

PAC MEMBERS PRESENT

Rob Sanders, Commonwealth's Attorney, 16th Judicial Circuit
Jackie Steele, Commonwealth's Attorney, 27th Judicial Circuit
Courtney Baxter, Commonwealth's Attorney, 12th Judicial Circuit
Carrie Ovey-Wiggins, Commonwealth's Attorney, 56th Judicial Circuit
Brian Wright, Commonwealth's Attorney, 29th Judicial Circuit
Martin Hatfield, Pulaski County Attorney
Joe Ross, Logan County Attorney
Stacey Tapke, Kenton County Attorney
Margaret Daniel, Citizen member
Amy Burke, Proxy for Attorney General Cameron

PAC/OAG STAFF PRESENT

Sheila Kratzer
Julie Cox
Bobby Stokes
Chad Coleman
Alyssa Logan
Gina Carey
Susan Blake
Harry Rothgerber
Kathy Phillips
Samantha Bracco

GUESTS PRESENT

Jennie Haymond, Madison County Attorney
Kori Bumgarner, Commonwealth's Attorney, 8th Judicial Circuit
Louis Kelly, Commonwealth's Attorney, 54th Judicial Circuit
Kimberly Baird, Commonwealth's Attorney, 22nd Judicial Circuit
Kelly Clarke, Commonwealth's Attorney, 19th Judicial Circuit
Gerina Whethers, Commonwealth's Attorney, 30th Judicial Circuit
Erwin Roberts, first assistant Commonwealth's Attorney, 30th Judicial Circuit
Sharon Muse, Commonwealth's Attorney, 14th 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. He explained since today is a special meeting, discussions are limited to topics on the agenda.

Bobby Stokes informed everyone that Tom Wine had passed away. Gerina Whether's has been appointed as the new Commonwealth's Attorney in the 30th Judicial Circuit.

Bobby Stokes directed everyone to review the meeting minutes from the April 21, 2023, PAC meeting for approval. Stacy Tapke made a motion to approve the April 21, 2023, meeting minutes, seconded by Brian Wright, and passed by voice vote.

ADMINISTRATIVE

Bobby Stokes announced Madeline Wise would be retiring, effective August 1st, 2023.

TRAINING UPDATE

Susan Blake announced acceptances have been finalized in the jury selection course taking place at the end of June in Louisville at the Marriott East. One spot remains open on the Commonwealth's side if anyone is interested in attending. The schedule for the Kentucky Prosecutors Conference in August is almost complete aside from some timing issues. Registration will be sent out in June. The general session will take place in the large conference room at the Marriott there will also be an overflow room that will have a live stream in order to accommodate everyone. On Thursday of the KPC conference each track will seat 200 people. The Victim's Advocacy division will have a track on Thursday for Advocate's, registration for that will also go out in June.

Kathy Phillips reported the topics being discussed for the Victim's Advocates on Thursday are Championing, dignity, and compassion for victims, the survivor experience, why your advocacy matters, neurobiology of trauma, understanding victim behavior and response, The trauma informed pursuit of justice, understanding sexual assault evidence kits, and the victim's service panel. Susan Blake announced save the dates have been sent out and they're hopeful of a good turnout.

Susan Blake announced an employment law update. She is working to create onboarding videos for new hires that outlines office management regarding employees hiring/firing and compliance with various employment law issues. She continues to work with Derrick Wright and his firm to create these videos.

Kathy Phillips reported on TSRP for Jenny Reed who was attending the Kentucky Law Enforcement memorial. Registration for Lethal Weapon has closed. She's planning a training on DUI and trial basics in Newport Kentucky on August 29th and 30th in conjunction with the Ohio TSRP program. Jenny Reed is scheduled to speak at a training held by the Scott County Sheriff's Office on June 20th, 2023. On September 19th, 2023, Missouri state trooper, Ryan Hutton, will present everything you want to know about cannabis in the auditorium at the Kentucky Transportation Center in Frankfort Kentucky.

Kathy Phillips announced she is scheduled for a training on July 27th in Henderson County. She is working with OVA on the upcoming conference, reducing domestic violence through the disciplinary approach, taking place October 5th and 6th. Teams will register for different jurisdictions.

