

PAC MEMBERS PRESENT

Russell Coleman, Attorney General
Rob Sanders, Commonwealth's Attorney, 16th Judicial Circuit
Carrie Ovey-Wiggins, Commonwealth's Attorney, 56th Judicial Circuit
Brian Wright, Commonwealth's Attorney, 29th Judicial Circuit
Martin Hatfield, Pulaski County Attorney
Jenny Oldham, Hardin County Attorney
Joe Ross, Logan County Attorney
Stacy Tapke, Kenton County Attorney
Margaret Daniel, Citizen member
Lisa Foley, Citizen member

PAC/OAG STAFF PRESENT

Bobby Stokes
Susan Blake
Alyssa Logan
Gina Carey
Harry Rothgerber
Julie Cox
Lindsay James
Penny Quatman
Sheila Kratzer
Jenny True Reed
Kathy Phillips
Chad Coleman
Brandon Woods
Tom Lockridge
Samantha Bracco
Will Schroder
Rewa Zakharia
Amy Burke

GUESTS PRESENT

Maureen Leamy, Commonwealth's Attorney, 3rd Judicial Circuit
Bailey Taylor, Commonwealth's Attorney, 55th Judicial Circuit
Shane Young, Commonwealth's Attorney, 9th Judicial Circuit
Kathy Senter, Commonwealth's Attorney, 4th Judicial Circuit

Richie Kemp, Commonwealth's Attorney, 52nd Judicial Circuit
Kelly Clarke, Commonwealth's Attorney, 19th Judicial Circuit
Mike Van Meter, Commonwealth's Attorney, 6th Judicial Circuit
Louis Kelly, Commonwealth's Attorney, 54th Judicial Circuit
Kimberly Baird, Commonwealth's Attorney, 22nd Judicial Circuit
Todd Martin, Commonwealth's Attorney, 36th Judicial Circuit
Kori Bumgarner, Commonwealth's Attorney, 8th Judicial Circuit
Ashton McKenzie, Commonwealth's Attorney, 21st Judicial Circuit
Gerina Whethers, Commonwealth's Attorney, 30th Judicial Circuit
Scott Blair, Commonwealth's Attorney, 33rd Judicial Circuit
Mike O'Connell, Jefferson County Attorney
Josh Abner, Jefferson County
Herb McKee, Henderson County Attorney
William Elkins, Clark County Attorney
Arch McKay, Nelson County Attorney
Adam Turner, Edmonson County Attorney
Corey Thomas, Spencer County Attorney
John Cunningham, Graves County Attorney
Sam R. Phillips, Simpson County Attorney
Angela Evans, Fayette County Attorney
Jeremy Logsdon, Grayson County Attorney
R. Keith Craycraft, Montgomery County Attorney

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 in conjunction with the Commonwealth's and County Attorney's Winter Conference. Bobby Stokes welcomed the newest member of the PAC Council, Attorney General Russell Coleman.

Russell Coleman thanked everyone for their continued hospitality and support.

Bobby Stokes announced a new Commonwealth's Attorney, Michael Van Meter, has been appointed in the 6th Judicial Circuit, upon Bruce Kuegel's retirement. Chris Whitworth has been appointed as County Attorney in Garrard County. There are also two (2) additions to the PAC IT staff, Brandon Woods is the new IT help desk manager and Matt Moye, who will assist Susan Blake with trainings. It was noted that Maureen Leamy was also elected as the Commonwealth's Attorney in the 3rd Judicial Circuit back in November.

ADMINISTRATIVE

Bobby Stokes directed the Council to review the meeting minutes from the December 8th, 2023, PAC meeting for approval. Stacy Tapke made a motion to approve the December 8th, 2023, minutes, the motion was seconded by Rob Sanders, and passed by voice vote.

Bobby Stokes directed the Council to review a letter located in the folders submitted by Edison Banks, Commonwealth's Attorney 47th Judicial Circuit outlining some medical issues within his office. He requested additional support from the Office of the Attorney General, Special Prosecution Unit during this time. The 47th Judicial Circuit is also in the process of relocating to a temporary space after their lease was not renewed for FY24. PAC staff continues to work with Real Properties to find permanent space.

