

PAC MEMBERS PRESENT

Martin Hatfield, Pulaski County Attorney
John Soyars, Christian County Attorney
Joe Ross, Logan County Attorney
Courtney Baxter, Commonwealth's Attorney, 12th Judicial Circuit
Shane Young, Commonwealth's Attorney, 9th Judicial Circuit
Margaret Daniel, Citizen Member
Vic Maddox, Proxy for Attorney General Cameron

PAC/OAG STAFF PRESENT

Bobby Stokes
Susan Blake
Gina Carey
Alyssa Logan
Jenny Reed
Mike Carr
Julie Cox
Samantha Bracco
Harry Rothgerber

GUESTS PRESENT

Herb McKee, Henderson County Attorney
John Estill, Mason County Attorney
Kelly Clarke, Commonwealth's Attorney, 19th Judicial Circuit
Jason Riley, Office of the Estill County Attorney
Derrick Wright, Sturgill, Turner, Barker & Moloney, PLLC
Louis Kelly, Commonwealth's Attorney, 54th Judicial Circuit
Rob Sanders, Commonwealth's Attorney, 16th Judicial Circuit
John Bertram, Taylor County Attorney
Cody Drury, Office of the Taylor County Attorney
Angela Evans, Fayette County Attorney
Richie Kemp, Commonwealth's Attorney, 52nd Judicial Circuit
Michelle Snodgrass, Commonwealth's Attorney, 17th Judicial Circuit

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 last PAC meeting of 2022 and welcomed everyone that was watching via live video feed.

Bobby announced the first January meeting will have a much different and larger council membership. The new council members that will be joining in 2023 will be Rob Sanders, Brian Wright, Carrie Ovey-Wiggins, Jackie Steele, and Courtney Baxter representing the Commonwealth Attorney's. The new County Attorney representatives will be Jenny Oldham from Hardin County, Stacy Tapke from Kenton County, Martin Hatfield from Pulaski County, John Estill from Mason County, and Joe Ross from Logan County. He announced there would also be two (2) additional citizen members joining the council.

Gina Carey announced this would be the last PAC meeting for John Soyars and Chris Cohron as John was retiring and Chris was taking a Circuit Judge position at the beginning of the new year.

Gina addressed changes that needed to be made to the October 21st meeting minutes, stating the approval for the VOCA additional funds required for the 11th Judicial Circuit located on page 9 was approved through the end of the fiscal year (June 30, 2023) and asked this be approved through September 30, 2023, in order to coincide with the federal fiscal year.

Bobby announced a page was missing from the October 21st meeting minutes provided to attendees and asked to table the approval until the missing page was provided to the council at the end of the meeting. John Soyars made a motion to table approval of the October 21st meeting minutes, seconded by Shane Young, and passed by voice vote.

ADMINISTRATIVE

Bobby asked the Council to refer to the signed payroll certifications for the PAC/UPS employees located in their folders. Joe Ross made a motion to approve the signed payroll certifications, seconded by Shane Young, and passed by voice vote.

Bobby announced a request from Edison Banks, Commonwealth's Attorney, 47th Judicial Circuit, seeking approval for the use of a vehicle donated by the local police department to support his office. Since this is an unprecedented request additional guidance is needed to consider how expenses related to the car would be managed. Shane Young made a motion to deny the request that PAC oversee this request due to lack of staff resources to manage the requirements of a fleet vehicle, seconded by Martin Hatfield and passed by voice vote.

TRAINING UPDATE

Susan updated the council regarding the Basic and Administrative Training held December 5-8, 2022. Other scheduled trainings are KPI, March 2023, Jury Selection, June 2023, KPC August 23-25, 2023, and Child Sexual Abuse currently working to schedule for 2.5 days in October 2023. Tom Lockridge and Rewa Zakharia are developing the course.

