is the percentage of outstanding fees that have been paid for 2018.
 - 1. Fall - 100%
 - 2. Spring - 45%
 - 3. UMPA - 50%
 - 4. Civil - 85%
 - 5. Basic - 95%
 - 6. UPAA - 50%

Offices and individuals interested knowing if they are outstanding can contact Marilyn.

- E. Credit Card Payments
As outlined in the Director's Summary and follow up on the issue of registration payment by credit card, it is available through Eventbrite with a small service fee of .25% per participant per event (i.e., \$75 registration x fee = \$73.16 to UPC.) The council discussed the possibility of increasing the registration fees to compensate for the fee. **Marilyn will revisit the issue with state finance and check with the courts to see what system they use.** The Training Committee recommended increasing the registration up to \$100 - \$125.

II. COUNCIL RETREAT

Mark your calendars for the Council retreat to be held on September 9-10, 2019 in Kanab.

III. FINANCIAL REPORT

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

- A. FY19 Budget Comparison Report
 - 1. Having nothing to report and hearing no questions, Robert Church moved to the next item.
 - 2. FY19 Surcharge Report
 - 3. Monthly Comparison.
 - a. Mar 19: \$45,452.90 Mar18: \$49,277.63
 - b. Feb 19: \$38,364.08 Feb 18: \$43,322.61
 - c. Jan 19: \$35,066.189 Jan 18: \$37,262.05
 - 4. FY 20 Budget Issues to be Aware Of
 - a. The AG's employees will receive 2.5% COLA approved by Legislature plus an additional \$1.5M to be distributed among employees in ways yet to be determined. Robert Church asked Craig Barlow, Acting Justice Division Director, if UPC will receive a portion of the appropriation for Ron and Marilyn as they are merit employees and if UPC will be reimbursed for bonus funding since the AG's office receives an appropriation to cover the cost of employee incentive awards. **He will update the Council at the next meeting.**

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IV. TRAINING COMMITTEE REPORT

Steve Garside, Chair of the UPC Training Committee asked Robert Church to give the training committee report. Additional information can be found in Directory's Summary.

A. Train the Trainer

1. Held March 18-22, 2019 at the Holiday Inn Express, Springdale, UT (the former Zion Park Inn.)
2. The following individuals were invited to attend.
 - b. Bastian, Lance Utah
 - c. Carlson, Will DA
 - d. Nielson, John AG
 - e. Rodier, Yvette WVC
 - f. Scott, Christine Utah
 - g. Telles, Ivy Summit
 - h. Wardle, Blair Box Elder
 - i. Choate, Andrew US Attorney's Office
 - j. Dotson, Chad Iron County
 - k. Klenk, Shane Iron County
 - l. Mills, Nic Kaysville City
 - m. Wuthrich, Steve AG
3. The course was very well received. Will Carlson commented that the skills he learned changed his presentation approach. He realized there was a difference from entertaining to educating. Yvette stated she has already applied the skills she learned in trials. Robert Church stated this year's group of students was outstanding and UPC will be using them in upcoming conferences as either presenters or faculty for Basic. He also complimented the faculty for their outstanding efforts.

B. 2019 Train Schedule

1. Spring Conference to be held April 18-19, 2019 at the Salt Lake Sheraton.
2. Wifi Fees
Robert Church explained those wifi fees were one of largest costs, particularly, for Spring Conference. The Council discussed whether to continue to offer this service or have participants rely on their own data plan, or increase registration fees to compensate for this cost. **After a lengthy discussion, the Council asked Marilyn to assess the wifi costs for each conference for the past year. Based upon that information, the Council will revisit this issue at the next meeting.**

C. Regional Legislative Update, April, May, June 2019

1. Robert Church mentioned the Regional Legislative schedule included in the Council packet.
2. In the past, representatives of the AG's office have presented at UPC Regional Legislative Updates. This year Ed Span, AG Investigator, asked if he could give a short presentation on the Rapid DNA machine. After a lengthy discussion, the Council felt there needed to be more information about this technology and considering the lack of endorsement from the State

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Crime lab that this should not be part of the UPC Regional Legislative Updates. Therefore, Will Carlson made the motion to decline their request and they were not invited to present on the Rapid DNA at the 2019 Regional Legislative Updates. Stephen Foote seconded the motion and the motion passed unanimously.

D. Non-UPC Sponsored

Robert Church reviewed the schedule for the following conferences.

1. Crime Victims Conference to be held at the Zermatt on April 25-26, 2019.
2. CJC/DV Conference to be held at Snowbird on May 15-17, 2019.
3. DV Boot Camp to be held at the Logan Riverwoods Conference Center on June 17-19, 2019.

V. UPA A REPORT

Because Haley Christensen was excused, Marilyn Jaspersen gave the UPA A report.

- A. The conference agenda is set and the brochure is due to go out the first of May.
- B. There are currently two openings on the board, a city and county position. Recommendations from the Council were welcomed.

