

PAC MEMBERS PRESENT

Rob Sanders, Commonwealth's Attorney, 16th Judicial Circuit
Brian Wright, Commonwealth's Attorney, 29th Judicial Circuit
Jackie Steele, Commonwealth's Attorney, 27th Judicial Circuit
Joe Ross, Logan County Attorney
Carrie Ovey-Wiggins, Commonwealth's Attorney, 56th Judicial Circuit
Jenny Oldham, Hardin County Attorney
Martin Hatfield, Pulaski County Attorney
John Estill, Mason County Attorney
Margaret Daniel, Citizen member
Stacy Tapke, Kenton County Attorney
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

Adam Turner, Edmonson County Attorney
Herb McKee, Commonwealth's Attorney, 51st Judicial Circuit
Richie Kemp, Commonwealth's Attorney, 52nd 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 first PAC meeting of 2023. He welcomed the new members of the PAC Council and including the two citizen members, Margaret Daniel that has remained on the PAC council for many years, along with a new Citizen Member, Lisa Foley who was unable to attend.

Bobby announced the newly appointed Commonwealth Attorney's, Kori Baumgarner will serve the 8th Judicial Circuit, and Hart Megibben will serve the 53rd Judicial Circuit.

A motion to approve the minutes from the December 9, 2022 meeting was made by Joe Ross, Seconded by Rob Sanders, and passed by voice vote.

ADMINISTRATIVE

Bobby requested approval of payroll certifications for UPS employees. Stacy Tapke made a motion to approve the payroll certification, seconded by Rob Sanders, and passed by voice vote.

Gina Carey informed the council that the Employee Handbook template has been updated with changes requested at the December meeting had been completed which included the complaint form and acknowledgement of receipt Joe Ross made a motion to approve the completed employee handbook, seconded by Rob Sanders, and passed by voice vote.

TRAINING UPDATES

Susan announced everyone is busy planning training for 2023. The first training that will take place is the Kentucky Prosecutors Institute (KPI) for both County and Commonwealth's Attorney's, which is scheduled for March 28-31 in Lexington at the Hilton Lexington/Downtown. She stated the registration link remains active for that training. Currently there are significantly more Assistant Commonwealth's Attorneys registered than Assistant County Attorneys. She intends to send out a reminder closer to the deadline, in hopes that more Assistant County Attorneys will attend. She has several speakers in attendance, both national NDAA speakers as well as Kentucky prosecutors who will lecture and critique.

Susan reported she is working on a schedule for the Kentucky Prosecutors Conference (KPC) and that several speakers have already been scheduled based on the suggestions received from last years evaluations while also keeping in mind the mandatory topics that require continued training. She has contacted the Supreme Court and has extended an invitation to Justice Van Meter to present at the conference. She will keep the Council informed once she receives a response.

Susan announced the contract the with the Marriott Griffin Gate has been finalized along with the Embassy Suites on Newtown Pike for the 2023 KPC. A shuttle service will also be available to shuttle attendees from the Embassy Suites to the Marriott and will be funded by VisitLex.

Susan informed the Council that she has been in discussions with the Attorney General's Office of Victims Advocacy and they are potentially planning a track for advocates during KPC.

Susan informed the Council of the need to schedule the upcoming PAC meeting that will take place during the KPC in order to complete the schedule for the conference. She explained last year that the meeting took place on Wednesday afternoon. Rob Sanders recommended Tuesday afternoon.

Gina stated that the budget for the 2023 KPC was approved for three (3) nights of lodging. She noted that the past several years there hasn't been an increase in the registration fee for the conference, but due to inflation the registration fee will need to be increased by \$25 dollars for each tier. John Estill made a motion to approve the \$25 dollar increase to each tier of registration fees, seconded by Jackie Steele, and passed by voice vote.

Susan reported the Jury Selection Opening Statement course will take place the week of June 26, 2023, in Lexington.