RESOURCE PROSECUTOR UPDATE

Susan presented an update on behalf of Tom Lockridge regarding the Violent Crimes Resource Prosecutor. The VCRP participated in the Cross-Examination Course, giving two presentations, and working as faculty with one of the groups. He continued to work with prosecutors across the state with technical assistance calls about their cases. Since the October PAC meeting Tom has worked with Prosecutors from the 22nd, 53rd, 24th, 30th, 39th, 51st, 28th, 54th, 38th, 11th, and 29th Judicial Circuits. Tom represented Kentucky at the Mid-Winter meeting of the National Association of Prosecutor Coordinators and brought back information on several speakers we should look to bring to KPC next year. The VCRP continued the planning with Susan Blake for 2023 which included the continued development of the 2.5-day Child Sexual Abuse training planned for next October.

Jenny True Reed reported on the activities of the TSRP program since the last PAC meeting. In November, the ARIDE for Prosecutors/Courtroom Success training held in conjunction with the Ohio TSRP program took place in Newport, Kentucky. The training was well attended by both DREs and prosecutors from both states. Nationally renowned speaker, Professor John Kwasnoski presented regarding successful courtroom testimony. The training was well received and received high marks on the evaluations. This training will be presented in 2023 to crash reconstruction experts in Kentucky.

The TSRP is currently planning the Prosecuting the Drugged Driver course scheduled for February 28-March 1, 2023, at the Origin Hotel in Lexington. Registration information will be sent out the first of January. Also, in January, Jenny and other traffic safety partners are scheduled to meet with the UK Cannabis Center to learn more about the Center and discuss possible partnerships.

Bobby announced that Kathy Phillips had accepted a position with the Office of the Attorney General as a Domestic Violence Resource Prosecutor and would be transferring from her role as a Traffic Safety Resource Prosecutor at the beginning of the year.

2023 KENTUCKY PROSECUTORS CONFERENCE

Susan announced the annual Kentucky Prosecutors Conference would be held at the Marriott Griffin Gate in Lexington, August 23 – 25, 2023. Overflow rooms will be at the Embassy Suites on Newtown Pike, just across the street, and VisitLex will be covering the cost of a shuttle that will run between both properties. An “out clause” was negotiated to allow cancellation of the second year of the agreement if 2023 conference is unsatisfactory. There was discussion regarding the PAC meeting date during the August conference and it was passed to January for a decision on the special meeting date during that week. Susan mentioned there could be room for a Victims Advocate Track and she will reach out to the Office of the Attorney General to see if they are interested in hosting and coordinating a session.

21ST JC STATUS UPDATE

Bobby updated the Council on the status of the 21st Judicial Circuit and the ongoing situation with Commonwealth’s Attorney Ronnie Goldy.

Kelly Clarke explained the temporary quarter-time assistant approved at the last meeting resigned after being in the position for one month. The office has two remaining assistants; however, Keith Craycraft is taking over as the Montgomery County Attorney. This will leave one full-time Assistant Commonwealth’s Attorney, Ashton McKenzie to cover four counties. Ashton is lining up some candidates to fill these vacant positions. There’s still no report from the Bar Association regarding Commonwealth’s Attorney, Ronnie Goldy. He expects to have a list of potential candidates for the elected position before the next PAC meeting.

Bobby encouraged Kelly Clarke to contact special prosecution at the Attorney General’s office for assistance. Vic Maddox added that he or Amy Burke will assist in finding help to alleviate the current staffing shortfall until vacant positions are filled.

Discussion ensued over possible remedies to get the office back to working order to serve the citizens of that circuit. Council members voiced concern that no action has been taken to suspend his current salary. Vic Maddox explained that his office has investigated thoroughly and at this time no legal action can be taken, they believe Mr. Goldy’s situation is a “grey area” at this time but could possibly go for arrears after everything is determined. He encouraged PAC to go directly to the Circuit Judge in the 21st Circuit to seek a remedy.

Bobby explained PAC will continue to approve and monitor expenses and personnel changes for the 21st Judicial Circuit, however this will not affect Mr. Goldy’s salary.

Bobby suggested the conversation regarding Mr. Goldy's salary be investigated further and discussed at the January 20th PAC meeting.

