

Utah Prosecution Council Meeting
Wednesday, April 30, 2020, 10:30 a.m.
Virtual Meeting

Approved Minutes

Present:

Stephen D. Foote, UPC Chair, Duchesne County Attorney
Robert L. Cosson, Co-Chair, St. George City Attorney
Scott Stephenson, Deputy Director of P.O.S.T., (*designee of Jess L. Anderson, Utah Commissioner of Public Safety*)
Kathy Locker, UPAAC Chair, Salt Lake County District Attorney's Office
Jann L. Farris, Morgan County Attorney
Steven L. Garside, Assistant Layton City Attorney
William Carlson, Deputy Salt Lake County District Attorney
(*designee of Sim Gill, Salt Lake County District Attorney*)
Ed Montgomery, City of South Jordan
Ryan Peters, Juab County Attorney
Craig Barlow, Assistant Attorney General (*designee of Sean Reyes, Utah Attorney General*)
Yvette Rodier, Deputy West Valley City Attorney
Robert VanDyke, Kane County Attorney

Excused:

Jess L. Anderson, Utah Commissioner of Public Safety
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General

1. **WELCOME AND APPROVAL OF THE MINUTES - JANUARY 10, 2020 & APRIL 2, 2020**
 - a. The Council members were welcomed and the meeting convened.
 - b. Steve Garside made the motion to approve the January 10, 2020 and April 2, 2020 meeting minutes. Rob Van Dyke seconded the motion and the motion passed unanimously.
 - c. Follow-up Items
 - i. Bob reviewed the follow-up items as outlined in the Director's Summary.

2. FINANCIAL REPORT

Bob Church gave an in depth financial report up to the month of March 2020. Revenue report through February is pending from the AG's finance office. Only half of TSRP reimbursements have been received. Please refer to Director's Summary for additional details. Highlights that were discussed are listed below.

a. Registration Fees.

- (1) With the approval of HB8, \$125 for public employees and \$350 for private attorneys. Going forward, attendees' registration fee payments must be received before attendees can gain access to complete a course evaluation/certificate for their CLE. The conference evaluation period will remain open for a reasonable amount of time after the conference is ended for late payments and evaluation completion.

b. FY20 Budget Comparison Report

(1) Impact of COVID for the remainder of FY20

- (a) Spring Conference, pre-COVID registration fees was projected at \$35,625 based upon \$125 registration fee. At the reduced registration fee of \$50 at 245 registered as of 4-22-20, registration fee income is \$12,250.00. Having made adjustments from the normal hotel/convention expenses of approximately \$30,000 the new readjusted expenses are the following:

(i) Projected expenses:

- 1) Facilities: \$1,600 - live broadcast expense
- 2) Catering: \$250
- 3) MCLE Fees: \$3,750

- (ii) Based on these numbers project a net gain of \$6,650.00

(b) UPAA Conference

- (i) The June UPAA Conference has been canceled with no imposed penalties from the hotel. Renegotiating the contract with the Provo Marriott for next year is being considered.

- (ii) Loss of \$9,375.00 in registration fees

- (iii) Save expenses of \$12,000.00

- (iv) Project a net gain of \$2,625.00

- (v) The UPAA Board considered moving this conference to September, but the conference would be held twice in one fiscal year. Salt Lake County have suspended any outside training for their staff this year. Also, for this calendar year, there are too many budget unknowns for other jurisdictions resulting from the COVID impact.

- (vi) Also, DV Boot Camp training that was to be held in March was canceled. It is being rescheduled for January 2021.

