

PAC MEMBERS PRESENT

Russell Coleman, Attorney General
Rob Duncan, Proxy for Attorney General
Jackie Steele, Commonwealth's Attorney, 27th Judicial Circuit
Courtney Baxter, Commonwealth's Attorney, 12th Judicial Circuit
Brian Wright, Commonwealth's Attorney, 29th Judicial Circuit
Martin Hatfield, Pulaski County Attorney
John Estill, Mason County Attorney
Jenny Oldham, Hardin County Attorney
Joe Ross, Logan County Attorney
Lisa Foley, Citizen member
Margaret Daniel, Citizen member

PAC/OAG STAFF PRESENT

Bobby Stokes
Rewa Zakharia
Amy Burke
Sheila Kratzer
Julie Cox
Penny Quatman
Susan Blake
Harry Rothgerber
Jenny True Reed
Tom Lockridge
Gina Carey
Alyssa Logan
Matt Moye
Samantha Bracco

GUESTS PRESENT

Nicholas Marsh, Carroll County Attorney
Kelly Clarke, Commonwealth's Attorney, 19th Judicial Circuit
John Hayne, Assistant Fayette County Attorney
Sarah Merha, Assistant Jefferson County Attorney
Jeff Derouen, First Assistant Jefferson County Attorney
Karen Young, 30th Judicial Circuit
Kimberly Baird, Commonwealth's Attorney, 22nd Judicial Circuit

Jennie Haymond, Madison County Attorney
Aaron Silletto, Executive Director of the Attorney General's Office of Civil and Environmental Law
Marc Robbins

Pursuant to KRS 15.100(2), Executive Director, Bobby Stokes called the roll. After the roll was called, a quorum was announced, and the meeting was called to order. Bobby Stokes welcomed everyone to the PAC meeting. Bobby Stokes announced there is a new addition to the PAC staff, Matt Moye, who will assist Susan Blake with trainings.

ADMINISTRATIVE

Bobby Stokes directed the Council to review the meeting minutes from the February 21st, 2024, PAC meeting for approval, Rob Sanders made a motion to approve the February 21st, 2024, minutes, the motion was seconded by Jackie Steele, and passed by voice vote.

TRAINING UPDATE

Susan Blake reported in addition to the Jury Selection course occurring in May, the training branch has planned other events for this year and next. The Basic Training for Commonwealth's attorneys is scheduled for December. With elections taking place this year, KPI will be offered for both Commonwealth's and County Attorney's early next year. She and Tom Lockridge attended a one-day Evidence Bootcamp in Indiana and are considering duplicating the course in Kentucky. In April she will attend a two (2) day Leadership Challenge training in South Carolina with Gerina Whethers and Kimberly Baird to provide their opinions on providing the course in Kentucky. She continues to make additions to the video library and PAC has four (4) videos scheduled to be filmed in the next few months. The Elder Abuse training will include presentations by adult protective services, as required by the statute, and the Medicaid fraud division of the Attorney General's office. In addition, a Child Sexual Abuse overview presented by Tom Lockridge and Rewa Zakharia will be filmed. She traveled with Bobby Stokes, Gina Carey, Chad Coleman, and Matt Moye to the Galt House to review the space for the 2024 Kentucky Prosecutors Conference. She is working to complete the schedule and hopes to have a draft available to the Council in the next few months.

RESOURCE PROSECUTOR UPDATE

Tom Lockridge reported he concluded his previous capital case with a guilty plea and has been busy working on additional projects. He traveled with Susan Blake to Indianapolis to attend a one-day Evidence Bootcamp in Indiana which provided great evidence training information for new attorneys. He and Susan Blake plan to offer the same evidence bootcamp in Kentucky in the fall of 2024. He and Rewa Zakharia will present on Child Sexual Abuse cases to be filmed for the video library. He has been working on cases to assist the Letcher County Attorney's office. He's planning a two-and-a-half-day course to take place early next year and continues to assist several Judicial Circuit's on technical issues.

