

*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, June 7, 2019**

**UPC Office**

**5272 College Drive**

**1<sup>st</sup> Floor Training Room**

**Murray, Utah**

**PENDING MINUTES**

UPC : Haley Christensen, UPAA Co-Chair, Utah County Attorney's Office (*designee of Yvette Rodier*)  
Will Carlson, Deputy Salt Lake County District Attorney (*designee of Sim Gill, Salt Lake District Attorney, Jann Farris, Morgan County Attorney*)  
Steven Garside, Layton City Attorney (*designee of Barry Huntington, Stephen Foote, Robert Cosson, Ed Montgomery, and Scott Stephenson (designee of Commissioner Jess Anderson)*)  
Ryan Peters, Juab County Attorney

EXCUSED: Barry Huntington, Chair, Garfield County Attorney  
Stephen Foote, Chair-elect, Duchesne County Attorney  
Robert Cosson, Chief Prosecutor, St. George City Attorney  
Jann Farris, Morgan County Attorney  
Sim Gill, Salt Lake County District Attorney  
Ed Montgomery, South Jordan City Attorney  
Sean Reyes, Utah Attorney General  
Yvette Rodier, Deputy West Valley City Attorney  
Commissioner Jess Anderson, Utah Department of Public Safety (*designee of Scott Stephenson, Deputy Director of P.O.S.T*)

UPC

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

**I. WELCOME AND APPROVAL OF APRIL 17, 2019 and May 16, 2019 MINUTES**

- A. The Council members were welcomed and the meeting convened.
- B. *Steve Garside (designee for Robert Cosson)* made the motion to approve the April 17, 2019 minutes. *Steve Garside (designee for Ed Montgomery)* seconded the motion and it passed unanimously.
- C. Ryan Peters made the motion to approve the May 16, 2019 minutes regarding the

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

Prosecutor Center for Excellence survey. Will Carlson seconded the motion and it passed unanimously.

- D. Review of action items from April 17, 2019 meeting:
1. I.E. Credit Card Payments
    - a. Have not heard back from the courts. **Marilyn will continue to follow up and report at the next meeting.**
  2. III.4. COLA
    - a. In the general funds we received as part of HB200/Trauma funds, funds for the COLA increase for all UPC employees was included. Those additional funds will not come out of the surcharge.
  3. IV.B. WiFi Costs.
    - a. After investigating the issue, we paid \$3,498 for Spring Conference. (That should have been double but Marilyn successfully negotiated it to half.)
    - b. We paid \$300 for Fall Conference.
    - c. All other WiFi costs were factored into room charges, facilities' fees, etc.
    - d. Council discussed at length regarding not providing wifi at the 2020 Spring Conference if it is held at the Sheraton. Notice of the change could be published in the brochure, announced at 2019 conferences, and published on the website. Other locations such as the Viridian Center in West Jordan, the U of U Law School, downtown library, and Noah's were mentioned as other venues for Spring Conference.
    - e. Haley and Marilyn reported on the status of gathering PCE survey below under the UPAA report.
  4. County/District Attorney Contact Info Release Request.
    - a. Bob referred the researcher that wanted the elected's contact information to the UPC web page.

## **II. FINANCIAL REPORT**

Bob Church gave an in depth financial report that covered up to the month of April. May and June receipts were not available.

- A. Quick Books (QB)
1. While finalizing the FY20 budget, QB crashed resulting in the loss of data going back to May 2018, a year's worth of data.
  2. UPC has the 2014 version of the software which really does need to be upgraded. Ron is looking at other programs. If we can't find anything that meets our needs, we will upgrade to the current version which is a subscription service.
- B. FY19 Comparison Report
1. With the loss of our data, Bob referred to the April comparison report and used the AG's financials to fill in the remaining information. Council was provided with the same information but in a different format. Marilyn gave an overview of expenses that included only personnel expenses and expenditures from June 2018 to June 2019 and estimated for the months of May and June 2019 with an estimated total of \$986,123.

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

- C. FY19 Surcharge Report
  - 1. Monthly
    - a. Apr 19: \$39,158.09    **Apr 18: \$47,177.21**
  - 2. Year to Date:
    - b. 2019: \$391,727.86    **2018: \$414,540.91**

Collection of the surcharge was discussed. Discussed how to collect empirical data on the surcharge. The discussion included checking with the courts to see where they are collecting revenue, how many cases of unpaid fines, and the amounts, they send to the State Office of Debt Collection (SODC), check with SODC to see how much they are collecting, how much they write off, where the revenue levels are dropping, and ask attorney offices what trends they are seeing.

### **III. FY20 BUDGET DISCUSSION**

Bob Church gave an in depth report. Please refer to the Director's Summary for more details. As outlined in Director's Summary, Bob explained the surcharge situation, and accounting of the budget as of April 2019 - FY2019 receipts projected to only be around \$480,000, budget options based upon projected FY20 appropriation, and the projected budget going forward based on appropriation and proposed increase in registration fees. After an in depth discussion regarding the three budget options the Council agreed upon the following budget recommendation - increasing registration fees for all conferences to \$125 for public employees and \$350 for non-public employees.

