

**PAC MEMBERS PRESENT**

Joe Ross, Logan County Attorney

Jenny Oldham, Hardin County Attorney

Stacy Tapke, Kenton County Attorney

Courtney Baxter, Commonwealth's Attorney, 12<sup>th</sup> Judicial Circuit

Carrie Ovey-Wiggins, Commonwealth's Attorney, 56<sup>th</sup> Judicial Circuit

Rob Sanders, Commonwealth's Attorney, 16<sup>th</sup> Judicial Circuit

Margaret Daniel, Citizen Member

Lisa Foley, Citizen Member

Brian Wright, Commonwealth's 29<sup>th</sup> Judicial Circuit

Jackie Steele, Commonwealth's Attorney, 27<sup>th</sup> Judicial Circuit

Martin Hatfield, Pulaski County Attorney

Vic Maddox, Proxy for Attorney General Cameron

**PAC/OAG STAFF PRESENT**

Bobby Stokes

Madeline Wise

Julie Cox

Jenny Reed

Gina Carey

Susan Blake

Sheila Kratzer

Thomas Lockridge

Harry Rothgerber

Samantha Bracco

Alyssa Logan

Amy Burke

Kathy Phillips

**GUESTS PRESENT**

Ann Schiavone Dyke, Office of the Jefferson County Attorney

Kelly Clarke, Commonwealth's Attorney, 19<sup>th</sup> Judicial Circuit

Bill Slone, Commonwealth's Attorney, 35<sup>th</sup> Judicial Circuit

Corey Thomas, Spencer County Attorney

Bailey Taylor, Commonwealth's Attorney, 55<sup>th</sup> Judicial Circuit

Steve Gold, Henderson County Attorney

Sam R. Phillips, Simpson County Attorney

Richie Kemp, Commonwealth's Attorney, 52<sup>nd</sup> Judicial Circuit

Erin C. White, Office of the Jefferson County Attorney

Ann McAfee, Office of the Commonwealth's Attorney, 55<sup>th</sup> Judicial Circuit

Derrick T. Wright, Sturgill Turner, Barker & Moloney, PLLC  
Kimberly Baird, Commonwealth's Attorney, 22<sup>nd</sup> Judicial Circuit  
Kori Bumgarner, Commonwealth's Attorney, 8<sup>th</sup> Judicial Circuit  
Michael Endicott, Johnson County Attorney  
Michelle Snodgrass, Commonwealth's Attorney, 17<sup>th</sup> Judicial Circuit

Pursuant to KRS 15.100(2), Madeline Wise called the roll. After the roll was called, a quorum was announced, and the meeting was called to order.

Bobby Stokes welcomed the newest citizen member, Lisa Foley and welcomed everyone to the PAC meeting and thanked everyone for the wonderful turnout for the Commonwealth's and County Attorney's Winter Conference.

Stacy Tapke made a motion to approve the minutes from the January 20, 2023 PAC meeting, seconded by Courtney Baxter, and passed by voice vote.

## **ADMINISTRATIVE**

### **TRAINING UPDATES**

Susan Blake explained KPI had a great response, in order to accommodate everyone that would like to attend, an additional group has been added. An exercise on direct examination has been added to the agenda, police officers and detectives will attend and undergo direct examination based on specific scenarios. She stated in the following week acceptances will be sent out however, it's expected there will be a wait list. She said great progress has been made in filling the slots for the conference in August, the PAC meeting will take place on Tuesday afternoon and the conference will begin on Wednesday. She stated a pre-conference session is being planned, hopefully on ethics, similar to last year. The conference will begin on Wednesday after lunch. Additional ethics credit will be available during the conference. The general sessions will take place on Wednesday and Friday. Three (3) tracks will take place on Thursday. The Victim's Division in the Attorney General's office is planning a track for Thursday, and breaks will be coordinated with them. The jury selection course registration will go out in April for the June 26<sup>th</sup>-29<sup>th</sup> course in Lexington.