Jenny True Reed, the Traffic Safety Resource Prosecutor reported the Drugged Driver training took place at the end of February. Thirty prosecutors and law enforcement officers collaborated and experienced a very successful training. She traveled with Dr. Davis to Louisville to provide a Department of Criminal Justice training. Ninety (90) officers attended, allowing them the opportunity to stress the importance of having a person present to perform a blood draw in fatality collisions. The next training will take place in Frankfort on April 15th, 2024, and 80-90 law enforcement officers are expected to attend. She continues to work with Gail Whitt on the Lethal Weapon training taking place at the Marriott East in Louisville May 21-23, 2024, and announcements will go out in April. This morning she spoke with the Kentucky State Police crash technicians. She is planning a TSRP DUI update in Madisonville on July 23rd, 2024. She has received several questions regarding medical marijuana when it takes effect and encouraged everyone to continue to ask questions so she can communicate those inquiries to the Kentucky Medical Cannabis Program to stay on the same page.

Jenny True Reed reported for Kathy Phillips, the Domestic Violence Resource Prosecutor. She stated Kathy Phillips will be presenting at a conference in Paducah Kentucky on April 20th, 2024, on Domestic Violence and Strangulation. In May she will assist with the Jury Selection course. She is creating a one (1) day Domestic Violence summit to take place early fall 2024 in Henderson Kentucky. The premise of the summit is to expand the jurisdictional multi-disciplinary teams training to prosecuting and the investigation of domestic violence into a full-day training that can be provided throughout different regions in the state.

COMMONWEALTH'S ATTORNEY 47TH JUDICIAL CIRCUIT

Bobby Stokes announced a change in the order of the agenda to accommodate a PAC Council member that needed to leave the meeting early to discuss an important matter.

Attorney General, Russell Coleman made a motion to move to a closed session in pursuant to KRS 61.810 (1)(f) to discuss a matter related to the possible dismissal of a UPS/PAC employee, the motion was seconded by Courtney Baxter, and passed by voice vote.

Attorney General, Russell Coleman made a motion to return to regular session, the motion was seconded by Rob Sanders, and passed by voice vote.

Bobby Stokes requested a motion to set a special meeting for April 5th at 10:00 AM EST in Frankfort Kentucky. Rob Sanders made a motion to set a special meeting to take place on April 5th at 10:00 AM EST in Frankfort Kentucky, the motion was seconded by Margaret Daniel, and passed by voice vote. Bobby Stokes added the PAC Council will allow telecommuting during the April 5th special meeting for the Council and witnesses. A motion was made by Rob Sanders to approve telecommuting during the special PAC meeting on April 5th, 2024, the motion was seconded by Martin Hatfield, and passed by voice vote. Rob Sanders made a motion to allow Rewa Zakharia to issue subpoena's as necessary on behalf of the PAC Council for necessary documents and witnesses to be present for meeting. Additionally, to allow for the Attorney General to pursue litigation in Letcher County for the removal of the Commonwealth's Attorney, if necessary. The motion was seconded by Brian Wright and passed by voice vote. Rob Sanders made a motion allowing Bobby Stokes to review and approve administrative responsibilities for the 47th Judicial Circuit. The motion was seconded by Jackie Steele and passed by voice vote. Rob Sanders made a motion that no administrative personnel changes should be made to the 47th Judicial Circuit office now until matters are resolved within the 47th JC without PAC's approval, the motion was seconded by Brian Wright, and passed by voice vote.

PAC STAFF PAYROLL CERTIFICATIONS

Bobby Stokes Directed the Council to review the February 29, 2024, and March 15, 2024, PAC/UPS payroll certifications in the folders provided for approval. Jackie Steele made a motion to approve the February 29, 2024, and March 15, 2024, PAC/UPS staff payroll certifications, the motion was seconded by Joe Ross, and passed by voice vote.

