

*These minutes have been approved by the Utah Prosecution Council at their
August 5, 2020 Council Meeting.*

Utah Prosecution Council Meeting
Thursday - June 4, 2020, 1:00 p.m.
Virtual Meeting

Approved Minutes

Present:

Stephen D. Foote, UPC Chair, Duchesne County Attorney
Robert L. Cosson, Co-Chair, St. George City Attorney
Kathy Locker, UPAA Chair, Salt Lake County District Attorney's Office
Jann L. Farris, Morgan County Attorney
Steven L. Garside, Assistant Layton City Attorney (*designee of Scott Stephenson,
Deputy Director of P.O.S.T. and Ed Montgomery, City of South Jordan*)
William Carlson, Deputy Salt Lake County District Attorney
(*designee of Sim Gill, Salt Lake County District Attorney*)
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
Ed Montgomery, City of South Jordan
Sean Reyes, Utah Attorney General
Scott Stephenson, Deputy Director of P.O.S.T.

1. **WELCOME AND APPROVAL OF THE MINUTES - APRIL 29, 2020**
 - a. The Council members were welcomed and the meeting convened.
 - b. Craig Barlow made the motion to approve the April 29, 2020 with the correction that Robert Cosson should be listed as Co-Chair instead of Robert VanDyke. Steve Garside seconded the motion and the motion passed unanimously.

2. REPORT FROM EOCJ HEARING: 2/5/10% PROPOSED BUDGET CUT

Bob Church gave an in depth update regarding proposed budget cuts and UPC's very existence. Please refer to Director's Summary. The highlights of the discussion were the following:

Bob explained that on May 21st 2020, he learned of the 2/5/10% budget reduction proposal from Dan Burton, AG's office. The legislative fiscal analyst (LFA) requested agencies to be prepared to cut these amounts from their budget. Bob proposed a 10% budget cut.

The LFA submitted proposed budget cuts. As part of a 10% budget cut in the AG's office, the LFA proposed eliminating UPC. The LFA noted that the state was subsidizing prosecutor training and that prosecutors could go elsewhere for their training. With UPC's budget appearing to be part of the AG's office, it was assumed that to reduce or cut UPC would help to reduce the AG's overall budget issue.

Bob appeared at the EOCJ hearing where the proposed budget that included eliminating UPC was discussed. Dan Burton told the committee General Reyes and the office did not support eliminating UPC. Rep's Romero and Ferry also were opposed to eliminating UPC. During the hearing, several members called or texted Dan asking why UPC was being considered to be eliminated. Ultimately, the EOCJ voted to approve the budget and refer it to the Executive Appropriations Committee. However, the committee agreed to write a letter to the EAC in support of finding other ways to keep UPC.

The special session will convene June 17-18, 2020 and EAC should be meeting the week of June 8-12, 2020. Two misconceptions exist in the LFA's proposed budget. One, that the state subsidizes training. It was explained that surcharge fees are only generated because of the work of law enforcement officers, prosecutors and court personnel. The second misconception is that training options exist elsewhere. Technically true, it was explained that the "other" training options have no applicability to criminal law for Utah prosecutors and organizations like NDAA trainings are very expensive and not Utah specific.

3. TIMELINE

Bob Church reported that a Legislative special session is scheduled for June 17-18, 2020. The Executive Appropriations Committee will be meeting 7-10 days before.

4. EFFORTS TO EDUCATE LEGISLATORS/SUPPORT FROM PROSECUTORS

Bob Church asked the Council for additional suggestions. Please refer to the Director's Summary and Attachment C. The Council discussed several ways and recommended sending out letters in general, get in touch with representatives that have influence, focus efforts on the EOC members, particularly the Chair and Co-chair. Also, with current events happening in terms of reform, the messaging could include the need for training and education for law enforcement and prosecutors.

5. WHAT DOES A 10% BUDGET REDUCTION LOOK LIKE

Bob Church gave an in depth report showing what a 2/5/10% budget cut as outlined in Tab D. He explained what a 10% budget reduction would look like the following.

10% would be a total budget cut of \$69,780 with 2 and 5% cuts = \$35,018, hold UMPA remotely = \$4,349, cancel Basic = \$21,000, hold Spring 2021 remotely.

Other suggestions included looking at personnel cuts or reductions, canceling 2020 Basic, and forgo attending NAPC for the next one to two years.

There was discussion on just how many prosecutors would be able to attend any of our courses in FY21. Salt Lake County has already decided not to send any staff to UPC conferences for at least the remainder of calendar year 2020 and possibly longer. Other jurisdictions may not be able to send anyone, or not as many people as they have in the past. A discussion of registration fees took place and whether registration fees should be reduced and if so, by how much.

Basic is the most expensive course for UPC to sponsor and is the most expensive for offices since it requires 5 nights hotel, per diem and travel costs. The pros and cons of canceling the conference took place.

Robert VanDyke made the motion to cancel 2020 Basic Prosecutor Course. Will Carlson seconded the motion and the motion passed with Steve Garside opposing the motion.

6. REGISTRATION FEES

In addition to the Director's Summary regarding setting next years budget and whether to keep the registration fee at \$125 particularly in light of the previous discussion. The Council recognized that agencies across the state would be dealing with budget issues such as sending people to trainings and that if the registration fee increased it would most likely decrease attendance. Not to mention, per diem costs for out of town conferences. It was noted that UPC provides the maximum amount of CLE hours for the most inexpensive price versus going somewhere else for CLE. After an in depth discussion, Steve Garside made the motion to keep the registration fee the same as well as offer streaming services with the understanding that these changes were for this year only and are due to the COVID-19 uncertainty. Robert Cosson seconded the motion and the motion passed unanimously. Marilyn was asked to check with the Bar to see if next year there is a limitation on live or broadcasting CLE.

7. FY21 BUDGET

Tabled for next Council meeting.

8. NEXT MEETING

Monday, July 13, 2020

1:00 p.m.

Remote

9. OTHER BUSINESS

- a. Jury Instructions Committee for Supreme Court
SWAP and UPC are seeking volunteers to be a part of a Jury Instruction Committee to discuss and divide up new proposed jury instructions. Volunteers included Will

Carlson, Ryan Peters, and Steve Garside. Bob will schedule a virtual meeting next week.

10. ADJOURN