TRAINING UPDATE

Susan Blake reported the on-demand library is growing and notices have gone out to all prosecutors about the opportunity to get CLE and meet statutorily mandated training topics: Domestic Violence, Elder Abuse, Child Abuse and Human Trafficking. The PAC training branch is in the process of getting estimates to record four more sessions. We have received good feedback from prosecutors who have watched the videos, and they appreciate the convenience of on-demand learning. The Jury Selection/Opening Statement training Course will take place May 6-9 at the Embassy Suites Newtown Pike, Lexington. Registration closes at the end of the month, and the response has been good. The 2024 Kentucky Prosecutors Conference will take place in August. PAC is working to schedule speakers and finalize the schedule. The current plan is to offer a preconference session before the official opening of the conference. KPC will begin on Wednesday afternoon, August 21st and conclude on August 23rd. The Victims Advocacy Division of the OAG is working to offer a track on Thursday of the conference, August 24th. Robyn Diez D'Aux has been in touch with the Galt House to work on the details. December Basic Training for newly elected Commonwealth's Attorneys or attorneys who have come into office since 2018 will be at the Origin Hotel in Lexington December 3-6. A list of potential topics was sent to the Commonwealth Attorneys members and topics will be added as needed.

RESOURCE PROSECUTOR UPDATE

Tom Lockridge reported he has a trial set for Monday that should last around one (1) month. Additionally, he has begun working on a new training that will utilize the same format as the Do No Harm training held in October. He continues to assist Susan Blake in creating new videos for the library. He's also helping Susan Blake with preparations for the Jury Selection Course. He expressed that he's always available for questions or strategy consultations.

Jenny True Reed, the Traffic Safety Resource Prosecutor, thanked the PAC Council for allowing her to work with Gail Whitt, who has been a wonderful addition to the team. The Prosecuting the Drugged Driver training will take place next week at the Origin Hotel in Lexington Kentucky. The training is full, however, for anyone that would still like to attend that doesn't need a hotel room, can still attend. She continues to work with the Kentucky Medical Cannabis Program and is working on training opportunities with the legalization of medical marijuana approaching in 2025. Last week, Kathy Phillips, assisted her at the Cops in Court, at the Bowling Green Law Enforcement Academy. She's also traveling with Dr. Davis to present to the Department of Criminal Justice Training on five (5) occasions this year at different locations on DUI's and impaired driving to law enforcement with the goal for all law enforcement to get blood draws on the scene, especially in fatality situations. The first presentation will take place in Louisville Kentucky on March 4, 2024. The Lethal Weapon training will take place May 21-23, 2024, at the Marriott East. The Kentucky Office of Highway Safety has purchased oral fluid instruments to be distributed throughout different counties in the state. The target date for law enforcement phlebotomy program is July 1st, 2024.

Kathy Phillips, the Domestic Violence Resource Prosecutor announced she had the opportunity to present with Jenny Haymond this week at the Commonwealth's and County Attorney's winter conference on the multi-disciplinary approach to investigation and prosecution of domestic violence cases. This morning, she presented for cadets at Kentucky State Police on domestic violence. On April 20, 2024, she will present at the Merryman House in Western Kentucky. She is working with Henderson County to create a full-day domestic violence summit. She continues to travel around the state to work with law enforcement and prosecutors to plan local domestic violence trainings. Next week she will present with Jenny True Reed at the TSRP conference. She also continues to work with Susan on creating domestic violence resource videos for the library. She expressed that she's always available for strategy and legal assistance.

PAC ROCKET DOCKET FY2024 INTERIM REPORT TO JUSTICE

Gina Carey presented the FY2024 Interim Report on the PAC Rocket Docket programs to the Council for review and approval. She reported that the Council funded 50 rocket docket programs for FY24. She noted that approximately 51,900 cases have been completed since inception in FY16, totaling \$222 million dollars in estimated savings to local governments. Additionally, she noted that defendants have been referred to drug treatment approximately 36,700 times, which is up four (4) percent since 2021. A motion was made by Rob Sanders to approve the FY2024 Interim report on the PAC Rocket Docket Programs, the motion was seconded by Joe Ross, and passed by voice vote.

Gina directed the Council to the handout located in the folders provided which outlines the data collection and reporting schedule for the 2023 Child Sexual Abuse report pursuant to KRS 15.706. She advised that collection was due to begin on March 1, 2024, which should allow the report to be completed for Council review at the August 2024 PAC meeting.

PAYROLL CERTIFICATIONS

DELINQUENT

Bobby Stokes announced PAC has a policy in place which states all payroll certifications need to be submitted no later than five (5) days at the end of each pay period, however several offices have been delinquent. He explained Anderson County has consistently delinquent submitting payroll certifications, but are currently up to date. He expressed the importance of submitting payroll certifications timely and actions may need to be taken in the future if this continues to be an issue.

PAC STAFF

Bobby Stokes directed the Council to review the PAC/UPS payroll certifications for the periods of December 1, 2023, to February 15, 2024, for approval. Stacy Tapke made a motion to approve the PAC/UPS payroll certifications, the motion was seconded by Rob Sanders, and passed by voice vote.

