



SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator

STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 NW 13TH ST, SUITE 290 • OKLAHOMA CITY, OKLAHOMA 73103-3710

EXECUTIVE
405-264-5000
FAX 405-264-5099

FINANCE
405-264-5004
405-264-5099

GRANTS
405-264-5008
405-264-5095

VICTIMS
405-264-5006
405-264-5097

MIS
405-264-5002
405-264-5099

MINUTES

THURSDAY, MARCH 24, 2016 10:00 A.M.
DISTRICT ATTORNEYS COUNCIL
421 N.W. 13TH STREET
OKLAHOMA CITY, OKLAHOMA

COUNCIL MEETING

1) CALL TO ORDER

District Attorney Chair Mike Boring called the meeting to order at 10:00 a.m. The following Council members were present: District Attorney Mike Boring, District Attorney Mike Fields, District Attorney John Wampler, District Attorney David Prater and First Assistant Attorney General Mike Hunter.

2) STATEMENT OF COMPLIANCE WITH OPEN MEETING ACT

It was noted the agenda had been properly posted and the office of the Secretary of State notified. Written notice was provided to the Secretary of State November 10, 2015. Meagan Conway posted the agenda Tuesday, March 23, 2016 at 10:00 a.m., at Council Headquarters, 421 N. W. 13th Street, Oklahoma City, Oklahoma.

3) INTRODUCTIONS AND ANNOUNCEMENTS

Suzanne McClain Atwood welcomed District Attorneys and others attending the meeting. In attendance were: District Attorneys Chris Boring, Jeff Smith, Brian Hermanson, Kenny Wright, Matt Ballard, Emily Redman, Angela Marsee, Kevin Buchanan, Laura Austin Thomas, Steve Kunzweiler, Richard Smothermon, Farley Ward, Max Cook, Chris Ross, Rex Duncan, Greg Mashburn, Fred Smith and newly appointed District Attorney Ken Darby. Ms. Atwood then introduced the following guests and DAC staff: Clifton Adcock, Oklahoma Watch, Crystal Cole, Finance Coordinator for District 14, Trent Baggett, Bud Webster, Jeff Sifers and Meagan Conway.

4) APPROVAL OF MINUTES OF FEBRUARY 18, 2016, REGULAR MEETING

A motion was made by Mike Fields and seconded by David Prater to approve the minutes from the February 18, 2016 regular meeting. The motion carried as follows:

AYE: Boring, Fields, Wampler, Prater, Hunter
NAY: None
ABST: None

5) EXPERT WITNESS FEE REQUEST FROM DISTRICT 2

Angela Marsee reported that during the course of determining whether a public nuisance existed which would involve prosecution due to public safety issues, an expert was retained by her predecessor to evaluate the public safety issues related to a private shooting range near a residential development. Dennis Smith, the former District Attorney, had agreed to pay a portion of the fees. A case was not filed but the evaluation and report prepared by the expert was necessary to the successful negotiation of an agreement to settle the dispute without court intervention. The expert witness fee request has been revised from \$4,535 to \$4,000 and the settlement was provided for the Council to review.

A motion was made by Mike Fields and seconded by Mike Hunter to approve District 2's Expert Witness Fee Request to Firearms Technologies, Inc. in the amount of \$4,000.00. The motion carried as follows:

AYE: Boring, Fields, Wampler, Hunter
NAY: Prater
ABST: None

6) EXPERT WITNESS FEE REQUEST FROM DISTRICT 7

A motion was made by Mike Fields and seconded by John Wampler to approve District 7's Expert Witness Fee Request to Dr. Michael Burton in the amount of \$1,890.00. The motion carried as follows:

AYE: Boring, Fields, Wampler, Hunter
NAY: None
ABST: Prater

7) FY16 BUDGET

Bud Webster directed the board to review for approval the budget handout, FY16 State Appropriation with Across the Board Reduction of 3% and 4%. Ms. Atwood advised that the proposal includes across the board cuts to all accounts, including the DAC Evidence and Training funds. She believes there is sufficient funding in the accounts to handle the cuts for this fiscal year, but advises the Council may need to revisit this for future years.