Tom Lockridge announced he is working with Rewa Zakharia to develop a Child Sexual Abuse training that would cover topics from investigation through trial of the case. They attended a very informative meeting at the Children's Advocacy Center. The training is set to take place in October 9-11 at the Origin Hotel in Lexington with final details to be announced soon.

RESOURCE PROSECUTOR UPDATE

Tom reported that as the Violent Crimes Resource Prosecutor, he has been assisting with an abusive head trauma case in the 54th Judicial Circuit as well as working on two (2) cases additional cases, one in the 21st Judicial Circuit and the other in the 53rd Judicial Circuit.

Jenny announced that Prosecuting the Drugged Driver is coming up at the Origin Hotel in Lexington. The training will take place February 28th through March 1st. Some spots are still available for registration; however to get a room, participants would need to schedule no later than February 6th.

Jenny reported the Lethal Weapon training will take place this year in Nashville. After discussing dates with the Tennessee TSRP's, the training will more than likely take place the first week of June, details are still being finalized.

Jenny stated there's a Commercial Driver's License (CDL) conference taking place in Indianapolis on February 17th, all expenses are included. CLE's may be offered

depending on how many Kentucky prosecutors attend. It's being hosted by the National Traffic Law Center. If anyone is interested, they can contact Jenny.

Jenny announced she spoke with the drug recognition coordinator, Dr. Shanna Babalonis at the UK Cannabis Center. They're doing a study about impaired driving and the use of cannabis. She stated that future collaborations are in the works and if studies are needed for cases, she's open to working with the prosecutors. She is currently working with the Transportation Cabinet on different funding options.

Kathy Phillips announced she has been very busy in her new role as Domestic Violence Resource Prosecutor. Several individuals have contacted her about cases and strategies. She will be presenting at conferences to introduce herself and offer her services to everyone. She is also working with Jenny on the Drugged Driver conference as well as assisting Susan in creating a domestic violence scenario for the KPI. Additionally she is working with the office of the Attorney General, Office of Victim's Services on the topic of strangulation and collaborating with Rewa Zakharia from the OAG on a Kentucky Strangulation Manual, which will be the third in the country.

21st JC STATUS UPDATE

Bobby announced that PAC has coordinated with the Personnel Cabinet regarding the fact that Ronnie Goldy is unable to perform his duties as the Commonwealth's Attorney within the 21st Judicial Circuit. As a result, and in agreement with Mr. Goldy, his salary will be suspended, effective February 1, 2023. No additional information has been provided regarding his suspension.

Bobby reminded everyone that all personnel matters, as well as payroll certifications and other administrative related to the office have been delegated to the Director of PAC.

COMMONWEALTH'S AND COUNTY ATTORNEY ETHICS CODE PER HB773

Rob Sanders explained they asked the Legislature to include a code of ethics for the prosecutors in HB 773 that would be more applicable directly to prosecutors rather than the generic code that the Executive Branch has in place. He stated that until a code of ethics is in place, the Commonwealth's and County Attorneys and staff are subject to the Executive Branch Code of Ethics per statute.

Rob explained that the code of ethics that has been developed for the Commonwealth's and County Attorneys includes details from sources such as the current code of ethics from the Executive Branch, American Bar Association model handbook, Kentucky Bar Association (KBA) model professionalism, and the National District Attorneys

Association. He noted that there may be additions or edits that need to be made, however he feels it is thorough in covering what occurs on a daily basis as prosecutors.

Bobby asked if the code of ethics is something PAC wishes for the elected officials to sign off on.

Rob directed everyone to section 10, which states the elected are responsible for understanding and adhering to this code of ethics. They also have the duty to assure their employees are provided with a copy of this code of ethics and sign an acknowledgment that it was received. PAC would be responsible for ensuring that elected prosecutors receive a copy and acknowledge the receipt of the code of ethics.