PROPOSED POLICIES

Gina directed the members to a handout in their packets titled Prosecutors Advisory Council Proposed Policies December 2022. She stated that as a result of changes in both PAC staff and many offices across the state, the PAC staff met to create a list of recommended policies for the Council's consideration as follows:

- All payroll certifications must be submitted electronically using the PAC EPayroll Certification beginning with the 1/15/23 payroll.
- Offices that do not notify PAC immediately (within 3 business days) of an employee separation, may not fill the vacant position for a period of one (1) month per pay period missed without informing PAC staff of the separation. Appointments are only allowable on the 1st and 16th of the month.
- Offices **MUST** provide a copy of the Employee Handbook for their office which **MUST** include a leave policy. Employees must sign an acknowledgement that they received and read the Employee Handbook for their office.
- Raise the limit on the Part-time Assistant Commonwealth's Attorney salary from \$50,000 to \$60,000.
- Employment packets must **ONLY** be uploaded to the offices shared drive (provided by PAC). Packets received via unsecured email or incomplete packets will not be accepted.
- As soon as feasible, all UPS employees should have a PAC email address that can be forwarded to another address if the user chooses. This would allow a complete global directory for all offices in the Unified Prosecutorial System.

A motion to approve these policies was made by Martin Hatfield, seconded by Margaret Daniel, and passed by voice vote.

ROCKET DOCKET GRANT REVIEW

Gina reminded the Council that several offices received Rocket Docket funding only through December 31, 2022, and that those offices needed a review to determine if funding would continue to the end of FY23.

Those programs were: 5th JC, 13th JC, 19th JC, 21st JC, 23rd JC, 24th JC, 26th JC, 33rd JC, 47th JC, 50th JC, 52nd JC, and the 56th JC.

Gina stated that Carol had been working with the offices to get more timely data submission and that they had all complied. Most offices had seen a marked increase in their rocket docket cases and those that did not had plans in place to finish out the year better than FY22. With that report Joe Ross made a motion to keep these programs on probation but fund them all through the end of FY23, Shane Young seconded the motion, and the motion passed by voice vote.

DELINQUENT PAYROLL CERTIFICATIONS

Bobby announced the offices that were still delinquent by several pay periods as of today's PAC meeting were the 41st Judicial Circuit, Bracken County, Cumberland County, and Greenup County. An email was issued to several Counties regarding missing payroll certifications; however, it was discovered that there was an issue with how the payroll certifications were being filtered when being emailed to PAC, which has since been resolved.

Gina explained that after viewing the spreadsheet of missing payroll certifications it's apparent that offices aren't submitted payroll certifications within the three (3) day time frame that they're supposed to be following. Gina suggested implementing sanctions on the offices that aren't submitting payroll certifications timely.

Joe Ross made a motion for PAC staff to follow up on delinquent payroll certifications by means of email, phone call, and letter if necessary and report the updated status at the January 20th meeting, seconded by Courtney Baxter, and pass by voice vote.

EMPLOYEE MANUAL TEMPLATE REVISION

Derrick Wright suggested the Employee Handbook acknowledgement form and copy of each office's handbook be forwarded to PAC. Louis Kelly stated the acknowledgements should be reviewed annually or at minimum, the beginning of each term. Derrick explained the Discrimination reporting form should be included in the Handbook. Gina suggested tabling the official process to approve the Employee Handbook with the changes to the reporting form template and acknowledgement form and to require that all offices send a copy of their handbook and each employee's signed acknowledgement form to PAC staff until the January 20th meeting.

ADMINISTRATIVE MANUAL UPDATE

Gina reported that the Administrative Manual had been updated in advance of the Basic Training held earlier this week but that additional changes would likely be necessary after discussion of the County Attorney Operating policies later on the agenda. Gina suggested it be required that each elected official sign an acknowledgement that they have read the Administrative Manual.

BUDGET

Gina directed the members to the letter in their folder addressed to the Office of Budget Review at the Legislative Research Commission. She stated the letter was necessary to address the nearly \$800,000 lapse of general funds for the County Attorneys which was entirely related to the over appropriation of funds for the Actuarial Accrued Liability Contribution subsidy provided in the Executive Budget for FY22 as a result of HB 8 (2021 session). John Soyars made a motion to approve the letter being sent to the Office of Budget for review by the Legislative Research Commission, seconded by Shane Young, and passed by voice vote.