- A. Bottom Line Up Front: Staff Recommendation for FY20 Budget
  - 1. Bob recommended to adopt the Compromise Budget out of the two \$125 registration fee budgets that still had conferences being held at destination locations:
    - a. Increase the registration fee from \$75 to \$125 for all public attorneys employees, including the UPAA conference. Effective July 1, 2019.
    - c. Increase the registration fee for all public attorneys from \$300 to \$350.
    - d. To implement credit card payments for registration fee. There will be an additional 2.5-3% processing fee to the registration fee.
    - e. To implement the practice that any attendee who has an unpaid registration fee will not be able to complete a course evaluation, which without having paid the registration fee, the attendee will not be able to complete a course evaluation until the fee is paid. Attendees have 45 days in which to pay their registration fee. If the registration fee is still outstanding, the attendee will have to file their own CLE report to the Bar and pay the Bar's processing fee. UPC will not track those CLE credits.
    - e. Domestic Violence Conference. Keep it local.
    - f. Basic Prosecutor Course UPC will no longer cover any of the student costs. Offices will now pay the lodging, mileage and per diem costs for their students. At the end of the year, Bob will reassess the impact

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

of enrollment on the budget to see if there was any drop. If there is any impact, it may be that Salt Lake does not send as many students but that remains to be seen.

- g. Send only one UPC staff member to the biannual NAPC conference.
- h. UMAA: Bob will not attend.
- I. Council Retreat: Keep it local.
- j. Training Committee: Keep local.
- k. Discontinue the \$2,000 subsidizing of LEOJ. Bob's argument is that so few prosecutors are actually able to attend that they those attendees should pay the costs.
- l. Cancel Bloomberg Law subscription.
- m. UPAA would retain their \$12,000 appropriation to cover the cost of the UPAA Conference, but will no longer be able to keep the registration fee as part of the UPAA budget. Expenses for the Board to attend their meetings will come out of the UPC committee meeting line item.
- n. If Spring Conference continues to be held at the Sheraton, UPC will no longer provide wifi as mentioned above under I. D. 3. IV.B. WiFi Costs.
- o. Will use up existing supply of SWAG. The remaining brief cases will continue to be handed out at the Basic Prosecutor Course. At the end of the year, will reassess the budget to see if ordering any SWAG will be possible.
- p. No scholarships for prosecutors to attend out of state conferences.

Should there be any changes in surcharge receipts the budget could return to its usual expenditure practices, conference locations, and schedule of events.

Other cost saving options discussed included to ask the AG's office to waive the \$30,000 administrative fee for one year, gotomeeting.com in lieu of in person meetings, Council members get mileage reimbursement through their agency, try to recover the \$70,000 DV funds. Steve Garside recommended collaborating with the other agencies affected by the surcharge short fall, come up with a strategy, and together take the issue to Representative Hutchings and Representative Anderegg but not during the session. Also include meeting with President of the Senate, Stuart Adams. A couple of options to consider would be restoring the surcharge and dedicate funding. It also would be helpful for the appropriation committees to know what's happening with the surcharges and what surcharges are funding. **Bob will reach out to those agencies and set up a meeting as discussed. Also, Bob will draft a letter to attorneys at large outlining the changes due to the decrease in the surcharge. Marilyn and Bob will look at other venues options such as the library.**

## B. Discussion and Motion

1. Steve Garside made the motion to increase the registration fee structure from \$75 to \$125 for all public attorneys, increase the registration fee for UPAA (non-attorneys) from \$75 to \$100 and increase the registration fee for all public attorneys from \$300 to \$350. All to be effective July 1, 2019. And to adopt the proposed Compromised Budget and/or the items as discussed above and then reassess the

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

budget in September 2019. The motion was seconded by Will Carlson and the motion passed.