A motion was made by John Wampler and seconded by Mike Fields to approve the across the board reduction of 4% as noted in the handout. [See attachment.] The motion carried as follows:

AYE: Boring, Fields, Wampler, Prater, Hunter
NAY: None

District Attorneys Council
FY16 State Appropriation With
Across the Board Reduction of 3% and 4%

Dist.	District Attorney	FY16 State Appropriation	Across the Board 3% State Appropriation Reduction	FY16 State Appropriation with Across the Board Reduction of 3%	Proposed Across the Board 4% State Appropriation Reduction	FY16 State Appropriation with Across the Board Reduction of 3% and 4%
1	Mike Boring	\$764,402.00	(\$22,932.00)	\$741,470.00	(\$30,576.00)	\$710,894.00
2	Angela Marsee	\$1,073,557.00	(\$32,207.00)	\$1,041,350.00	(\$42,942.00)	\$998,408.00
3	John Wampler	\$1,011,472.00	(\$30,344.00)	\$981,128.00	(\$40,459.00)	\$940,669.00
4	Mike Fields	\$1,890,230.00	(\$56,707.00)	\$1,833,523.00	(\$75,609.00)	\$1,757,914.00
5	Fred Smith	\$1,228,799.00	(\$36,864.00)	\$1,191,935.00	(\$49,152.00)	\$1,142,783.00
6	Jason Hicks	\$1,374,946.00	(\$41,248.00)	\$1,333,698.00	(\$54,998.00)	\$1,278,700.00
7	David Prater	\$5,590,185.00	(\$167,706.00)	\$5,422,479.00	(\$223,607.00)	\$5,198,872.00
8	Brian Hermanson	\$793,484.00	(\$23,805.00)	\$769,679.00	(\$31,739.00)	\$737,940.00
9	Laura Thomas	\$1,079,492.00	(\$32,385.00)	\$1,047,107.00	(\$43,180.00)	\$1,003,927.00
10	Rex Duncan	\$729,075.00	(\$21,872.00)	\$707,203.00	(\$29,163.00)	\$678,040.00
11	Kevin Buchanan	\$753,258.00	(\$22,598.00)	\$730,660.00	(\$30,130.00)	\$700,530.00
12	Matt Ballard	\$1,236,356.00	(\$37,091.00)	\$1,199,265.00	(\$49,454.00)	\$1,149,811.00
13	Kenny Wright	\$950,230.00	(\$28,507.00)	\$921,723.00	(\$38,009.00)	\$883,714.00
14	Steve Kunzweiler	\$4,719,818.00	(\$141,595.00)	\$4,578,223.00	(\$188,793.00)	\$4,389,430.00
15	Orvil Loge	\$824,862.00	(\$24,746.00)	\$800,116.00	(\$32,995.00)	\$767,121.00
16	Jeff Smith	\$743,230.00	(\$22,297.00)	\$720,933.00	(\$29,729.00)	\$691,204.00
17	Mark Matloff	\$869,783.00	(\$26,093.00)	\$843,690.00	(\$34,791.00)	\$808,899.00
18	Farley Ward	\$751,153.00	(\$22,535.00)	\$728,618.00	(\$30,046.00)	\$698,572.00
19	Emily Redman	\$886,012.00	(\$26,580.00)	\$859,432.00	(\$35,440.00)	\$823,992.00
20	Craig Ladd	\$1,333,610.00	(\$40,008.00)	\$1,293,602.00	(\$53,344.00)	\$1,240,258.00
21	Greg Mashburn	\$2,501,677.00	(\$75,050.00)	\$2,426,627.00	(\$100,067.00)	\$2,326,560.00
22	Chris Ross	\$979,766.00	(\$29,393.00)	\$950,373.00	(\$39,191.00)	\$911,182.00
23	Richard Smothermon	\$951,395.00	(\$28,542.00)	\$922,853.00	(\$38,056.00)	\$884,797.00
24	Max Cook	\$872,369.00	(\$26,171.00)	\$846,198.00	(\$34,895.00)	\$811,303.00
25	Rob Barris	\$784,770.00	(\$23,543.00)	\$761,227.00	(\$31,391.00)	\$729,836.00
26	Chris Boring	\$958,716.00	(\$28,761.00)	\$929,955.00	(\$38,349.00)	\$891,606.00
27	Brian Kuester	\$1,667,643.00	(\$50,029.00)	\$1,617,614.00	(\$66,706.00)	\$1,550,908.00
	Sub-Total	\$37,320,290.00	(\$1,119,609.00)	\$36,200,681.00	(\$1,492,811.00)	\$34,707,870.00
	Training	\$115,000.00	(\$3,450.58)	\$111,549.42	(\$4,600.44)	\$106,948.98
	DAC	\$920,382.00	(\$27,611.00)	\$892,771.00	(\$36,815.00)	\$855,956.00
	Evidence Fund	\$491,014.00	(\$14,730.00)	\$476,284.00	(\$19,641.00)	\$456,643.00
	Agency Total	\$38,846,686.00	(\$1,165,400.58)	\$37,681,285.42	(\$1,553,867.44)	\$36,127,417.98