DELINQUENT COUNTY ATTORNEY DISCLOSURES

HENRY COUNTY

Gina Carey announced that the Henry County disclosure had been received before the meeting, so all County Attorney disclosures have been received. She thanked Mark Robbins for his assistance.

EMPLOYMENT LAW CONTRACT RFP

Susan Blake reported the employment law firm contract with Sturgill Turner is due to expire at the end of June. She has begun the process of releasing an RFP to allow plenty of time to seek bids. The amount of the contract will be determined by the Council after bids are received and reviewed. She directed the Council to a letter located in the folders provided, in response to questions Martin Hatfield posed as an example of the type of assistance an employment lawyer can provide. She requested a motion to approve moving forward with the RFP process. A motion was made by Brian Wright to approve the process of moving forward with the RFP, the motion was seconded by Rob Sanders, and passed by voice vote.

INDEMNITY PROCESS PURSUANT TO KRS 15.753

Bobby Stokes directed the Council to review the packet located in the folders provided. The Jefferson County Attorney's Office submitted to PAC regarding the indemnity process pursuant to KRS 15.753. He explained The Jefferson County Attorney's Office is requesting clarification on sub-section three (3) which states, the indemnification shall be contingent upon an express determination by the Prosecutor's Advisory Council that the act or omission which resulted in liability or financial loss was within the scope and course of the officer's employment and occurred during the performance of duty and was committed or omitted in the good faith belief that the act or omission was lawful and proper. The Jefferson County Attorney's office would like to know at what stage in the process PAC and finance needs to be informed. Stacy Tapke recommended taking additional time to investigate set policies and guidelines and how to handle these situations going forward. Bobby Stokes advised waiting until the next meeting when additional information has been collected to address this question. Joe Ross made a motion to table this question until the next meeting, the motion was seconded by Margaret Daniels, and passed by voice vote.

Bobby Stokes announced significant changes have been made in the ordering process for office supplies. The state has two (2) new contracts for office supplies. Sheila Kratzer is working with Baumann Paper and Office Depot to ensure a smooth transition for the offices when ordering supplies from the new state price contracts.

BUDGET

Gina Carey reported that the Finance Cabinet is upgrading the Emars financial system for the state in April. She advised the Council that the new application is currently in the user testing phase but is due to "Go Live" in April and that there may be some delays in processing bills/reimbursements when the new system comes online.

FISCAL 2024 UPDATE

Gina Carey reported that the projections are on target for the County Attorney budget, however, she urged the offices to utilize their operating budget. She explained that the Commonwealth's Attorney's offices continue to have a higher number of vacancies than projected. She announced that the annual email with ordering deadlines and opportunities to submit wish lists will be sent out soon.

Gina directed the Council to the handout located in their folders listing the Unified Prosecutor Case Management RFP committee. She thanked everyone on the committee for their dedication, input, and attendance at the periodic meetings to develop the technical requirements document which has been provided in their materials. She will work with Lindsay James and Chad Coleman going forward to create an RFP document with the committee's recommendations to submit to the Finance Cabinet. The committee will continue to meet as the RFP document is assembled and will be part of the review and evaluation process going forward.

Gina reported that the Office of the Commonwealth's Attorney in Louisville and the Madison County's Attorney's Office have offered to work exclusively with NICE to test and troubleshoot the NICE software to determine if the software can be a viable solution for the UPS. She noted that some offices were in desperate need for a discovery management system immediately, so PAC staff worked with the Finance Cabinet to have the option of purchasing DocksuShare as an alternative immediately.

BIENNIAL BUDGET UPDATE

Gina Carey reported that the Executive Budget Bill, HB 6, has passed the House and is currently in the Senate. She commented that many of the additional budget requests were included in the House's version of the budget. The recommended funding included additional personnel for both Commonwealth's and County Attorneys, continuation Rocket Docket funding, full funding of the Unified Prosecutor Case Management System, additional staff for PAC, and full funding of both the Commonwealth's and County Attorneys Salary Compensation and Standardization plan. She suggested that the Council consider forming one or more committees to set policies for implementation of the Salary Classification and Compensation plan. She recommended Council members and other offices be part of the committees to study and make recommendations to the Council. Stacy Tapke made a motion to establish three (3) separate committees to study and recommend policies for the implementation of the Salary Classification and Compensation plan at the discretion of the Council, the motion was seconded by Margaret Daniels, and passed by voice vote.

LEASES

Bobby Stokes announced the 47th Judicial Circuit is in the process of being relocated to a temporary office space and continues to work with Real Properties to find permanent office space. The 46th Judicial Circuit has incurred a lease rate increase totaling \$10,000 from the previous rate. He asked that the Council approve the lease increase in the 46th Judicial Circuit. Brian Wright made a motion to approve the lease rate increase in the amount of \$10,000, the motion was seconded by Rob Sanders, and passed by voice vote. Bobby Stokes reported there may be several leases that will need to be renewed soon. He reported the 1st Judicial Circuit plans to relocate to Carlisle County and they're working with AOC to ensure a smooth transition.