Tom Lockridge reported he's working with Susan Blake on the Jury Selection training, updating the case law. He's working with Rewa building the Child Sex Abuse Training taking place October 9th, 10th, and 11th In Lexington Kentucky. Save the dates will be sent out in the following week. He continues to work on two murder cases as well as the NDAA Cross Examination Course.

EXIT INTERVIEW FORM

Gina Carey reported that as a result of the continued large turnover in the Commonwealth's and County Attorney's offices she has worked with Susan to formulate an exit interview form for use by the elected officials for employees that are leaving. She directed everyone to view the sample questions located in the folders provided and asked for feedback from the Council. Stacy Tapke brought up concerns for privacy if this information could be included in open record requests. Rob Sanders recommended narrowing the list to specific questions to get the most accurate research data. Stacy Tapke suggested using a google form to collect data. The Council directed Gina to present a revised draft at the June PAC meeting for consideration.

CASE MANAGEMENT REVIEW

Gina Carey directed everyone to the handout in the meeting folders showing survey results regarding impressions of the demos of two potential case management systems for consideration by the Unified Prosecutorial System. Nine (9) participants tested the Tyler case management software and twelve (12) tested the Pine Case management system demos. They scored similarly on features, interface, and good feedback was

provided. Currently the Administrative Office of the Courts and the Department for Public Advocacy are also looking for a replacement case management software. Gina reported that while the software seemed to offer similar features and benefits to the user, the cost of the systems and the companies offering them were very different. The Council directed that a formal subcommittee be appointed to make a formal recommendation for one of the systems. The Council stated that Gina had discretion on choosing the members of the subcommittee, but several Council members offered suggestions. The membership will include:

- Louis Kelly (54th),
- Jennie Haymond (Madison),
- Member from the 22nd JC Commonwealth's Attorney office,
- Member from the Fayette County Attorney office,
- Karen young (30th),
- Member from the Jefferson County Attorney office,
- Alisha Lee (16th),
- Nikki Moore (12th)
- Terri Mason (27th)
- Mandy Webb (Logan)
- Mikki Flowers (29th)
- Laura Cress (Pulaski)
- Leticia Newton (11th)

Gina Carey and Chad Coleman are working with AOC to assure the software works for both Commonwealth's and County Attorney offices. Stacey Tapke made a motion to form a subcommittee to test new case management software options, seconded by Margaret Daniels, and passed by voice vote.

2023 SONEGO AWARD

Bobby Stokes directed everyone to the nomination form for the 2023 Ian Sonogo Award located in the folders provided. He requested approval from PAC Council to distribute the 2023 Sonogo nomination form to all offices and asked that all submissions be sent in by June 16, 2023. Jackie Steele made a motion to approve the 2023 Sonogo nomination form, seconded by Martin Hatfield, and passed by voice vote.

KPC 2023

Susan Blake announced registration will go out in the middle of June for the 2023 Kentucky Prosecutors Conference. Gina Carey reported the possibility of a golf scramble being organized and the option of a pickle ball tournament as well. The registration rate for the 2023 KPC has been raised by \$25 each tier.

TECHNOLGY CONFERENCE

Gina Carey requested approval for Chad Coleman and herself to attend the Court Technology Conference in Phoenix, Arizona, September 11 – 14, 2023. She noted several members of the Administrative Office of the Courts were also attending. Rob Sanders made a motion to approve the expenditure for Gina Carey and Chad Coleman attend the conference in Arizona, seconded by Joe Ross, and passed by voice vote.

CHILD SEXUAL ABUSE PROSECUTION DATA COLLECTION

Gina Carey reported data collection for 2022 has begun and the report is expected to be completed by October 2023.

PAC STAFF PAYROLL CERTIFICATIONS

Bobby Stokes asked that PAC Council review the PAC staff payroll certifications for April 30, 2023 and May 15, 2023 located in the folders provided. Stacy Tapke made a motion to approve the PAC staff payroll certifications, seconded by Courtney Baxter, and passed by voice vote.