ABST: None

8) FY17 BUDGET

Ms. Atwood reported that three different spreadsheets have been made available for Council review: the one previously voted on documenting the 4%, a spreadsheet with the history of cuts and a document with a synopsis of all of the information [See attachments].

Ms. Atwood reported that the legislature has not yet agreed on the FY17 budget. Ms. Atwood believes they are looking at revolving funds, tax credits/cuts, bonds.

Ms. Atwood reported that she developed a budget impact letter that will be sent out in a series to every member of the legislature. Ms. Atwood suggested that each District Attorney who is featured in the letter follow up with direct contact to his or her legislators. The message Ms. Atwood has been sharing is that the District Attorneys have taken the cuts that have been given, but we cannot take anymore. If further cuts are given, public safety will be compromised. There are a few bills that could impact funding: DUI Bill, the license plate reader program, prosecution assessments and drug possession deferred prosecution. No action was taken.

9) TECHNOLOGY COMMITTEE REPORT

Brian Hermanson reported that the Technology Committee was tasked with reviewing personal information contained on court documents filed in courts through the use of JustWare.

Mr. Hermanson reported that some Districts have been proactive and already started using the last 4 digits of the social security number on the information. Mr. Hermanson advised Jennifer Miller from the Attorney General's office suggested that the interested parties get together and come up with a suggested solution. She suggested an initial meeting with District Attorneys, the administrative office of the courts and the Attorney General's office to come up with proposed solutions. The committee has no recommendations today. No action was taken.

10) PEYTON BALLARD VS. STATE OF OKLAHOMA, ET AL. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA, CIV 16-66-R

Ms. Atwood reported that the Technology Committee was tasked with reviewing this issue and Mr. Hermanson had already given the report. She added Ms. Miller did note that there are some districts that have adopted local court rules that somewhat limits what information is contained on court documents. No action was taken.

11) EXPANDING FALL CONFERENCE TO INCLUDE SURROUNDING STATES

Trent Baggett reported that the National District Attorney Association offers an abusive head trauma two day training. Mr. Baggett inquired about bringing the training to Oklahoma and NDAA suggested inviting Kansas because they expressed interest in the training too. Mr. Baggett suggested limiting the number of registrants, providing an overflow hotel and having the states pay their own way. Ms. Atwood suggests inviting Texas and Arkansas to the training if we decide to open it to other states.

A motion was made by David Prater and seconded by John Wampler to advise Trent Baggett to explore Fall Conference as a Joint Conference with other states. The motion carried as follows:

**District Attorneys Council
FY16 State Appropriation
History as of 03/08/2016**

Dist.	District Attorney	Original FY15 State Appropriation	Across the Board 2% State Appropriation Reduction	Across the Board 3% State Appropriation Reduction	Across the Board 4% State Appropriation Reduction	FY16 State Appropriation by District as of 03/08/2016
1	Mike Boring	\$780,249.00	(\$15,847.00)	(\$22,932.00)	(\$30,576.00)	\$710,894.00
2	Angela Marsee	\$1,095,813.00	(\$22,256.00)	(\$32,207.00)	(\$42,942.00)	\$998,408.00
3	John Wampler	\$1,032,441.00	(\$20,969.00)	(\$30,344.00)	(\$40,459.00)	\$940,669.00
4	Mike Fields	\$1,929,417.00	(\$39,187.00)	(\$56,707.00)	(\$75,609.00)	\$1,757,914.00
5	Fred Smith	\$1,254,274.00	(\$25,475.00)	(\$36,864.00)	(\$49,152.00)	\$1,142,783.00
6	Jason Hicks	\$1,403,451.00	(\$28,505.00)	(\$41,248.00)	(\$54,998.00)	\$1,278,700.00
7	David Prater	\$5,706,078.00	(\$115,893.00)	(\$167,706.00)	(\$223,607.00)	\$5,198,872.00
8	Brian Hermanson	\$809,934.00	(\$16,450.00)	(\$23,805.00)	(\$31,739.00)	\$737,940.00
9	Laura Thomas	\$1,101,872.00	(\$22,380.00)	(\$32,385.00)	(\$43,180.00)	\$1,003,927.00
10	Rex Duncan	\$744,190.00	(\$15,115.00)	(\$21,872.00)	(\$29,163.00)	\$678,040.00
11	Kevin Buchanan	\$768,874.00	(\$15,616.00)	(\$22,598.00)	(\$30,130.00)	\$700,530.00
12	Matthew Ballard	\$1,261,988.00	(\$25,632.00)	(\$37,091.00)	(\$49,454.00)	\$1,149,811.00
13	Kenny Wright	\$969,930.00	(\$19,700.00)	(\$28,507.00)	(\$38,009.00)	\$883,714.00
14	Stephen Kunzweiler	\$4,817,667.00	(\$97,849.00)	(\$141,595.00)	(\$188,793.00)	\$4,389,430.00
15	Orvil Loge	\$841,963.00	(\$17,101.00)	(\$24,746.00)	(\$32,995.00)	\$767,121.00
16	Jeff Smith	\$758,638.00	(\$15,408.00)	(\$22,297.00)	(\$29,729.00)	\$691,204.00
17	Mark Matloff	\$887,815.00	(\$18,032.00)	(\$26,093.00)	(\$34,791.00)	\$808,899.00
18	Farley Ward	\$766,726.00	(\$15,573.00)	(\$22,535.00)	(\$30,046.00)	\$698,572.00
19	Emily Redman	\$904,380.00	(\$18,368.00)	(\$26,580.00)	(\$35,440.00)	\$823,992.00
20	Craig Ladd	\$1,361,258.00	(\$27,648.00)	(\$40,008.00)	(\$53,344.00)	\$1,240,258.00
21	Greg Mashburn	\$2,553,541.00	(\$51,864.00)	(\$75,050.00)	(\$100,067.00)	\$2,326,560.00
22	Chris Ross	\$1,000,078.00	(\$20,312.00)	(\$29,393.00)	(\$39,191.00)	\$911,182.00
23	Richard Smothermon	\$971,119.00	(\$19,724.00)	(\$28,542.00)	(\$38,056.00)	\$884,797.00
24	Max Cook	\$890,455.00	(\$18,086.00)	(\$26,171.00)	(\$34,895.00)	\$811,303.00
25	Rob Barns	\$801,039.00	(\$16,269.00)	(\$23,543.00)	(\$31,391.00)	\$729,836.00
26	Chris Boring	\$978,592.00	(\$19,876.00)	(\$28,761.00)	(\$38,349.00)	\$891,606.00
27	Brian Kuester	\$1,702,216.00	(\$34,573.00)	(\$50,029.00)	(\$66,706.00)	\$1,550,908.00
	Sub-Total	\$38,093,998.00	(\$773,708.00)	(\$1,119,609.00)	(\$1,492,811.00)	\$34,707,870.00
	Training	\$115,000.00		(\$3,450.58)	(\$4,600.44)	\$106,948.98
	DAC	\$939,463.00	(\$19,081.00)	(\$27,611.00)	(\$36,815.00)	\$855,956.00
	Evidence Fund	\$491,014.00		(\$14,730.00)	(\$19,641.00)	\$456,643.00
	Agency Total	\$39,639,475.00	(\$792,789.00)	(\$1,165,400.58)	(\$1,553,867.44)	\$36,127,417.98

