Arizona Supreme Court Commission on Victims in the Courts

February 25, 2011 Meeting Agenda 1501 W. Washington St. Phoenix, AZ 85007 State Courts Building, Conference Room 119 Conference Phone Number: 602-452-3192 x1114

Call to Order		
10:00 a.m.	Announcements Approval of Oct 2010 Meeting Minutes**	Hon. Ron Reinstein, Chair
Old Business		
10:05 a.m. 10:15 a.m.	Children in the Court Update Victim Identification Protections/Recommendations	Hon. Richard Weiss Hon. Ron Reinstein
<u>New Business</u>		
10:35 a.m.	Vision 21 Initiative Office of Victims of Crime • Defense/Self-representation and victim impacts	Hon. Ron Reinstein
10:55 a.m.	Annual Strategic Planning Session	Hon. Ron Reinstein
11:20 a.m.	Legislative Update	Jerry Landau
Workgroup Updates		
11:30 a.m. 11:40 a.m.	Administration of Justice Workgroup Restitution Workgroup	Hon. William O'Neil Dan Levey
Call to the Public/Adjourn		

**Anticipated Voting items

Lunch

Workgroup Meetings 12:00 p.m. to 1:00 p.m.

Administration of Justice Workgroup meeting

Restitution Workgroup meeting topics:

HB2232; HB2404; SB1212 and draft restitution lien filing instructions for webpage

Commission on Victims in the Courts

Friday, February 25, 2011 10:00 a.m. to 12:00 p.m. State Courts Building 1501 W. Washington, Phoenix, AZ 85007 Conference Room 119

Members Present:

Hon. Lex Anderson

Mr. James J. Belanger

Ms. Patricia Bigwood

Mr. Michael Branham

Dr. Kathryn Coffman

Ms. Shelly Corzo

Ms. Sydney Davis

Ms. Karen Duffy (telephonically)

Cpt. Larry Farnsworth

Ms. Daisy Flores

Ms. Leslie James

Ms. Keli Luther

Mr. Dan Levey

Hon. Anna Montoya-Paez

Hon. William O'Neil

Ms. Elizabeth Ortiz

Mr. Doug Pilcher

Mr. Paul Prato

Hon. Douglas Rayes

Hon. Ronald Reinstein (Chair)

Hon. Antonio Riojas, Jr.

Mr. David Sanders

Hon. Richard Weiss

Members Absent:

None

Presenters/Guests:

Hon. Christopher Whitten

Staff:

Ms. Carol Mitchell Ms. Kimberly Reid

I. Regular Business

A. Welcome and Opening Remarks

The February 25, 2011 meeting of the Commission on Victims in the Courts (COVIC) was called to order by Chair, Honorable Ronald Reinstein, at 10:07 a.m.

Judge Reinstein made the following announcements:

- The Arizona Crimes Against Women and Children conference will take place on October
 6-7, 2011 at the Glendale Conference Center. (Addendum A)
- This will be Ms. Kimberly Reid's last COVIC meeting, as she has accepted a position with the Administrative Office of the Courts' Information Technology Division.
- Mr. Dan Levey announced National Crime Victims' Rights Week scheduled during the week of April 12th and some of the scheduled recognition events.(Addendum B)
- The reappointment process is underway for fourteen members. Members were provided with index cards to provide names of potential candidates that reside outside of Maricopa County.

B. Approval of October 1, 2010 Minutes

Minutes from the October 1, 2010 Commission on Victims in the Courts meeting were presented for approval.

MOTION: To approve the October 1, 2010 Commission on Victims in the Courts minutes as presented. *Motion seconded and passed unanimously*.

II. Old Business

A. Children in the Court Workgroup Update

Judge Weiss updated the group about the proposed guidelines that COVIC worked on were officially approved by an administrative order this month. There were many court, legal and administrative representatives who worked on the standards as they passed from COVIC to the Committee on Juvenile Courts. The document entitled "Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem for Child Representation in Dependency Cases" was originally signed in Administrative Order 2011-16 and amended in Administrative Order 2011-16 and amended in Administrative Order 2011-29.

Discussion:

Mr. Michael Branham thanked those who worked on this on behalf of the law enforcement community.

B. Victim Identification Protections

Judge Reinstein plans to present the following recommendations at the April Arizona Prosecuting Attorney Advisory Council meeting in effort to bring heightened awareness of victim sensitivity and privacy protections. Prosecutors have the ability to address/prevent the disclosure of victim information, particularly with minor victims in court documents filed by their office. The following bullet points were drafted for commission members to review and approve:

- Utilize initials to identify minor victims in all written pleadings
 - o Long form complaints/Information and Indictments
 - Motions/Continuances
 - Appellate briefs
- Utilize initials for all victims of sexual offenses in written pleadings
- Utilize term "minor relative" for incest cases in written pleadings
- Invoke victim rights to privacy in non-trial, court proceedings to protect victim identification
- Instruct law enforcement to use initials for minors in Form 4 probable cause statements
- Future consideration to amend A.R.S. § 13-4434 to exclude minor victims.