#### **IV. TRAINING COMMITTEE REPORT**

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

- A. Conferences Since Last Council Meeting
  - 1. Spring Conference was well received.
  - 2. Regional Legislative Update, April, May, June 2019
    - a. Tyson and Marlesse have done the RLU's this year and reported that the attendance numbers seemed up from last year. Marlesse reported that as a result of the personal face-to-face at the RLU that a request for more training came from the Moab Chief of Police.
- B. Non-UPC Sponsored
  - 1. Crime Victims Conference, April 25-26, 2019, Zermatt
    - a. Marlesse took over as chair after Dave Carlson's accident and hosted the conference. She did an amazing job.
  - 2. CJC/DV Conference, May 15-17, 2019, Snowbird
    - a. Well done.
- B. 2019 Training Schedule
  - 1. UPAA Conference, June 19-21, Logan
    - a. Agenda overview
    - b. To date, registration is at 84.
    - c. UPAA Board city & county member positions are yet to be fill.
  - 2. Basic, August 18-23, Logan
    - a. Committee has yet to meet.
  - 3. Fall Conference, October 2-4, St. George
    - a. Agenda set
  - 4. Training Committee Meeting, October 14, 15, Local
  - 5. Civil, October 16-18, Moab
    - a. Committee has yet to met.
  - 6. UMPA, November 7-8, Zion
    - a. Committee has met and agenda drafted.
  - 7. County Executive, November 14-15, St. George
  - 8. DV Bootcamp moved to March, 2019, Local
  - 9. Steve Garside suggested speaker/topics as back ups. Chris Ballard, Appellate Division, RE: hot issues from the appellate. Have Chris, either, at Fall Conference or Spring Conference. Chad Grunander has good information on using jail house informants, ethic dilemmas, etc.
- E. Sovereign Citizen Training - Cosponsored with Investigations Division, AG's Office
  - 1. Chris Walden, Executive Officer, Investigations Division, AG's office approached Bob about cosponsoring a conference dealing with sovereign citizens.
  - 2. An officer training company, Calibre Press, will come and teach a 1-day, 8-hour course on how sovereign citizens behave in court, the meaning of their rhetoric and agenda. The instructor says that he usually has many prosecutors

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

and judges who also attend. Because of the expected interest, the course will be taught twice, November 25, 26, 2019.

3. They charge \$85 registration fee and handle the registration. Investigations Division and UPC will provide the training room, 1<sup>st</sup> Floor College Drive, and snacks.

## **V. UPAА REPORT**

Haley Christensen gave the UPAА report.

### **A. PCE Survey Report**

1. Surveys have been distributed to the Board and they have sent them out to their regional contacts.
  - a. The spread sheet has yet to be completed with the contact person and email addresses. Questions from the Council need to be given to the Board. **Bob will reach out to Jeff Buhman for the questions.**

## **VI. RESOURCE PROSECUTOR REPORTS**

**A.** Bob Church gave the TSRP report for Tyson Skeen. Please refer to the in depth TSRP report as outlined in the handouts.

1. Last year was the highest number of individuals trained by the TSRP in a year. Tyson trained 400+ people beyond the pace set last year at this same time. It will be interesting to see how the year finishes off, but he anticipates exceeding last year's record training total.
2. The month of May had the highest number of technical assistance provided in any month he's done so far. That means 3 of the last 5 months set new highs for that area.
3. Tyson was selected to go and assist Idaho with the Train the Trainer course.
4. For FY21, Tyson believes he can amend his grant request to include a DUI course. By focusing Basic on a DUI/DRE format he believes this would qualify for increased grant funding. This could have a positive affect on the budget. Update to follow.

**B.** Marlesse Jones referred the Council to the in depth SA/DVRP report as outlined in the handouts.

1. April was taken up with the Crime Victims Conference.
2. Focusing HB 200 training on cities and will be going back to Layton. Will shift focus to regions that have the smaller agencies.
3. UHP has reached out Marlesse and will help do some training on road side DV traffic stops.
4. Julie Valentine, BYU contacted Marlesse with an idea of doing a shift briefing video, 3 minutes or so, for law enforcement. Valentine has funding needs. Marlesse could partner with Julie and use HB200 funding. Further, discussion on details to follow.

## **VII. IT ISSUES - ePROSECUTOR**

### **A. Grant Issues**

1. Received final grant amount. Journal is paid and eProsecutor is now fully paid for!

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

- B. Current Project Status
  - 1. As discussed at the April 17, 2019 meeting, two factor authentication will be the way to go. Ron will continue to test it in the JTI development system and work out any glitches.
  - 2. Civil portion of the program was tabled. Still need to work out the configuration.
- F. Back-up for Ron
  - 1. Layton City has volunteered their services. Ron will follow up with Layton and report at the next meeting. Journal is in agreement.

### **VIII. COUNCIL ISSUES**

- A. Membership - Region III Replacement
  - 1. Barry Huntington's term on the Council has expired and he is not seeking to serve another term. Thanks and appreciation for Barry's service was expressed.
  - 2. Robert Van Dyke from Region III has volunteered to replace Barry. By acclamation Region III representatives nominated Robert Van Dyke. *Steve Garside (designee of Barry Huntington)* made the motion to accept the nomination and recommended Robert Van Dyke to be the Region III representative on the Utah Prosecution Council. *Will Carlson (designee of Jann Farris)* seconded the motion. The motion passed unanimously.
  - 3. Stephen Foote will now be the Chair. A new Chair-Elect will need to be nominated at the next council meeting.
- B. Council Retreat -

This item was tabled. Bob will draft a proposed agenda and send out to the Council for their review and finalization. The theme for the retreat was what is the Council's role and leadership training.

### **IX. NEXT MEETING**

It was discussed to hold the next meeting in August, however, that is too soon to address budgetary issues.

- A. It was recommended to keep the meeting for Wednesday, October 2, 2019
- B. In conjunction with Fall Conference.
- G. Hilton Garden Inn - St. George.

### **XII. ADJOURN**