

Commission on Victims in the Courts
Meeting Minutes
Friday September 8, 2006 10:00 AM-2:00 PM
City of Phoenix Family Advocacy Center
Conference Call Number: 602-542-9001
C.O.V.I.C Website <http://www.supreme.state.az.us/covic>

COVIC Members Present

Chair: Hon. Ronald Reinstein
Hon. Lex Anderson
Dr. Kathryn Coffman
Mr. Edwin Cook
Ms. Sydney Davis
Mr. Stephen Dichter
Mr. Gary Husk
Ms. Emily Johnston
Ms. Charlene Laplante
Mr. Dan Levey
Hon. Richard Weiss
Hon. Anna Montoya-Paez
Hon. Patricia Noland
Hon. William O'Neil
Mr. Doug Pilcher
Ms. Karen Sullivan
Mr. Steve Twist
Mr. Anthony Vidale
Ms. Kimberlie Musselman
Hon. Antonio Riojas, Jr.

Members Absent

Mr. Richard Romley
Det. Jack Ballentine

Proxy

Ms. Sarah Schmoll for Ms. Kathy Waters
Hon. Ronald Reinstein for Mr. Marc Budoff
Ms. Anne Marreel for Mr. Bill Hart

Staff

Ms. Carol Mitchell
Ms. Carrin Huff

Welcome and Call to Order

The Chair officially called the meeting to order at 11:00 AM, at the Family Advocacy Center in Phoenix, Arizona. Introductions were made of commission members and guests. Prior to the call to order, members and guests were given a tour of the City of Phoenix Family Advocacy Center by Ms. Libby Bissa. Detailed notes from the Phoenix facility tour are available upon request.

Approval of June 2, 2006 Minutes

Members did not indicate any corrections to the previous meeting minutes.

Motion: To approve minutes from June 2, 2006. Motion unanimously passed.

National Crime Victim Law Institute Conference Update

Dan Levey, Carol Mitchell, Steve Twist and Bill Hart attended the National Crime Victim Law Institute Conference in Portland, OR on June 16th and 17th, 2006. Members presented a power point detailing the background of the National Crime Victim Law Institute and the Oregon Victims' Rights Compliance Project. Also discussed was lessons learned in Oregon that could be applied to COVIC.

The keynote speaker at the conference was a Judge from Arizona, Honorable Margaret Mahoney who was also a crime victim. The commission discussed the difficulties she encountered as a victim and the lessons that should be taken from them, as well as how the end result of her experience resulted in legislative changes that will benefit all victims.

The Oregon Compliance Project and Oregon Victims Rights issues were also discussed with key topics including: amendments to the constitution, weakness in the enforcement mechanisms, and the advisory committee. Judge Reinstein indicated he would like for the COVIC Administration of Justice workgroup to look at some of the issues coming from the Oregon Compliance Project, to see if any are applicable to Arizona.

Workgroup Assignments and Future Meeting Dates

Three workgroups have been established: Administration of Justice, Restitution and Education. The workgroups' positions are on a volunteer basis and members have already been filled. If anyone is interested in joining, it will be at the discretion of the chair of each workgroup and COVIC chair. Dan Levey and Julie Begona will co-chair the Restitution workgroup, Kim Musselman will chair the Education workgroup and Judge O'Neil will chair the Administration of Justice Workgroup. The workgroups are free to meet as often as needed by teleconference or through E-mail discussion. Chairs will also be responsible for submitting a status report at each quarterly COVIC meeting.

Topics have already been provided for the workgroups, but COVIC members are encouraged to offer new suggestions. Workgroups will submit a prioritized plan back to the COVIC chair for approval.

The next Commission on Victims in the Courts meeting will be held at the Child Help Center in Phoenix, AZ on December 8, 2006. The commission will take a short tour of the center.

The COVIC meeting schedule for 2007 has been established with the following dates: March 9th, June 8th, September 14th, and December 14th. All meetings will be held at the State Courts Building unless otherwise announced. Judge Reinstein also suggested the option of having a victim panel speak at a Commission meeting. Members agreed it would be a beneficial experience and Judge Reinstein suggested members should offer any suggestions of existing panels or groups that would be interested in participating on a panel. It was mentioned that most groups will often rotate a panel of victims to preserve their best interests. Also, elder abuse and child abuse victims may not be available, in lieu, subject matter experts would be a good alternative.

Carol Mitchell announced that the Attorney General's office is coordinating with Arizona Criminal Justice Commission and the Department of Public Safety to hold victim rights training. They are developing a panel discussion in their advanced victim rights training sessions to focus on victims rights in the courts. Crystal Reidy is the contact person and Carol will be sending out additional information via email to COVIC members. If any commission members would consider volunteering for this panel, please contact Crystal. Meetings will be held all across the state.

Open Discussion on Victim Issues

Steve Twist discussed the issue of the release of Supreme Court opinions and victim notification. The concern being victims in recent cases learned of the ruling from the media. The issue has been brought to the attention of the court and currently is being discussed as to a possible resolution. It was suggested that a separate notice process could be implemented only for cases where death penalty ruling has been vacated and similar cases where the defendant's custody status has changed. Judge Reinstein suggested that this would be a good issue for the Administration of Justice Workgroup to follow.

Patricia Noland brought up the policy change at Department of Corrections regarding the posting of inmate's security level and location. Previously, victims were able to track offenders and see the level of security and location; however, their information is no longer available to victims on the ADC website in the same level of detail. A victim advisory committee was consulted before the policy was changed and it was determined that the inmate's safety was a higher priority. Judge Reinstein questioned whether there was a potential legal liability involved. This is an issue that may be best addressed by the Administration of Justice Workgroup. It is likely that someone from DOC would be willing to address the Commission if that seems warranted in the future.

Another topic raised by Gary Husk, to be addressed through the Administration of Justice Workgroup involves the review of the definition of victim and if it is broad enough to include protection of victim rights under Rule 404B, dealing with prior bad acts character evidence.

Dan Levey raised the issue victims' frustration with judges being rotated off the criminal bench in the middle of capital cases and it appears this rotation requirement only occurs in Maricopa and Pima Counties. It is believed that rotation occurs in Maricopa because no one volunteers for family court and this is a way to handle assignments.

Another issue raised has to do with the continuance panel which is in place in Maricopa County. This is unique to Maricopa, as most in the justice system seem to be opposed to the concept. Whatever the procedure, there must be victim notification of any continuance motion and the right to be heard, as well as accommodations be made to provide safety, security, and separation from defendants and their families.

There is a question as to whether there may be a "hole" in the process for sex offenders. Judge Weiss indicated that he has received complaints that juveniles are not registered once they become adults. Need follow-up on whether there is a process in place to re-register as an adult sex offender once a juvenile sex offender reaches the age of majority.

Public Comment

A guest from the Shield Foundation, a local organization working to help immigrant victims of domestic violence, shared information about their program. An offer to help with putting together victim panels was extended as the Foundation has done similar things for television in the past.

A guest from the Maricopa County Attorney's Office raised an issue concerning courtroom entry procedures in Maricopa Superior Court. The advocacy staff is currently ineligible to use security bypass. An estimated \$57,000 in staff time is expended waiting in lines. The problem also involves victims having to wait in a long line because there may be medical/ADA provisions, particularly with burn victims waiting in the sun. This issue should be further reviewed by the Administration of Justice Workgroup.

The workgroup meetings will convene after lunch today through 2:00 PM.

Motion to Adjourn

Motion: Meeting ended at 12:30 PM

Respectfully Submitted,
Carol Mitchell, Court Specialist
Staff to the Commission on Victims in the Courts