FY2023 UPDATE

Gina reported that the FY23 budget projections were still being impacted by the excessive turnover especially for the County Attorneys where 29 offices were expected to transition at the end of December. She stated that the current budgets for both Commonwealth's and County Attorneys were allocated out at 100% as of the current date. Another update will be provided at the next meeting.

PAYROLL INCREMENT EXCEPTIONS

Gina noted that as a result of the recent 5% staff budget increases, a few of the staff increases would need PAC approval due to the nepotism policy for the Commonwealth's Attorneys. The letters related to those increases were included in the packets. Courtney Baxter made a motion to approve the increases for the indicated individuals, John Soyars seconded the motion, and the motion passed by voice vote.

COUNTY ATTORNEY OPERATING POLICIES

Gina directed the Council to the handout in their folders titled "Proposed Revisions to Operating Policy – County Attorneys". She stated that a subcommittee of County Attorneys met via Zoom to discuss, and the handout was a representation of their suggestions. She went on to explain the key changes recommended included allowing

for the lease of copiers or reimbursement of copier expenses, allowing for the purchase of phone systems and partial or total reimbursement of phone and internet bills, allowing for the reimbursement of utilities at a prorated amount corresponding with the rent reimbursement percentage, allowing for travel reimbursement in state related to criminal prosecution duties and allowing for additional Westlaw and clear licenses for the offices if they wished to use their operating accounts to pay for additional subscriptions. Additionally, the recommendations stated that any expenditure already reimbursed by another source, such as Child Support would be disallowed, and that the determination of the proration rates be recertified when there has been a change in elected officer or change in location. Gina also explained currently personal cell phones have only been reimbursable through asset forfeiture funds up to 50%, not to include the cost of the phone, the proposed revision suggests an after-hours phone that's dedicated the specific office and that would be reimbursable. However, personal cell phones would remain reimbursable up to 50% through asset forfeiture. Joe Ross made a motion to approve the Revised Operating Expenditure Policies for County Attorneys, Shane Young seconded the motion, and the motion passed by voice vote.

PERSONNEL REQUESTS

A - NO ADDITIONAL FUNDS

1. Zac Greenwell, Commonwealth's Attorney 5th Judicial Circuit, requested approval to:
 - a. Eliminate a quarter-time District Secretary position effective January 1, 2023.
 - b. Increase salary of quarter-time Assistant Commonwealth's Attorney position over \$5,000 effective January 1, 2023.
 - c. Increase salary of part-time Assistant Commonwealth's Attorney position over \$5,000 effective January 1, 2023.
 - d. Reallocate part-time District Secretary position to full-time District Secretary position effective January 1, 2023.
 - e. Increase salary of District Secretary position over \$5,000.00 effective January 1, 2023.

2. Bruce Kuegel, Commonwealth's Attorney 6th Judicial Circuit, requested approval to establish a temporary quarter-time District Secretary position with asset forfeiture funding retroactive to December 1, 2022, through June 30, 2023.

3. Sharon Muse, Commonwealth's Attorney 14th Judicial Circuit, requested approval to appoint a volunteer District Secretary position and a volunteer Law Clerk position with no additional funds retroactive to December 1, 2022.
4. Melvin Leonhart, Commonwealth's Attorney 20th Judicial Circuit, requested approval to increase salary of two (2) full-time Commonwealth Detective positions retroactive to September 16, 2022.

Bobby explained to the council that the two (2) salary increases are that of Mr. Leonhart's wife and son, which are both employed by the 20th Judicial Circuit as full-time detectives.