BUDGET

FY2023 UPDATE

Gina Carey reported replacement computers had been ordered for Commonwealth's Attorney's offices and delivered to PAC for configuration and dissemination. Additionally, Madeline was working on the NICE document storage software procurement, and it should be finalized soon. Information related to the deployment of the application would be sent out as soon as a contract was in place. Gina noted that as a result of the FY2024 salary increments, the salary limit on part-time Assistant Commonwealth's Attorneys needed review. The current salary limit for a part-time assistant Commonwealth's Attorney position is \$60,000 without PAC approval. She asked the Council if they would want to consider raising that limit for FY2024. Rob Sanders recommended increasing the part-time annual salary if the full-time salary is

raised as well. Gina Carey proposed raising part-time positions and full-time Assistant Commonwealth's Attorney's Salaries by 6%. This would result in raising the part-time Assistant Commonwealth's Attorney salary limit without PAC approval to \$63,600 and raising the minimum salary for a full-time Assistant Commonwealth's Attorney with under four years of experience as a prosecutor to \$58,300 and raising the minimum salary for a full-time Assistant Commonwealth's Attorney with four or more years of experience to \$63,600 as well. Gina Carey proposed raising part-time positions and full-time Assistant Commonwealth's Attorney's Salaries by 6%. Rob Sanders made a motion to increase the part-time ceiling and full-time minimums, the motion was seconded by Martin Hatfield and passed by voice vote.

HB8 SUBSIDY UPDATE

Gina Carey explained with the end of the fiscal year approaching the amount budgeted for subsidies for some of the counties receiving subsidies as a result of House Bill 8 from the 2020 session have been exhausted. In light of this fact and the fact that overall, the total amount budget for subsidies was more than enough, she requested approval from LRC to pay subsidies to those counties who had exhausted their budget but her request was denied.

FY2024 BUDGET FOR DISCUSSION

Gina Carey updated the Council on the status of the 2024 budget. The additional allocation to cover the 6% salary increases for staff and elected officials had been provided by the Office of the State Budget Director and the amount when coupled with the nearly 12% cut in the KERS retirement rate for FY2024 was in line with the budget approved at the April 2023 PAC meeting. She directed everyone to review the updated County and Commonwealth's Attorney's budget located in the folders provided. She noted there were projected remaining funds for both Commonwealth's and County Attorneys but that there were some expenditures remaining to be considered which included the predicted VOCA grant shortfalls and the Rocket Docket Grant allocations for FY2024. She noted that the VOCA requests could be cut by at least 50% based on conversations with the Justice Cabinet but that grant awards will not be set until September 2023. She also stated that it was difficult to predict how much longer the vacancy issues would continue.

REVIEW OF TABLED PERSONNEL REQUESTS

Gina directed members to the handouts in their folders regarding tabled requests. She noted that Rocket Docket applications are due June 2, 2023. In light of this fact, and the fact that the majority of the Rocket Docket programs are funded through the Commonwealth's Attorney offices, Rob Sanders made a motion to table the Commonwealth's Attorney's requests for additional funds until after the sub-committee makes recommendations for the FY2025 the Rocket Docket applications at the June PAC meeting, the motion was seconded by Carrie Ovey-Wiggins, and passed by voice vote.

Joe Ross made a motion to grant the request of Jenny Oldham, Hardin County a full-time Secretary at an annual salary of \$32,500, the motion was seconded by Stacy Tapke, and passed by voice vote.

Joe Ross made a motion to deny the request of Paul Madden, Hancock County to change status of a quarter-time employee to part-time with a salary increase of \$25,000, the motion was seconded by Stacy Tapke, and passed by voice vote.

Joe Ross made a motion to approve the request of Michele Duvall, Butler County for a part-time Victim's Advocate with \$27,000 in additional funds for salary, the motion was seconded by Martin Hatfield, and passed by voice vote.

Joe Ross made a motion to approve the request of Justin Baird, Hart County for Victim Advocate with the exception that it will be part-time with an additional \$32,500 in salary funding, the motion was seconded by Martin Hatfield, and passed by voice vote.

Joe Ross made a motion to approve the request of Curtis Dotson, Boyd County for a full-time Victim's Advocate with an additional \$17,000, the motion was seconded by Stacy Tapke, and passed by voice vote.

Joe Ross made a motion to table the request of Johnie Lewis, Elliott County request at this time, seconded by Stacy Tapke, and passed by voice vote.