- (vii) The carry over from this line item along with other conference line items are in question and will be addressed when Bob Church meets with Kimberly Schmeling, AG’s Chief Financial Officer.
 - (c) AG’s office and the state fiscal office are asking for an accounting of lost income, expenses occurred and other fiscal impacts due to COVID-19. Everyone is in a waiting pattern.
- c. FY20 Surcharge Report
- | | <u>Monthly</u> | | <u>Difference</u> |
|-----|---|---------------------|-------------------|
| (a) | Jan 20: \$35,882.78 | Jan 19: \$35,066.18 | \$816.60 |
| (b) | Feb 20: \$37,716.08 | Feb 20: \$38,364.08 | \$648.00 |
| (c) | Mar 20: \$31,509.84 | Mar 20: \$45,452.90 | \$13, 943.06 |
| (2) | Yearly through March 2020 | | |
| (a) | 2020: \$339,790.83 | 2019: \$352,569.77 | \$12,778.94 |
| (3) | Before COVID, surcharge receipts were up \$1,164.03. February’s yearly comparison receipts: | | |
| (a) | 2020: \$308,280.99 | 2019: \$307,116.87 | \$1,164.03 |
- ii. Speculation
 - (1) UPC staff are discussing and keeping a close eye on the budget and considering all possible solutions. Until there is hard information, we can’t do more than speculate. For next year’s budget, Bob will update the Council at the June meeting when more information is available.

3. 2020 LEGISLATIVE SESSION

Bob Church reported on the 2020 Legislative Session and highlighted items as it related to UPC. Please refer to Director’s Summary for additional details.

- a. HB485 - Amendments Related to Surcharge Fees

This bill appropriates \$492,000.00 in FY21 to the Prosecution Council through the AG’s overall budget. This amount was determined based on what UPC received from the surcharge in FY19. Most likely UPC will be asking the legislature for funding, particularly, if there is a shortfall. With the uncertainty of COVID’s impact on the state’s budgets, Bob doesn’t think UPC will experience a “normal” budget year for at least two years.
- b. HB10 - Boards/Commissions

Referring to lines 14, 15: This bill: repeals the following entities and certain provisions related to the following entities:

 - (1) Line 104: the Utah Prosecution Council;
 - (2) Line 2273: Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027
 - (a) This is extended out from 2024 in the first draft of the bill.
 - (3) Bob spoke with Rep. Roberts who assured him UPC was not going away. This bill is simply to create a trigger for the legislature to review the mission and effectiveness of each board.

- c. **HB3 - Appropriations Adjustments**
As reported at last Council meeting, Bob met with Alex Wilson, Legislative Affairs. The legislature is requiring offices who receive state funding to come up with performance measurements. The goal is to come up with a measurable way to track an agency's success. HB3 requires UPC to report our performance measures. UPC's report to the Executive Offices and Criminal Justice Appropriations Subcommittee is due by October 15, 2020. In the meantime, Ron will be creating a survey that will precede a course evaluation and be available only to prosecutors. In the survey instructions, the prosecutor will be directed to respond only for his or her cases, not the entire office, and for the last 12-month period. For prosecutors that attend more than one conference in a 12-month time period and who respond more than once, possibly duplicating their responses, Ron is devising a way to track that and exclude duplicate answers. Please refer to Director's Summary for the proposed survey questions.

4. SWAP/UPC BEST PRACTICES POLICY

SWAP held a press conference announcing and introducing the policy. Not a huge media turnout but there were a few news outlets present. Haven't heard any feedback.

5. TRAINING COMMITTEE REPORT

2020 Training Schedule - concern over attendance in light of budget restrictions due to COVID

- i. DV Bootcamp
 - (1) Canceled. Again. Rescheduled to January 20 - 22, 2021 at Holiday Inn Express in Springdale.
- ii. Spring Conference
 - (1) Ready to broadcast remotely from Layton City.
 - (2) Registration at 245
- iii. Regional Legislative Update
 - (1) RLU schedule was in the process of being revised. The final revised schedule will be posted on the UPC website as well as distributed to all pertinent areas.
- iv. Basic
 - (1) August 16-21, 2020
 - (2) Riverwoods Conference Center, Logan
 - (3) Committee met Monday, April 27, 2020
- v. Fall Conference
 - (1) September 23-25, 2020
 - (2) Uintah Conference Center, Vernal
 - (3) Planned and speakers confirmed
- vi. Government Civil
 - (1) Kanab at their brand new conference center.
 - (2) Stayin at LaQuinta
 - (3) Planning committee has yet to meet
- vii. UMPA Conference
 - (1) Hoodoo, Curio Collection by Hilton
 - (2) Marilyn was able to negotiate the state rate on hotel

6. **UPAA REPORT**

See report above under Financial Report. In addition, there are still two board positions open.