Bobby Stokes inquired if a time had been set for the PAC meeting taking place during the Kentucky Prosecutors Conference in August. Susan recommended the meeting take place at 1:00 PM on Tuesday August 22, 2023.

Joe Ross made a motion to set the August PAC meeting for 1:00 PM EST on August 22, 2023, in conjunction with the Kentucky Prosecutors Conference, seconded by Jackie Steele, and passed by voice vote.

## **RESOURCE PROSECUTOR UPDATE**

Tom Lockridge reported he has been assisting Susan in planning the upcoming training. He has also been working with Rewa Zakharia, building the Child Sex Abuse training, which will take place in October. He announced he has a capital case and trial taking place on April 10<sup>th</sup> in Rowan County.

Jenny Reed announced that Prosecuting the Drugged Driver Course taking place February 28<sup>th</sup> through March 1<sup>st</sup> is almost full. The Lethal Weapon Conference will take place in Murfreesboro, Tennessee June 5<sup>th</sup>- 8<sup>th</sup> 2023. She reported only 15 spots are available for prosecutors, for anyone interested additional information will be sent out at the end of February.

Kathy Phillips reported she has been working on several of the training already mentioned. Also, after being introduced at the Commonwealth's Attorney Conference she is scheduled to provide domestic violence training to for all police and prosecutors in Boyd County, which will take place on March 7<sup>th</sup>.

## **21<sup>ST</sup> JUDICIAL CIRCUIT STATUS UPDATE**

Kelly Clarke reported PAC previously approved hiring a quarter-time Assistant Commonwealth's Attorney who has resigned. Since then, another quarter-time Assistant Commonwealth's Attorney had been hired, however has notified him of her intent to resign. He has now requested PAC's to approval to hire a replacement for the quarter-time Assistant Commonwealth's Attorney at the same pay until the situation at the 21<sup>st</sup> Judicial Circuit regarding Ronnie Goldy is resolved.

Bobby Stokes stated that since this is a replacement and not an additional position once the 21<sup>st</sup> Judicial Circuit finds a suitable candidate, he'll proceed with the hiring process to assist the 21<sup>st</sup> Judicial Circuit.

Rob Sanders made a motion to temporarily increase Ashton Mackenzie's salary to \$100,000 per year retroactive to January 1, 2023, until a new Commonwealth's Attorney is appointed, at which time the new Commonwealth's Attorney will determine if her salary remains the same or reverts back to her previous salary. The motion was seconded by Jackie Steele and passed by voice vote.

Rob Sanders made a motion as a matter of policy, each employee in the 21<sup>st</sup> Judicial Circuit be required to certify their hours worked to Bobby Stokes so he's able to accurately verify their hours worked for purposes of the payroll certification, as of

February 16, 2023, the motion was seconded by Jenny Oldham, and passed by voice vote.

### **HOUSE BILL 773 ETHICS POLICY**

Rob Sanders presented the most recent draft of the Unified Prosecutorial System Ethics Policy. He explained that several drafts have been made based off feedback received from mostly County Attorneys. The Unified Prosecutorial System Ethics policy was required by House Bill 773 which reconstituted the makeup of the Prosecutors Advisory Council in addition to increasing the County and Commonwealth's Attorneys' representation from three (3) to five (5) members. The bill also required PAC to draft a code of ethics for the Unified Prosecutorial System. This will provide freedom from the Executive Branch Ethics Commission, so PAC is able to set its own policies and code of ethics.

Joe Ross made a motion to adapt the current draft of Unified Prosecutorial System Code of Ethics policy, the motion was seconded by Margaret Daniels, and passed by voice vote.

Rob Sanders recommended adding an acknowledgement page to Unified Prosecutorial System Ethics Policy. Jackie Steele agreed and suggested that each elected should sign and return to PAC and include language that elected has informed staff of the ethics policy. It was further noted that the elected could require their staff to sign acknowledgment form but those should be maintained at the local office. Rob Sanders noted that while PAC now has an ethics policy in place the current statute does not provide methods of enforcement by the Council. Bobby suggested the Unified Prosecutorial System Code of Ethics be reviewed and acknowledgments by the elected be returned to PAC by April 14<sup>th</sup>, 2023.