Joe Ross made a motion to approve the request of Paul Howard, Pike County to increase the salary of a full-time Secretary and full-time Victim's Advocate with an additional \$15,000 in salary funds, the motion was seconded by Stacy Tapke, and passed by voice vote.

Joe Ross made a motion to approve the requests of John Cunningham, Graves County for a full-time Victim Advocate with an additional \$46,000 in salary funds to replace the

current VOCA grant and his request for a part-time Assistant County Attorney with an additional \$30,000 in salary funds. The motion was seconded by Martin Hatfield and passed by voice vote.

Joe Ross made a motion to approve the request of Cade Foster, McCracken County for a full-time Victim Advocate with an additional \$45,000 in salary funds to replace the current VOCA grant. The motion was seconded by Martin Hatfield and passed by voice vote.

Joe Ross made a motion to approve the request of Megan Williams, Menifee County for a quarter-time Victim Advocate with additional salary funds of \$14,080, the motion was seconded by Stacy Tapke, and passed by voice vote.

BIENNIAL BUDGET UPDATE

Gina Carey reported that thanks to the help of the Council members, all 177 biennial budgets have been submitted. She noted that due to the potentially shortened timeline as a result of the language in House Bill 773 from the 2023 session, she needed to get the Additional Budget Requests for both the Commonwealth's and County Attorneys determined as soon as possible. She directed the Council to the handout in their folder related to the Unified Prosecutorial System additional budget requests and asked for any changes or additions/deletions. Rob Sanders recommended increasing the amount needed for expert witnesses as it was becoming a much bigger issue due to changes in legislation. Gina Carey reported the amount allotted for the new case management software would be included in the next Biennial Budget request Joe Ross noted the juvenile funds amount may need to be increased but Gina stated that at least for the current fiscal year, County Attorneys were not submitting invoices related to juvenile experts for payment. She stated that it may be due to lack of understanding an communication that funds were available through PAC now.

Stacy Tapke suggested asking for Senate Bill 90 pilot funds since funds haven't been allocated from that project for prosecutors. She explained there is a large amount of reporting that takes place and that each program participating would need at least a program administrator to compile the lengthy reports. She noted that Senate Bill 90 is in place in Letcher County currently, and that Madison County will be next, and soon Pulaski County as well. Brian Wright and Courtney Baxter noted that originally funds were intended to be available to prosecutors participating in Senate Bill 90 pilot project. Rob Sanders suggested each County and Commonwealth Attorney's make independent requests for funding for the Senate Bill 90 pilot project.

Gina stated that she would update the handout to reflect the changes and begin working on the biennial budget request.

LEASING

Bobby Stokes announced Edison Banks, Commonwealth's Attorney 47th Judicial Circuit is being forced to relocate from his office effective June 30, 2023, due to the lease not being renewed. Madeline had been working with Brien Hoover from Real Properties on emergency replacement space and is currently waiting on approval from them to get his office moved out by the deadline. Bobby also reported that Richie Kemp, Commonwealth's Attorney 52nd Judicial Circuit, has now moved back into his original office space now that repairs have been completed after the tornado damage.

EXPERT

- A. Blake Chambers, Commonwealth's Attorney 38th Judicial Circuit, requested approval for expert witness expenses in an amount exceeding \$5,000.

Rob Sanders made a motion to approve Blake Chambers request not to exceed \$10,000, the motion was seconded by Jackie Steele, and passed by voice vote.

PERSONNEL REQUESTS

NO ADDITIONAL FUNDS

1. Bruce Kuegel, Commonwealth's Attorney 6th Judicial Circuit, requested approval for a continuation of a temporary quarter-time District Secretary position funded with asset forfeiture funds from June 30, 2023 through November 30, 2023 and to increase salary effective June 1, 2023.

Jackie Steele made a motion to approve Bruce Kuegel's request, seconded by Margaret Daniels, and passed by voice vote.

2. Neil Kerr, Commonwealth's Attorney 7th Judicial Circuit, requested approval to supplement salary of a temporary quarter-time District

Secretary position to be paid with asset forfeiture funds effective June 1, 2023 through July 31, 2023.