PERSONNEL REQUESTS

A. NO ADDITIONAL FUNDS

1. Michael VanMeter, Commonwealth's Attorney 6th Judicial Circuit, requested approval to increase salary of two (2) full-time Assistant

Commonwealth's Attorney positions more than \$10,000.00 retroactive to January 16, 2024.

2. Sharon Muse, Commonwealth's Attorney 14th Judicial Circuit, requested approval to temporarily reallocate a full-time Victim Advocate position to a full-time District Secretary position retroactive to February 1, 2024, through May 16, 2024, then revert back to full-time Victim Advocate position.

Attorney General, Russell Coleman, recused himself from no additional funds request A-2.

Rob Sanders made a motion to approve no additional funds requests A 1-2, the motion was seconded by Carrie Ovey-Wiggins, and passed by voice vote.

3. Rob Sanders, Commonwealth's Attorney 16th Judicial Circuit, requested approval to establish four (4) temporary quarter-time Law Clerk positions with no additional funds, to be paid with asset forfeiture funds effective May 16, 2024, through August 31, 2024.

Rob Sanders recused himself from no additional funds request A-3.

Brian Wright made a motion to approve no additional funds request A-3, the motion was seconded by Margaret Daniels, and passed by voice vote.

4. Michelle Snodgrass, Commonwealth's Attorney 17th Judicial Circuit, requested approval to increase salary of a part-time Assistant Commonwealth's Attorney position more than \$10,000.00 retroactive to February 16, 2024.

Rob Sanders made a motion to approve no additional funds request A-4 not to exceed a salary of \$63,600 annually, the motion was seconded by Brian Wright, and passed by voice vote.

5. Ashton McKenzie, Commonwealth's Attorney 21st Judicial Circuit, requested approval to reallocate a full-time Commonwealth's Detective position to a part-time Assistant Commonwealth's Attorney position with no additional funds retroactive to February 16, 2024.

6. 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 May 16, 2024
7. Bailey Taylor, Commonwealth's Attorney 55th Judicial Circuit, requested approval to establish temporary quarter-time District Secretary position with no additional funds, to be paid with asset forfeiture funds retroactive to February 1, 2024, through August 31, 2024.

Rob Sanders made a motion to approve no additional funds requests A 5-7, the motion was seconded by Carrie Ovey-Wiggins, and passed by voice vote.

8. Adam Turner, Edmonson County Attorney, requested approval to establish a quarter-time Assistant County Attorney position retroactive to January 1, 2024.
9. Steve Gold, Henderson County Attorney, requested approval to reallocate a full-time Assistant County Attorney position to a part-time Assistant County Attorney position effective March 1, 2024.
10. Lee Riddle, Hopkins County Attorney, requested approval to establish an unfunded part-time Assistant County Attorney position retroactive to January 16, 2024.
11. Ben Harrison, Lewis County Attorney, requested approval to establish an unfunded part-time Assistant County Attorney position retroactive to January 1, 2024.
12. Cameron Culbertson, Scott County Attorney, requested approval to establish an unfunded full-time Assistant County Attorney position retroactive to January 1, 2024.

Martin Hatfield made a motion to approve no additional funds requests A 8-12, the motion was seconded by Jenny Oldham, and passed by voice vote.

B. ADDITIONAL FUNDS REQUIRED

1. Maureen Leamy, Commonwealth's Attorney 3rd Judicial Circuit, requested approval to establish a temporary part-time District Secretary position with \$14,762 in additional funding to supplement her available \$11,238 for a total salary of \$26,000 effective March 1, 2024, through February 28, 2025.
2. Shane Young, Commonwealth's Attorney 9th Judicial Circuit, requested approval to establish a full-time District Secretary position with additional funds to support a salary of \$35,000 effective March 1, 2024.

Rob Sanders made a motion to approve additional funds required B 1-2 through fiscal year 2024 at which point the funding will be reevaluated, the motion was seconded by Brian Wright, and passed by voice vote.

3. Myles Holbrook, Morgan County Attorney, requested additional funding for part-time Victim Advocate position to raise the salary from \$25,000 to \$35,000 annually.

Joe Ross made a motion to table additional funds required B-3 until the May PAC meeting, the motion was seconded by Stacy Tapke, and passed by voice vote.

ADJOURN

Rob Sanders made a motion to adjourn at 12:14 PM EST, the motion was seconded by Margaret Daniels, and passed by voice vote.