Stacy Tapke made a motion that all Unified Prosecutorial System Code of Ethics acknowledgments be adopted as part of the UPS Code of Ethics and returned by April 14, 2023, the motion was seconded by Courtney Baxter, and passed by voice vote.

### **FY2023 PAC ROCKET DOCKET INTERIM REPORT**

Gina Carey presented the FY2023 Interim PAC Rocket Docket Report to the Justice Cabinet for Council review and approval. She reported that since July 16, 2015,

through December 31, 2022 the PAC Rocket Docket programs had resulted in a savings of approximately \$195 million in local jail costs with \$15 million in savings for the first half of FY23 alone. Additionally, the number of defendants referred to treatment was trending up by two percent since June of 2022, bringing the total number to 30,800 referrals. As of December 31, 2022, nearly 45,000 cases had been reported as completed through the Rocket Docket. The number of cases continue to increase through the Rocket Docket, while there're several circuits that are still working through issues, she's optimistic that as a result of recent elections and office transitions are complete these offices will begin using the Rocket Dockets more efficiently.

Courtney Baxter made a motion to approve the FY23 Interim Rocket Docket report, the motion was seconded by Martin Hatfield, and passed by voice vote.

## **BUDGET**

### **FY2023 UPDATE**

Gina Carey updated the Council on the Unified Prosecutorial System staffing as of February 1, 2023. She reported that while there were still a significant number of vacant positions, 1,200 employees were currently on the UPS payroll. She noted that she and PAC IT Director, Chad Coleman, had been meeting and working with staff from the Administrative Office of the Courts to research potential replacements to the current case management systems which had reached the end of life and find ways to integrate a new system with CourtNet in cooperation with AOC. The had also been looking at various Victim related software applications with regards to the demands of Marsy's Law. She will continue to update the Council on the status of these IT projects at future PAC meetings.

Gina Carey requested that of the portion of UPS/PAC staff members' Susan Blake and Diane Marcus' salaries that were funded from grants be reallocated from grant funds to general funds. Stacy Tapke made a motion to approve a portion of Susan Blake and Diane Marcus' salary be reallocated to general funds and to split the expenditure between the Commonwealth's and County Attorney budgets, the motion was seconded by Brain Wright, and passed by voice vote.

### **EXPERT WITNESS FUNDING**

Rob Sanders explained that due to the costs associated with 202-C proceedings, the Commonwealth's Attorney budget will likely need to be adjusted in the future to accommodate the expenses associated with these cases. He used a personal example regarding the excessive number of hearings required in these cases and expense of expert witnesses.

Gina Carey stated that she would need to know how many 202-C cases were pending to make an additional budget request for the expenditure. She reported that 2/3 of the expert witness budget has already been expended for FY23.

## **2024-2026 BIENNIAL BUDGET PROCESS**

Gina Carey directed PAC members to the handout in their folders with potential Biennial Budget Survey questions for the Commonwealth's and County Attorneys. Gina explained that this tool is necessary and allows the offices to comply with the statute related to budget submissions. With regards to the Commonwealth's Attorney, Rob Sanders asked that questions related to whether an office had any 202C cases and Senate Bill 90 cases be added to the current survey. With regards to the County Attorney survey, Stacy Tapke asked that more of the AOC case statistics be added to the survey and counted when reporting caseload information on the biennial budget request. The additional data fields added were District Prepayable Misdemeanor, Prepayable Traffic, Status, Delinquency, and Disability & Health in District Court and Abuse/Neglect and Dependency in Family Court. Some of these fields will be combined on the survey in the interest of screen real estate. Additionally, it was suggested question 2 regarding additional judgeship be removed from this survey and reserved for potential return on future surveys and the addition of the following questions:

- # of guardianship cases per year
- # of involuntary hospitalization cases per year
- # of Casey's Law petitions per year
- # of Tim's Law cases per year

Gina asked the Council if the Pandemic related questions – 28 through 30 needed to remain and the consensus was they were not longer valuable. At the end of the discussion Jenny Oldham made a motion to approve both of the surveys with requested changes, the motion was seconded by Rob Sanders, and passed by voice vote.