Rob explained at this time that there is not a clear way to enforce this code of ethics, outside of modifying a county or circuits budget. He hopes this is something the Legislature is considering changing. However, having these rules in place will assist the Legislature or the KBA with enforcing any type of disciplinary action for ethical violations.

Bobby suggested that when changes need to be made to the proposed prosecutors ethics code, an acknowledgement page can be added. Rob agreed an acknowledgement page similar to the handbook acknowledgement, that PAC previously approved, should be added.

Joe Ross made a motion to table approving the code of ethics until the February 8th meeting for review and any revisions that may need to be made related to part-time prosecutors such as County Attorneys, seconded by Rob Sanders with the recommendation that the current version be distributed to all County and Commonwealth's Attorneys for review and passed by voice vote.

COUNTY ATTORNEY DETECTIVE POSITION ALLOCATIONS

Bobby stated that it has been brought to the attention of PAC staff that some individuals currently classified as County Detectives do not meet the statutory requirements of KRS 15.380(4)(j) which states that the County Detective must maintain a POP certification. There is language that allows for County Attorneys to make a request to the Law Enforcement Council to allow and exemption from the statute and forward to PAC for approval. Currently there are only five (5) County Attorney Detectives on the Unified Prosecutorial System payroll in the following counties: Clark County, Fulton County, Letcher County, Montgomery County, and McCracken County. PAC staff has discovered that none are currently certified. At this time the offices have been informed those positions will be reallocated as law clerks until those certifications are received.

John Estill made a motion that all County Detective positions be allocated to Law Clerks with the understanding that the elected official can reallocate them to another approved position as they see fit, seconded by Martin Hatfield, and passed by voice vote.

VICTIM AND WITNESS PROTECTION REQUEST REVIEW

Bobby requested this topic be addressed at the end of the meeting. Margaret Daniel made a motion to address this topic at the end of the meeting, seconded by Jackie Steele, and passed by voice vote.

BUDGET

Gina announced that approval was required to administer the American Rescue Plan Act (ARPA) grants awarded to the 53rd Judicial Circuit and the Green County Attorney by the Kentucky Justice Cabinet. She noted that the 52nd Judicial Circuit also received an ARPA grant, however, approval was received to administer their grant at the December PAC meeting. Stacy Tapke made a motion to approve, seconded by Rob Sanders, and passed by voice vote.

Gina directed the Council to the letter located in their folders regarding reallocation of the PAC Rocket Docket funding in the 3rd Judicial Circuit. She explained that Lincoln Foster, Christian County Attorney is requesting to transfer part of the funding for the PAC Rocket Docket grant from the Office of the Commonwealth's to the Christian County Attorney's office for restructuring of the program. She stated that the Commonwealth's Attorney agrees and that this would be a minimal impact on the County Attorney budget. Martin Hatfield made a motion to approve the reallocation of funds, seconded by Jackie Steele, and passed by voice vote.

FY2023 UPDATE

Gina stated that the County and Commonwealth's Attorney's budget has been impacted by the large turnover for the last two fiscal years. There are a lot of vacancies within offices and offices are struggling to fill these vacancies due to the funding available for salaries. She noted that pursuant to HB 1 of the 2022 session, any potential salary increases are still pending a decision by the Legislature during the current session.

Gina explained that currently the minimum salary for a full-time assistant Commonwealth's Attorney is not competitive at \$45,000 per year.

Rob noted that the Department of Public Advocacy (DPA) hires their attorney positions at a minimum salary of \$60,000 annually. He proposed the minimum salary of a full-

time Assistant Commonwealth's Attorney be raised to \$55,000 per year for prosecutors with less than four years of experience and a minimum of \$60,000 for prosecutors with over four years of experience.

Gina stated that there were currently only ten (10) full-time assistants with a salary under \$55,000 per year, with one employee on the payroll since 2014.