OAG PROSECUTORS CIVIL SUIT REVIEW PROCESS

Bobby Stokes announced the Council asked that Aaron Silletto, the Executive Director of the Attorney General's Office of Civil and Environmental Law, attend today's PAC meeting to provide clarification regarding questions brought forward regarding Civil matters that may occur within offices. Aaron Silletto directed the Council to a letter located in the folders provided, signed by both Bobby Stokes and himself, which outlines the services available to offices facing civil matters. Aaron Silletto explained that the AG's office provides Civil representation to prosecutors when facing possible Civil litigation. This representation may begin upon a request by the prosecutors once a subpoena is received related to a civil matter within the scope of their employment. Mr. Silletto directed the Council to the email address located on the letter provided, to be used if in need of Civil representation, at which a brief intake process will be performed internally. Mr. Silletto reaffirmed that representation may be provided when the subject of the Civil action is related to the acts or omissions that arise out of the course and scope of your service to the Commonwealth. The scope at which the Attorney General's Office of Civil and Environmental Law is very broad. However, when they're unable to provide representation, their office may contact trusted outside council to refer those cases to. Mr. Silletto assured the Council the County and Commonwealth's Attorney's offices aren't providing financial assistance for their services, pursuant to KRS 12.215 the Attorney General's Office of Civil and Environmental Law bills the Finance and Administrative office directly. He explained in the unlikely event of an adverse judgement there is a process in KRS chapter 15 for this body to review and make sure the case was within the course and scope of the prosecutor's duties, assuming that is the case, this body can provide for indemnification for the substance, the merits, and judgement that may have been entered in the case. He explained it is his office's pleasure to serve the Commonwealth's and County Attorney's offices and look forward to providing assistance at any possible capacity. He urged office's facing possible Civil litigation contact his office as soon as they become aware, as well as any insurer you're contractually obligated to inform. He explained he'll remain in the conference room once the meeting concludes to answer questions.

IDEMNITY PROCESS PURSUANT TO KRS 15.753

Bobby Stokes reported on the indemnity process, which was mentioned previously at the February PAC meeting. The Jefferson County Attorney's Office, which uses their own private counsel for issues related to Civil suits and indemnification, requested

clarification on when to provide notes to the Council of such actions. KRS 15.753 provides indemnification from financial loss in legal actions for Attorney General, Commonwealth's attorney's, County attorneys, and their staff. The Jefferson County Attorney's Office is requesting clarification as to when an office receives notices of a suit, trial, liability, or financial loss, they need to make the PAC Council aware of the situation. Aaron Silletto added that his office receives a fair number of these cases in their office, most of which are pro se lawsuits than can typically be resolved by filing a motion to dismiss or a motion for summary judgement with a high success rate, due to this they don't find it necessary to report every case to PAC. However, if there were a case that looked as though it may go to trial, PAC would be notified. Jeff Derouen, first assistant Jefferson County Attorney, elaborated on the subject by explaining he's coming to the Council for clarification because the Jefferson County attorney's office currently has four (4) cases and one pending (1) in the court of appeals. The Jefferson County Attorney's office currently has an internal process as well as outside council for these cases. He's asking now at what stage in the process the Council would need to be made aware of these cases if funds are needed in the instance a judgement occurs. John Estill made a motion adopting a PAC policy that states when a civil suit against a prosecutor or staff reached a point where damages are likely they should notify Council of the matter and that prosecutor's offices attorney fees won't be indemnified unless they've gone through the process of seeking representation by the Attorney General or assigned counsel by the Attorney General, the motion was seconded by Joe Ross, and passed by voice vote.

BUDGET

FISCAL 2024 UPDATE

Gina Carey reported that the PAC IT staff is working to replace all the Meraki routers in the Commonwealth's Attorney's offices as well as some servers. She stated that she has also released a copier survey to help determine how to replace the out of lease period copiers in most Commonwealth's Attorney offices. She reported the Commonwealth is making updates to the Emars financial system which could create delays in processing invoices and reimbursements through PAC staff when the new system is switched on. She asked for patience from everyone while the staff works through the kinks in the new system.

BIENNIEL BUDGET UPDATE

Gina Carey reported that the House version of the Executive Budget (HB6) contained significant funding increases that funded nearly all of the additional budget requests for the Commonwealth's and County Attorneys. She noted that the Senate budget contain lesser funding, but it was still very generous. The Senate budget contained reductions to the base budget for vacancies and a smaller staff salary increment. She also noted that the PAC staffing additional budget request was cut in half as well as the additional positions requests, but the Salary Compensation and Classification and the Case Management requests were fully funded as in the House version. She expected the budget would proceed to the conference committee soon and a final budget would be approved before the next PAC meeting.