VI. RESOURCE PROSECUTOR REPORTS

- A. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts. Tyson noted that January and February are the two highest months he has provided technical assistance.
- B. Marlesse Jones referred the Council to the in depth SADVRP report as outlined in the handouts. Marlesse mentioned revisions and improvements made to the Adult Sex Crimes Investigation Course curriculum. The course was held February 25-27, 2019. Due to these responsibilities, she can now give full attention to the Hb200 First Responder curriculum.
- C. Center for Prosecutor Integrity
Robert Church received a letter from Center for Prosecutor Integrity. He cautioned the council of this organization should any of them, or elected officials, and law enforcement receives such a letter. He indicated that this is an anti-prosecutor agency who puts out false and inaccurate information about prosecutor practices and policies. He referred the Council to the in depth report for additional information included in the Director's Summary.

VII. IT ISSUES - ePROSECUTOR

- A. Grant Issues.
 1. Two grant audits were performed from state and federal agencies to ensure the money is being used appropriately. Overall, the audit went well and UPC was praised on the quality of eProsecutor and the thoroughness and attention to detail throughout the entire project.
- B. Current Project Status
 1. Ron reported he was spending about 70% of his time on support. As more jurisdictions go on line his time will increase.
 2. Two factor authentication. For security purposes, Ron feels the two factor

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authentication is the best way to go particularly, for smaller offices, those offices using different devices, going to court or working away from the office, etc. He will be testing it in the JTI development system to work out any bugs.

3. Ron and JTI are still working with the Courts on efilings. The hope is be able to efile with the Courts by July.
4. The civil and juvenile module will soon be launched.
5. Ron's time on support will increase when more offices sign the MOU and begin to go live. Ron anticipates deployment will be sometime in August or September.

C. Back-up for Ron

Robert Church asked the Council's guidance on a back-up for Ron in case of an emergency. Ron indicated that when he retires he will give UPC plenty of notice so a replacement can be found and training can be done. The Council discussed some options. One suggestion was that Ron reach out to either Layton City's office or Salt Lake County DA's office and work with their IT person, who also works with JTI, that UPC could possibly contract with.

VIII. UPC STATUTE WAS AMENDED VIA SB 135

- a. Robert Church thanked Steve Garside for his efforts working with Senator Stevenson who helped work out the details and language on SB135.
- b. Two additional Council members were nominated by UMPA, Ed Montgomery of South Jordan City and Yvette Rodier of West Valley City. Will Carlson made the motion to accept the nomination to add Ed Montgomery and Yvette Rodier as the new city attorneys to sit on the Utah Prosecution Council. Stephen Foote seconded the motion. The motion passed unanimously.
- c. Robert Church directed the Council's attention to items on page 6 of Director's Summary including ii., iii., c., and d. for their review.

IX. COUNCIL RETREAT AGENDA ITEMS

Robert Church asked the Council to review the proposed Council retreat agenda as outlined in the Director's Summary. He welcomed any other suggestions for the agenda and indicated he would send out a draft agenda well in advance of the meeting for their input.

X. GRAMA Request

- a. UPC received and responded to the GRAMA requested included in the Director's Summary.
- b. Robert Church made the Council aware of the filing of Petition for Judicial Review. He indicated that Council may go online to review it.

XI. PROSECUTOR CENTER FOR EXCELLENCE SURVEY (Not to be confused with Center for Prosecutor Integrity)

Robert Church asked the Council if they would like to participate in the National Prosecutor Survey as explained in Director's Summary. Robert Church authorized Marilyn Jaspersen and recommended the UPAA Board members be designees in collecting the data from each

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participating office. After a lengthy discussion, the Council decided to table this item for the next meeting and distribute the Louisiana Report thereby give the Council more time to review it more closely. If there are questions, Robert Church can schedule a conference call between Kris Hamman and Council members. Ryan Peters made the motion to table this item until the Council can learn more about it. Jann Farris seconded the motion and the motion carried.

XII. COUNTY/DISTRICT ATTORNEY CONTACT INFO RELEASE REQUEST

Robert Church asked if he could release a copy of the county/district attorney mailing list to Dr. Cathy Marcum of Justice Studies at Appalachian State University in Boone, NC. Robert Church explained that he received an email from Dr. Cathy Marcum explaining that she and her colleague, Dr. George Higgins of University of Louisville are conducting a survey on the management of nonconsensual pornography cases. Dr. Marcum requested a list of contact information of the county/district attorneys in order to contact them. After some discussion, the Council indicated that Dr. Marcum could be directed to the UPC website to get that information.

XIII. NEXT MEETING

- A. TBD either June 5th or 6th or 7, 2019 (Marilyn will coordinate with SWAP to determine the date and time)
- B. Location - Park City
- C. Details forthcoming.

XII. ADJOURN