Rob suggested to raise the budgets of the offices that the ten (10) full-time assistants are employed with, but with the understanding those funds are allocated to raise the salaries of those prosecutors to \$55,000 or \$60,000 per year respectively.

Gina informed everyone the total overall cost to raise the salaries of the individuals with under four years of experience to \$55,000 per year would be \$35,000 annually and the cost to raise the salary of the Assistant Commonwealth's Attorneys with four (4) years or more experience to \$60,000 per year would be \$33,000 annually.

Rob Sanders made a motion to set the floor for full-time Assistant Commonwealth's Attorneys with under four years of experience to \$55,000 per year and the floor for full-time Assistant Commonwealth's Attorneys with four or more years of experience as a prosecutor to \$60,000 per year, seconded by Brian Wright, and passed by voice vote.

LEASES

52ND JC LEASE REVIEW

Bobby announced there's a lease request/review for the 52nd Judicial Circuit. The office was impacted by the December 2021 tornado outbreak, so they've temporarily been displaced in a temporary office. Real Properties reviewed the space request and local rental rates and set the maximum space allotment for the office to 2,347 square feet, with a maximum monthly lease rate of \$2,395.

Gina explained the increase in cost will raise the operating cost by \$16,800 per year, however funding was in the budget for offices moving from part-time to full-time keeping it within the budget. She stated that no utilities or janitorial services are included, however, parking is included.

Brian Wright made a motion to approve the lease adjustment, seconded by Margaret Daniel and passed by voice vote.

EXPERT WITNESS

Louis Kelly, Commonwealth's Attorney 54th Judicial Circuit, requested approval for expert witness expenses in the amount of \$20,000. Rob Sanders made a motion to approve the request for expert witness expenses in the amount of \$20,000, seconded by Jackie Steele and passed by voice vote.

Tony Skeans, Commonwealth's Attorney 24th Judicial Circuit, requested approval for expert witness expenses in the amount of \$10,500. Rob Sanders made a motion to approve the expert witness expenses in the amount of \$10,500, seconded by Carrie Ovey-Wiggins, and passed by voice vote.

PERSONNEL REQUESTED**NO ADDITIONAL FUNDS**

1. Zac Greenwell, Commonwealth's Attorney 5th Judicial Circuit, requested approval to increase salary of a full-time Assistant Commonwealth's Attorney position over \$5,000.00 retroactive to January 1, 2023.
2. Shane Young, Commonwealth's Attorney 9th Judicial Circuit, requested approval to extend temporary quarter-time District Secretary position funded using asset forfeiture funds from December 31, 2022 through May 31, 2023, keeping it under one (1) year.
3. Courtney Baxter, Commonwealth's Attorney 12th Judicial Circuit, requested approval to increase salary of a full-time Assistant Commonwealth's Attorney position over \$5,000.00 retroactive to January 1, 2023.
4. Leigh Ann Roberts, Commonwealth's Attorney 15th Judicial Circuit, requested approval to reallocate a full-time Assistant Commonwealth's Attorney position to a full-time Law Clerk position effective February 1, 2023.
5. Heather Combs, Commonwealth's Attorney 23rd Judicial Circuit, requested approval to temporarily supplement quarter-time Law Clerk position salary with asset forfeiture funds retroactive to December 1, 2022 through June 30, 2023.