LEGAL RESEARCH

Gina Carey directed the Council to the handout located in their folders outlining the cost of purchasing the Kentucky Rules of Court books for offices that prefer a physical copy of the book in addition to the online version. She reported the cost for Commonwealth's Attorney's offices for, Kentucky Rules of Court books would be \$13,311 and \$27,540 for the County Attorney's offices. The cost to order hard copies of the Kentucky Driving Under the Influence Law 2023-2024 book would cost \$63,248.99 for Commonwealth's Attorney's offices and \$130,859.99 for County Attorney's offices. Gina Carey requested a motion if Commonwealth's or County Attorneys offices want to purchase physical copies of either book, Kentucky Rules of Court 2024 or Kentucky Driving Under the Influence Law 2023-2024. It was agreed unanimously by the Council to not purchase either book at this time given that the books are available online.

Gina Carey reported the Unified Prosecutor Case Management RFP committee has met several times and have completed several sections with the intent to have it ready to go as soon as the Executive Budget has passed, however there is a chance the Finance Cabinet may request a pause until the new fiscal year. She has met with the Salary Classification and Compensation sub-committees and both committees are considering having each office submit requests for the positions and funding they need for their office. She also noted that there has been discussion of adding a status for shared assistants that don't have a private practice to distinguish them as full-time. She stated that more meetings would take place before the next PAC meeting and an update would be provided at that time.

LEASES

COMMONWEALTH'S ATTORNEY 21ST JUDICIAL CIRCUIT

Bobby Stokes announced the 21st Judicial Circuit office space is too small and requested the Council's approval to contact Real Properties to determine costs associated with a move for that office to meet their needs. Jackie Steele made a motion to approve the request to contact Real Properties to determine costs associated with moving that 21st JC office to a more adequate space, the motion was seconded by Brian Wright, and passed by voice vote.

PERSONNEL REQUESTS

A. NO ADDITIONAL FUNDS

1. Kori Beck Bumgarner, Commonwealth's Attorney 8th Judicial Circuit, requested approval to establish a temporary quarter-time Law Clerk position with no additional funds, to be paid with asset forfeiture funds effective May 16, 2024 through August 15, 2024.
2. Edison Banks, Commonwealth's Attorney 47th Judicial Circuit, requested approval to reallocate a part-time Assistant Commonwealth's Attorney position to a part-time Law Clerk position with no additional funds effective April 1, 2024.

Rob Sander's made a motion to deny Edison Banks request to reallocate a part-time Assistant Commonwealth's Attorney position to a part-time Law Clerk position, the motion was seconded by Brian Wright, and passed by voice vote.

3. Hart Megibben, Commonwealth's Attorney 53rd Judicial Circuit, requested to fill a quarter-time District Secretary position at a salary of \$8,000, effective April 1, 2024.
4. Jennie Haymond, Madison County Attorney, requested approval to reallocate a part-time Assistant County Attorney position to a part-time

Paralegal position with no additional funds retroactive to March 16, 2024.

John Estill made a motion to approve no additional funds requests A.1,3,4, the motion was seconded by Rob Sanders, and passed by voice vote.

B. ADDITIONAL FUNDS REQUIRED

1. Nicholas Marsh, Carroll County Attorney, requested for additional funding in the amount of \$75,000, totaling \$142,000 with fringe to support a vacant position which is partially funded for a part-time Assistant County Attorney position.
2. Robert Frazer, Crittenden County Attorney, requested approval to reallocate a quarter-time Legal Secretary position to a part-time Legal Secretary position with additional funding for salary and fringe effective April 1, 2024.
3. Jennie Haymond, Madison County Attorney, requested approval to establish a part-time Assistant County Attorney position with additional funding in the amount of \$30,000 to supplement the current \$30,000 salary for a total salary of \$60,000, effective April 1, 2024.

Joe Ross made a motion to table additional funds requests B 1-3 to the list for later budgetary review, the motion was seconded by John Estill, and passed by voice vote.

4. Miles Holbrook, Warren County Attorney, previously requested additional funding in the amount of \$10,000 for a part-time Victim's Advocate position. The funding was previously tabled in the possibility of receiving additional funding from another source.

Joe Ross made a motion to approve additional fund request B 4, the motion was seconded by Martin Hatfield, and passed by voice vote.

ADJOURN

Bobby Stokes reminded everyone a special meeting would take place on April 5th in Frankfort Kentucky and the next regularly scheduled PAC meeting will take place on April 19th, 2024, in Frankfort Kentucky.

Margaret Daniels made a motion to adjourn at 11:39 PM EST, the motion was seconded by Jackie Steele, and passed by voice vote.