5. Kimberly Baird, Commonwealth's Attorney 22nd Judicial Circuit, requested approval to increase salary of full-time Assistant Commonwealth's Attorney position over \$5,000 retroactive to December 1, 2022.
6. Tom Wine, Commonwealth's Attorney 30th Judicial Circuit, requested approval to increase salary of ten (10) full-time Assistant Commonwealth's Attorney position over \$5,000 retroactive to December 1, 2023.
7. Dennis Foust, Commonwealth's Attorney 42nd Judicial Circuit, requested approval to establish a temporary quarter-time Law Clerk position retroactive to December 1, 2022, through June 30, 2023.
8. Richie Kemp, Commonwealth's Attorney 52nd Judicial Circuit, requested approval to reallocate part-time Assistant Commonwealth's Attorney position to a full-time Assistant Commonwealth's Attorney position effective December 16, 2022. Additionally, he requested approval to establish a part-time Victims Advocate funded by a recently awarded ARPA grant and for PAC staff to administer the grant.

Gina explained the need for PAC to administer the ARPA grant and to establish a part-time Victims Advocate funded from the ARPA grant.

9. Louis Kelly, Commonwealth's Attorney 54th Judicial Circuit, requested approval to reallocate part-time Assistant Commonwealth's Attorney position to a part-time Law Clerk position and to revert back when Bar is passed effective January 1, 2023, and requested to increase salary of full-time Assistant Commonwealth's Attorney position over \$5,000 effective January 1, 2023.

Courtney Baxter made a motion to approve the requested changes for items A1-9, seconded by Margaret Daniel, and passed by voice vote.

10. Bethany Denton, Ballard County Attorney, requested approval to establish a quarter-time Legal Secretary position effective December 16, 2022.
11. Bob Neace, Boone County Attorney, requested approval to establish an unfunded Assistant County Attorney position to be funded using Boone County Fiscal Court funds retroactive to November 1, 2022.
12. Jennifer Oldham, Hardin County Attorney, requested approval to reallocate a full-time Assistant County Attorney position to a part-time Assistant County Attorney position effective December 16, 2022.
13. Stacy Tapke, Kenton County Attorney, requested approval to temporarily reallocate a full-time Assistant County Attorney position to a full-time Legal Secretary effective December 16, 2022, through December 31, 2022, and revert back to a full-time Assistant County Attorney position on January 1, 2023.
14. Jennie Haymond, Madison County Attorney, requested approval to reallocate a part-time Law Clerk position to a part-time Assistant County Attorney position retroactive to October 16, 2022.

Martin Hatfield made a motion to approve items 10-14, seconded by John Soyars and passed by voice vote.

Gina explained the request made by Shelly Miller at the October PAC meeting was approved through June 30, 2023, however the grant doesn't end until September 30, 2023, which has created an issue so this needs to be voted to extend this until

September 30, 2023. Shane Young made a motion to approve, seconded by Martin Hatfield, and passed by voice vote.

Gina advised that the 53rd Circuit also received similar approval, however they chose not to use the funding, instead they'll continue to utilize the funding from the grant.

B - Additional Funds Required

1. Herb McKee, Commonwealth's Attorney 51st Judicial Circuit, requested approval to establish a part-time Assistant Commonwealth's Attorney position with additional funds for salary in the amount of \$45,000, effective January 1, 2023. Herb explained the crime rate is up by 105% in the 51st Judicial Circuit and additional prosecutorial resources are imperative.

Shane Young made a motion to table request B1 until the April meeting when additional funds are available, seconded by Margaret Daniel and passed by voice vote.

C- Tabled Additional Funds

1. John Bertram, Taylor County Attorney, requested additional funds to support a full-time Victim Advocate position. Joe Ross made a motion to approve a part-time Victim Advocate position at the amount of \$9,494 which is the amount the VOCA grant was cut, seconded by Courtney Baxter and passed by voice vote.

Bobby directed the council to the corrected October PAC meeting minutes. A motion to approve the minutes was made by John Soyars, seconded by Shane Young, and passed by voice vote.

Gina announced this meeting would be Shane's last PAC meeting.

Bobby reminded everyone the next PAC meeting would take place on Friday, January 20, 2023. He wished everyone a Merry Christmas and Happy New Year. He also thanked PAC Staff for all their hard work.

A motion to adjourn was made by Courtney Baxter, seconded by Margaret Daniel, and passed by voice vote. The meeting was adjourned at 11:39 AM.