6. Tony Skeans, Commonwealth's Attorney 24th Judicial Circuit, requested approval to establish a temporary quarter-time Law Clerk position funded using asset forfeiture funds effective June 1, 2023 through August 30, 2023.
7. Brandon Ison, Commonwealth's Attorney 37th Judicial Circuit, requested approval to establish a temporary quarter-time Law Clerk position funded, by agreement, using asset forfeiture funds from the 24th JC effective May 1, 2023 through July 31, 2023.
8. John Gardner, Commonwealth's Attorney 43rd Judicial Circuit, requested approval to increase salary of a full-time Secretary position over \$5,000.00 retroactive to January 1, 2023.
9. Louis Kelly, Commonwealth's Attorney 54th Judicial Circuit, requested approval to:
 - a) Reallocate a part-time Assistant Commonwealth's Attorney position to a full-time Law Clerk position and to revert to a full-time Assistant Commonwealth's Attorney position when Bar is passed retroactive to January 1, 2023.
 - b) Establish a temporary quarter-time Paralegal position with funding from asset forfeiture and general funds retroactive to January 1, 2023, through January 31, 2023.
 - c) Establish two (2) temporary quarter-time Law Clerk positions with no additional funds effective February 1, 2023, through May 31, 2023.
10. Tammy Baker, Bullitt County Attorney, requested approval to reallocate a part-time Legal Secretary position to a part-time Victim Advocate position retroactive to January 1, 2023.
11. Adam Turner, Edmonson County Attorney, requested approval to reallocate a full-time Secretary position to a part-time Secretary position retroactive to January 1, 2023 and further requested to establish a quarter-time Assistant County Attorney position effective February 1, 2023.
12. Angela Evans, Fayette County Attorney, requested approval to reallocate two (2) part-time Assistant County Attorney positions to two (2) full-time Assistant County Attorney positions and a part-time

Legal Secretary position to a full-time Legal Secretary position retroactive to January 1, 2023.

13. Lee Riddle, Hopkins County Attorney, requested approval to establish a part-time Assistant County Attorney position that will be locally funded but administered by PAC retroactive to January 1, 2023.
14. Mike O'Connell, Jefferson County Attorney, requested approval to reallocate three (3) part-time Assistant County Attorney positions to three (3) full-time Assistant County Attorney positions, a part-time Victim Advocate position to a full-time Victim Advocate position and a part-time Secretary position to a full-time Secretary position retroactive to January 1, 2023.
15. Johnny Osborne, Lawrence County Attorney, requested approval to reallocate a full-time Assistant County Attorney position to a part-time Assistant County Attorney position retroactive to January 16, 2023.
16. Cade Foster, McCracken County Attorney, requested approval to establish a quarter-time Legal Secretary position retroactive to January 16, 2023.
17. Paul Howard, Pike County Attorney, requested approval to reallocate a part-time Assistant County Attorney position to a part-time Paralegal position and reallocate a full-time Legal Secretary position to a full-time Victim Advocate position with both being retroactive to January 1, 2023.

John Estill made a motion to approve personnel requests 1-17, seconded by Margaret Daniel, and passed by voice vote.

ADDITIONAL FUNDS REQUIRED

1. Michele Duvall, Butler County Attorney, requested additional funds to fund a part-time Victim Advocate position effective February 1, 2023.

John Estill made a motion to table this request until additional funding becomes available, seconded by Martin Hatfield, and passed by voice vote.

2. Kassidy Dees, Henry County Attorney, requested additional funds to fund a part-time Assistant County Attorney position effective

February 1, 2023. Bobby explained she only needs \$6,000 to support this position with a total of \$11,139.

Stacy Tapke made a motion to approve this request, seconded by Jenny Oldham, and passed by voice vote.

Bobby announced a closed session would now take place pursuant to KRS 61.810(1)(k).

Rob Sanders made a motion to begin the closed session, seconded by Stacy Tapke, and passed by voice vote.

Closed session regarding Victim Witness Protection request took place.

Joe Ross made a motion to return to open session, seconded by Rob Sanders, and passed by voice vote.

Bobby explained per the KAR after approval from the Council it goes to the Attorney General for review.

Vic Maddox announced that upon review it will be approved and expenses related to PAC will be reimbursed.

Bobby announced the next PAC meeting will take place on February 8th at 11:00 AM in Lexington at the Hilton Downtown Lexington in conjunction with the Association winter meetings.

Rob Sanders made a motion to adjourn at 11:20 am, seconded by Margaret Daniel, and passed by voice vote.