Rob Sanders made a motion to approve Neil Kerr's request, seconded by Jackie Steele, and passed by voice vote.

3. Kori Beck Bumgarner, Commonwealth's Attorney 8th Judicial Circuit, requested approval to reallocate a full-time Assistant Commonwealth's Attorney position to a full-time Law Clerk position and revert back to a full-time Assistant Commonwealth's Attorney position when candidate passes the bar effective August 16, 2023 and further requests to establish two (2) temporary quarter-time Law Clerk position with no additional funds retroactive to May 1, 2023.

Rob Sanders made a motion to approve Kori Beck Bumgarner's request, seconded by Brian Wright, and passed by voice vote.

4. Shane Young, Commonwealth's Attorney 9th 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 June 1, 2023 through August 15, 2023.

Rob Sander's made a motion to approve Shane Young's request, seconded by Jackie Steele, and passed by voice vote.

5. Michelle Snodgrass, Commonwealth's Attorney 17th Judicial Circuit, requested approval to temporarily supplement salary of a full-time Assistant Commonwealth's Attorney position with asset forfeiture funds effective June 16, 2023 through November 31, 2023.

Rob Sanders made a motion to approve Michelle Snodgrass's request, seconded by Brian Wright, and passed by voice vote.

6. Ashton McKenzie, Commonwealth's Attorney 21st Judicial Circuit, requested approval to establish a quarter-time Commonwealth's Detective position with no additional funds effective June 1, 2023.

Jackie Steele made a motion to approve Ashton McKenzie's request, seconded by Rob Sanders, and passed by voice vote.

7. Kimberly Henderson Baird, Commonwealth's Attorney 22nd Judicial Circuit, requested approval to reallocate a full-time Assistant Commonwealth's Attorney position to a full-time Law Clerk position and revert to a full-time Assistant Commonwealth's Attorney position when candidate passes the bar effective June 1, 2023.

Rob Sanders made a motion to approve Kimberly Henderson Baird's request, seconded by Carrie Ovey-Wiggins, and passed by voice vote.

8. Louis Kelly, Commonwealth's Attorney 54th Judicial Circuit, requested approval to:
 - a) Establish a temporary quarter-time Law Clerk position with no additional funds, to be paid with asset forfeiture funds retroactive to May 16, 2023 through August 15, 2023.
 - b) Establish a temporary quarter-time District Secretary position with no additional funds, to be paid with asset forfeiture funds retroactive to May 16, 2023 through August 25, 2023.
 - c) Temporarily fund two (2) vacant quarter-time Law Clerk positions using asset forfeiture funds retroactive to May 16, 2023 through August 15, 2023.

Rob Sanders made a motion to approve Louis Kelly's requests 8 A-C, seconded by Brian Wright, and passed by voice vote.

ADDITIONAL FUNDS REQUIRED

1. Robert Frazer, Crittenden County Attorney, requested to establish a quarter-time Legal Secretary position with additional funds for salary effective June 1, 2023.

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

2. Benjamin Harrison, Lewis County Attorney, requested to establish a part-time Assistant County Attorney position with additional funds for salary effective June 1, 2023.

Joe Ross made a motion to deny Benjamin Harrison's request, seconded by Stacy Tapke, and passed by voice vote.

3. Sidney Durham, Meade County Attorney, requested to establish a part-time Legal Secretary position with additional funds but with no additional salary funding effective April 1, 2023.

Joe Ross made a motion to approve Sidney Durham's request, seconded by Stacy Tapke, and passed by voice vote.

4. Kevin Shearer, Russell County Attorney, requested additional funds to establish and fund a full-time Victim Advocate position effective June 1, 2023.

Joe Ross made a motion to approve Kevin Shearer's request, seconded by Martin Hatfield, and passed by voice vote.

5. John Bertram, Taylor County Attorney, requested additional funds to establish and fund a full-time Victim Advocate position effective June 1, 2023.

Joe Ross made a motion to approve John Bertram's request, seconded by Martin Hatfield, and passed by voice vote.

ADJOURN

Rob Sanders made a motion to adjourn at 11:20 AM EST in loving memory of Tom Wine, the motion was seconded by Jackie Steele, and passed by voice vote.