7. **RESOURCE PROSECUTOR REPORTS**

- a. Marlesse Jones referred the Council to the SADVRP report as outlined in the handouts. Marlesse mentioned that due to COVID-19 there has been a shift in collaborating with other committees and developing other training tools such creating domestic violence quick reference booklets. She also met with a stake holders group and they are developing a DV training curriculum for law enforcement. It will be webinar based through POST in a 4 to 6 hour training format.
- b. Tyson Skeen referred the Council to the TSRP report as outlined in the handouts. Tyson noted that due to COVID-19 and having travel plans canceled there have been changes made to his grant that would take unused travel funding and put it toward the purchase of webinar equipment. The content can be accessed on the UPC website. Tyson also mentioned that as the Regional Legislative Update schedule is revised, UPC looks forward to providing this training as conditions permit.

8. **ePROSECUTOR**

Bob Church and Ron Weight gave an update on eProsecutor. Please refer to Director's Summary for additional details.

- a. Data Storage has become an issue and close to exceeding our contractual amount of data storage, 100GB. Going forward, Ron will be able to track how much storage a given agency is using and how to calculate that to the total amount of storage. The type of data storage such as videos, Ron is not able to distinguish.
- b. Data Storage cost. JTI discounted a TB from \$5,000 per TB per year to \$1,000 per 1TB of storage. Ron will convene the oversight committee to discuss how to apportion this cost among all the users. For now, UPC will be purchasing 2TB.
- c. Ron continues to deploy eProsecutor as well as answering questions and providing support. Until travel restrictions are lifted, Ron will mostly work remotely, but he will go to offices by appointment only if conditions permit. He is also working on developing eProsecutor training that can be done remotely.
- a. Grant funding. With Spring Conference past, Bob will get a grant application submitted for additional licenses for eProsecutor. This will also include data storage. The application is due in May.
- b. FYI. Journal Technologies will no longer support Justware, their server based product. The counties using Justware are having to work with JTI and determine if they want to convert to eProsecutor. In the beginning, UPC was hoping to absorb all counties under our eProsecutor contract, however, for several reasons that appears unlikely.
 - i. eProsecutor is a one-size-fits all. Justware users have tailored their program to fit their needs. Those making the move do not want to lose their tailored program so are negotiating with Journal for their own contracts or are submitting RFP's for another case management system.
 - ii. Storage capacity. Justware counties have a tremendous amount of storage. Under the current terms of the contract, it was cost prohibitive to bring all that data under our contract. With the drop in price to \$1,000 per TB it

would be more economical to transfer data, but the one-size-fits-all program as mentioned above, will probably be the reason Justware counties do not purchase licenses under our contract.

9. OTHER BUSINESS

- a. Spring Conference will be live broadcast from the Layton City Council Chambers. A special thank you to Steve Garside for helping to arrange this with Layton City. Also, a big thank you to Bill Francis who will be running the live broadcast. The broadcast will be posted on the UPC website in 60 minute blocks.
- b. Bob reported that he and Marilyn attended a meeting regarding a product used by UDOT for online training. The AG's office is also looking into purchasing this type of product. UPC could benefit from it for webinars.

10. NEST MEETING

June 19, 2020 at 10:00 a.m.
College Drive via remote

11. ADJOURN

Craig Barlow made the motion to adjourn the meeting. Steve Garside seconded and the motion passed.