

**Commission on Victims in the Courts**  
Meeting Minutes-DRAFT  
Friday, December 14, 2007 10:00 AM-2:00 PM  
Judicial Education Center  
Silver & Turquoise Conference Rooms  
541 E. Van Buren St., Phoenix, AZ 85007  
Conference Call Number: 602-452-3192; Access Code 1114  
C.O.V.I.C Website <http://www.supreme.state.az.us/covic>

**COVIC Members Present**

Chair: Hon. Ronald Reinstein  
Dr. Kathryn Coffman  
Mr. Jack Ballentine  
Mr. Steve Twist  
Hon. Carter Olson  
Ms. Kathy Waters  
Mr. Dan Levey  
Hon. Richard Weiss  
Hon. Anna Montoya-Paez  
Hon. Antonio Riojas, Jr.  
Mr. Doug Pilcher  
Mr. Anthony Vidale  
Hon. William O'Neil  
Hon. Lex Anderson  
Mr. Gary Husk  
Ms. JoAnn Del Colle

**Proxy**

Ms. Anne Marreel for AG's Office  
Ms. Karen Duffy for Hon. Patricia Noland

**Staff Present**

Ms. Nicole Garcea

Ms. Carol Mitchell

**Members Absent**

Mr. Stephen Dichter  
Ms. Karen Sullivan  
Mr. Edwin Cook  
Mr. Marc Budoff  
Ms. Emily Johnston  
Ms. Kimberlie Musselman  
Ms. Sydney Davis

**Guests**

Hon. Mary Helen Maley, Santa Cruz  
County Judge  
Kristi Murphy, Childhelp  
Maureen Domogala, Childhelp  
Julie Williams, MCAO Victim Services  
Sarah Lynne Vasquez, ADJC, Juvenile  
Corrections  
Mark Stodola, Tempe Municipal Court  
Kim Knox, Maricopa County Finance

### **Welcome and Call to Order**

The Chair officially called the meeting to order at 10:08 AM, at the Judicial Education Center in Phoenix, Arizona. Introductions were made of commission members and guests.

The Chair took a moment to recognize Honorable Lex E. Anderson for his latest DVD project, entitled "Bait and Switch". The Arizona Republic ran an article in the paper about this project that highlights the terror and tragedy of child prostitution. Judge Anderson explained the project has been 2 years in the making and will plan to provide COVIC with a presentation and clips from the DVD.

### **Approval of September 14, 2007 Minutes**

**Motion:** To approve the draft minutes from September 14, 2007 as amended. The motion was seconded and unanimously passed.

### **Approval of 2008 Meeting Dates**

**Motion:** To approve the following meeting dates for 2008: March 28<sup>th</sup>, June 6<sup>th</sup>, September 12<sup>th</sup>, and December 12<sup>th</sup> (if necessary). The motion was seconded and unanimously passed.

### **Membership Attendance/Reappointment**

The reappointment process was briefly discussed as was potential future implementation of the rules for committee member attendance. Currently, 15 COVIC members' terms are expiring in March. Judge Reinstein and Carol will be contacting those members to determine if they are seeking reappointment.

### **Victim Rights Statement Update**

At our last meeting Judge Cruikshank, Presiding Criminal Judge from Pima County, discussed differing interpretations of the statute relating to the reading of the victim rights statement. A follow-up email was sent from Judge Cruikshank, and discussions will continue in effort to address concerns raised by COVIC regarding some judges' methods of carrying out A.R.S. § 13-4438.

### **Appellate Court Victim Notification**

The Supreme Court and Court of Appeals Clerks have developed forms, posted on their respective websites, to provide victims a mechanism to request a copy of the memorandum decision or opinion pursuant to §13-4411. The copy of the form available from the Clerk of the Supreme Court was provided for review.

## **System Alert: Arizona's Criminal Justice Response to Domestic Violence**

Senior Policy Analysts Bill Hart and Richard Toon from the ASU Morrison Institute for Public Policy presented highlights from their recent report concerning Arizona's criminal justice response to domestic violence cases. High points of the presentation include:

- ❖ DV Victims are often overwhelmed by the system and feel that it is not sympathetic to their needs or wants.
- ❖ Police, prosecutors, and judges often feel that the victims are reluctant and back out too frequently when their abuser could be prosecuted.
- ❖ The system is under-resourced and swamped by cases.
- ❖ There is no assurance that any treatment program for offenders will actually work since they have not been evaluated.
- ❖ The challenge is for everyone to rethink their point-of-view, enhance criminal justice system, and come up with alternatives to the traditional punitive approach to DV cases.

The Chair explained the Committee on Impact of Domestic Violence in the Courts (CIDVC) will take the lead in evaluating the recommendations from this report and Judge O'Neil extended an invitation for any COVIC member to join one of the two new workgroups created on CIDVC to address victim barriers and offender treatment assessment.

### **Circles of Peace Program**

Judge Mary Helen Maley was present to speak about the history and operations of Circles of Peace, a unique restorative justice treatment program for domestic violence. It operates out of Santa Cruz County. Currently, it is one of only two restorative justice programs in the state of Arizona.

The restorative justice approach involves the restoration of individuals, families, and communities harmed by violence through the "Circles of Peace". It is a group effort that entails the offender, a counselor to act as Circle Keeper, any willing victims, and a host of individuals who make up the "care community".

Through meetings, the group focuses on past and current issues, reasons/cultures/family practices that created the issues, a plan for addressing the issues and consequences for non-compliance by the offender. The circle acts as a support system for the offender. The circle may also address the court with any concerns and with the offender's progress.

Some statistics of the Circles:

- ❖ 100 cases have been referred to this program since it began in September 2005.
- ❖ 23 of them are currently in progress.
- ❖ 10 of them are on a waiting list.
- ❖ 41 of them have been completed.
- ❖ 8 cases were dismissed.
- ❖ 9 offenders had warrants issued for failure to obey.

- ❖ 2 offenders were deported.
- ❖ 7 are in residential rehab or substance abuse counseling.

### **Workgroup Summary**

#### **ACJA 5-204: Administration of Victims' Rights Code Section**

The final changes to the Code Section were available for review. All of the changes were approved by AJC as written. Section D, the Victims' Rights statement, will still need to be re-written for the next submission to AJC. Limited Jurisdiction Judges will be included in the workgroup to attempt to rework the language so that it can provide verbalization of the statement to reach the most attendees in the most efficient matter within the court process.

#### **Children in the Court**

The Children in the Court workgroup met one time prior to our meeting today. While many issues were discussed, the main topic to focus on initially was the use of Guardian Ad Litem (GALs) in court. The issues of standardization and supervision will be discussed as well as the apparent disconnect that can occur when a different GAL is assigned to the same child in different cases/courts (e.g., Family, Substance, Criminal, etc.).

#### **Administration of Justice**

There were no updates at this time.

#### **Education**

Due to time constraints and the fact that Ms. Musselman was unable to attend the meeting, Carol will forward the summary to the members.

#### **Restitution**

The Restitution Workgroup is primarily working on putting together a restitution site on the Internet. A basic site has been created with links to restitution resources by county, by state, and nationally. A few screen shots from the webpage were displayed for the commission. More information will continue to be added to make it more useful.

### **Public Comment**

A Call to the Public was made. There were no public attendees that wished to comment.

Workgroup meetings convened following the formal commission meeting.

### **Motion to Adjourn**

**Motion:** Meeting ended at 12:22PM

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