**District Attorneys Council
FY16 State Appropriation
History as of 03/08/2016**

Dist.	District Attorney	Original FY15 State Appropriation	Total Across the Board State Appropriation Reductions as of 03/08/2016	FY16 State Appropriation by District as of 03/08/2016
1	Mike Boring	\$780,249.00	(\$69,355.00)	\$710,894.00
2	Angela Marsee	\$1,095,813.00	(\$97,405.00)	\$998,408.00
3	John Wampler	\$1,032,441.00	(\$91,772.00)	\$940,669.00
4	Mike Fields	\$1,929,417.00	(\$171,503.00)	\$1,757,914.00
5	Fred Smith	\$1,254,274.00	(\$111,491.00)	\$1,142,783.00
6	Jason Hicks	\$1,403,451.00	(\$124,751.00)	\$1,278,700.00
7	David Prater	\$5,706,078.00	(\$507,206.00)	\$5,198,872.00
8	Brian Hermanson	\$809,934.00	(\$71,994.00)	\$737,940.00
9	Laura Thomas	\$1,101,872.00	(\$97,945.00)	\$1,003,927.00
10	Rex Duncan	\$744,190.00	(\$66,150.00)	\$678,040.00
11	Kevin Buchanan	\$768,874.00	(\$68,344.00)	\$700,530.00
12	Matthew Ballard	\$1,261,988.00	(\$112,177.00)	\$1,149,811.00
13	Kenny Wright	\$969,930.00	(\$86,216.00)	\$883,714.00
14	Stephen Kunzweiler	\$4,817,667.00	(\$428,237.00)	\$4,389,430.00
15	Orvil Loge	\$841,963.00	(\$74,842.00)	\$767,121.00
16	Jeff Smith	\$758,638.00	(\$67,434.00)	\$691,204.00
17	Mark Matloff	\$887,815.00	(\$78,916.00)	\$808,899.00
18	Farley Ward	\$766,726.00	(\$68,154.00)	\$698,572.00
19	Emily Redman	\$904,380.00	(\$80,388.00)	\$823,992.00
20	Craig Ladd	\$1,361,258.00	(\$121,000.00)	\$1,240,258.00
21	Greg Mashburn	\$2,553,541.00	(\$226,981.00)	\$2,326,560.00
22	Chris Ross	\$1,000,078.00	(\$88,896.00)	\$911,182.00
23	Richard Smothermon	\$971,119.00	(\$86,322.00)	\$884,797.00
24	Max Cook	\$890,455.00	(\$79,152.00)	\$811,303.00
25	Rob Barris	\$801,039.00	(\$71,203.00)	\$729,836.00
26	Chris Boring	\$978,592.00	(\$86,986.00)	\$891,606.00
27	Brian Kuester	\$1,702,216.00	(\$151,308.00)	\$1,550,908.00
	Sub-Total	\$38,093,998.00	(\$3,386,128.00)	\$34,707,870.00
	Training	\$115,000.00	(\$8,051.02)	\$106,948.98
	DAC	\$939,463.00	(\$83,507.00)	\$855,956.00
	Evidence Fund	\$491,014.00	(\$34,371.00)	\$456,643.00
	Agency Total	\$39,639,475.00	(\$3,512,057.02)	\$36,127,417.98

AYE: Boring, Fields, Wampler, Prater, Hunter

NAY: None

ABST: None

12) REPORT OF THE EXECUTIVE COORDINATOR, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING ITEMS:

Meetings Report

Ms. Atwood reported on the following meetings:

- District Attorney Office Visits
- Meeting with Chris Kannady, Scott Biggs and Ben Loring
- Senator Kyle Loveless

DAC Update

Ms. Atwood reported on the upcoming trainings:

Prosecutor Bootcamp – April 26 - 29

Jointed Elected DA – June 15 - 17

Ms. Atwood also reported Meagan Conway has accepted the position of the Victim Services Training Coordinator. She thanked Ms. Conway for her service to the Council and the agency, wishing her well in her new role.

Ms. Atwood reported the DAC Audit cost was \$12,700.

13) RECOGNITION OF OUTGOING COUNCIL MEMBER JOHN WAMPLER

Mike Boring and Suzanne McClain Atwood honored Mr. Wampler with a proclamation and appreciation award for his 25 years of service as District Attorney to the State of Oklahoma.

14) NEW BUSINESS NOT KNOWN 24 HOURS PRIOR TO POSTING

None.

15) ADJOURNMENT

A motion was made by Mike Fields and seconded by John Wampler to adjourn the meeting. The motion carried as follows:

AYE: Boring, Fields, Wampler, Prater, Hunter

NAY: None

ABST: None