## **LEASES**

Bobby Stokes explained the office building for the 15<sup>th</sup> Judicial Circuit was previously a part-time office and has since become a full-time office. Currently the office has a month-to-month lease and approval is requested to begin working with Real Properties to establish a permanent lease for the 15<sup>th</sup> Judicial Circuit. Jackie Steele made a motion to approve the request, the motion was seconded by Rob Sanders, and passed by voice vote.

**EXPERT WITNESS**

Tom Wine, Commonwealth's Attorney 30th Judicial Circuit, requested approval for expert witness expenses in an amount exceeding \$5,000 and explained there is a chance the costs will be recovered, but the funding is needed immediately. Rob Sanders made a motion to approve the request, the motion was seconded by Margaret Daniels, and passed by voice vote.

**PERSONNEL REQUESTS****A. NO ADDITIONAL FUNDS**

1. Kori Bumgarner, Commonwealth's Attorney 8th Judicial Circuit, requested approval to establish a quarter-time Assistant Commonwealth's Attorney position effective February 16, 2023.

Rob Sanders made a motion to approve Kori Bumgarner's request, the motion was seconded by Jackie Steele, and passed by voice vote.

2. Terry Geoghegan, Commonwealth's Attorney 10th Judicial Circuit, requested approval to increase salary of a part-time Assistant Commonwealth's Attorney position over \$5,000.00 retroactive to January 16, 2023.

Jackie Steele made a motion to approve Terry Geoghegan's request, the motion was seconded by Courtney Baxter, and passed by voice vote.

3. Sharon Muse, Commonwealth's Attorney 14th Judicial Circuit, requested approval to reallocate a full-time Assistant Commonwealth's Attorney position to a full-time District Secretary position and further requests to increase salary of a full-time Law Clerk position both retroactive to January 16, 2023.

Rob Sanders made a motion to approve Sharon Muse's request once confirmation that the job title and salary are similar to other employees in this position, the motion was seconded by Brian Wright, and passed by voice vote.

4. David Smith, Commonwealth's Attorney 25th Judicial Circuit, requested approval to reallocate a full-time Victim Advocate position to a full-time Paralegal position retroactive to January 16, 2023.

Jackie Steele made a motion to approve David Smith's request to reallocate a Full-time Victim Advocate position to a full-time Paralegal position, the motion was seconded by Rob Sanders, and passed by voice vote.

5. David Dalton, Commonwealth's Attorney 28th Judicial Circuit, requested approval to increase the salary of a full-time Secretary position over \$5,000 retroactive to January 1, 2023.

Jackie Steele made a motion to approve David Dalton's request, the motion was seconded by Martin Hatfield, and passed by voice vote.

6. Robert Frazer, Crittenden County Attorney, requested approval to establish an unfunded Assistant County Attorney position retroactive to January 3, 2023.

Stacy Tapke made a motion to approve Robert Frazer's request, the motion was seconded by Joe Ross, and passed by voice vote.

## **B. ADDITIONAL FUNDS REQUIRED**

1. Hart Megibben, Commonwealth's Attorney 53rd JC, requested approval to establish a full-time Victim Advocate position with additional funds for salary effective February 16, 2023.

Rob Sanders made a motion to table Hart Megibben's request until the next budget consideration for fiscal year 2023-2024, the motion was seconded by Courtney Baxter, and passed by voice vote.

Bobby Stokes announced the need for a March PAC meeting due to potential budget allocations for salary increases. Jackie Steele made a motion to approve a Special PAC meeting on March 24, 2023 at 10:00 AM EDT, the motion was seconded by Jenny Oldham, and passed by voice vote.

Bobby announced the next regular PAC meeting will take place on April 21, 2023.

Martin Hatfield made a motion to adjourn at 12:00 PM, the motion was seconded by Margaret Daniels, and passed by voice vote.