MOTION: COVIC supports the recommendations as presented. Motion seconded.

Discussion:

Some concerns were raised about how courts and law enforcement will identify victims if not listed in the charging document. Judge Antonio Riojas, Jr. stated that his limited jurisdiction court receives a separate document with victim information.

The legal representatives on the committee expressed that initials will not be an issue as they have alternate ways of identifying the victim.

This will be a training issue for law enforcement as names and identifying information are typically listed on "Form 4s". News agencies usually use Form 4s for case information. The law enforcement officers will need to be instructed to only use initials on these forms.

AMENDED MOTION: COVIC supports the recommendations with replacing the term "written pleadings" with court documents, so not to limit the type of public documents that the recommendation encompasses. *Motion seconded and passed unanimously.*

- Utilize initials to identify minor victims in all court documents
 - Long form complaints/Information and Indictments
 - Motions/Continuances
 - Appellate briefs
- Utilize initials for all victims of sexual offenses in court documents
- Utilize term "minor relative" for incest cases in court documents
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Future consideration to amend A.R.S. § 13-4434 to exclude minor victims.

ACTION ITEM: A workgroup will be formed to determine how best to proceed with applying these recommendations on a larger scale. The workgroup's recommendation will be discussed at the May 2011 COVIC meeting.

III. New Business

A. Vision 21 Initiative

Judge Reinstein explained that National Crime Victim Law Institute (NCVLI) has four stakeholder groups, each of which has or will be conducting a national meeting to assist in the compilation of a report about the current state of victims' affairs in the United States. Judge Reinstein and Mr. Levey were representing Arizona at the *Role of the Crime Victims Field in Response to Crime and Delinquency* stakeholder conference.

The NCVLI has also published an article about protecting victims from harassment and intimidation by pro se defendants. The Commission discussed that this is mainly a judicial education issue and perhaps it should be included in new judge orientation.

Discussion:

 Ms. Keli Luther would like some consideration given to amending the statute protecting victims in the courtroom to include accommodations for vulnerable adult victims. Ms. Elizabeth Ortiz invited Ms. Luther to conduct a training session for the APAAC prosecutors on victim accommodations.

B. Annual Strategic Planning

Judge Reinstein asked members to give input on strategic planning for the upcoming 2011 commission work year. Carol Mitchell presented a PowerPoint highlighting COVIC's guiding principles and related tasks. The following new recommendations were suggested under each category:

Make recommendations regarding training and education for judges and court personnel on victims' rights and treatment of victims.

 Consider future victim rights/sensitivity training sessions at the 2012 judicial conference and law enforcement academies.

Work to promote the improved collection and disbursement of restitution

o Evaluate any enhancements to the restitution website

- Research uncollected restitution funds being held by clerks' offices and help create a relationship between prosecutors and clerks to locate current addresses for victims.
- o Pima has a grant-funded restitution court coordinator.

Make other recommendations that preserve victims; constitutional rights and administration of justice.

o Formal rule to outline victim protections from charging through appeals process

Liaison with other established victims' advocacy organizations while maintaining neutrality.

- Create an email account or website to collect public feedback about victims' issues.
- Invite a guest speaker on "guilty but insane" expert from psychiatric review board.
- Request a presentation about available resources at the Clemency board and proceedings.

C. Legislative Update

Jerry Landau was unable to attend the meeting and the Chair invited comments from members who have knowledge or involvement with pending legislation. Dan Levey shared information on the following bills:

HB2238 proposes to expand the definition of child abuse with a new definition of torture that includes abuse which does not inflict physical injury. The proposed torture definition is, "Intentionally or knowingly causing pain, injury or physical suffering for the purpose of coercion, control or punishment." At this point, it does not look like the legislature will pass this bill.

- Ms. Kathryn Coffman expressed concerns that the current statute only addresses physical abuse when there are many cases of emotional torture of children.
- It was cautioned about the definition due to the unintended consequence of criminalizing activities not intended for torture, such as some athletic coaching activities which result in physical exhaustion.

HB2232 proposes that a criminal restitution order would be completed at the time of sentencing as opposed to at the end of sentence. There is general support of this bill; however, it does not appear to be moving.

HB2404 would require the trial court to order a criminal restitution order at the time the defendant absconds from probation.

HB2302 proposes that domestic violence victims could use a confidential address at the secretary of state's office. All court related documents would be sent to the secretary of state who would then forward the mail to the confidential address. This would keep the victim's address out of court documents and make it harder for the perpetrator to locate the victim.

IV. Workgroup Updates

A. Restitution

Dan Levey did not have any additional update at this time, as he discussed the current status of some restitution-related legislation.

B. Administration of Justice

The workgroup Chair will plan to reconvene the group to discuss various topics. Next Meeting:

May 20, 2011 10:00 a.m. State Courts Building Phoenix, AZ 85007 Conference Room 119

C. Call to the Public

Captain Larry Farnsworth will be sending out a statewide survey to law enforcement agencies about the service of protective orders. If you would like to see the questions or would like to propose a question for the survey, please see Cpt. Farnsworth after the meeting.

D. Adjournment

The meeting adjourned at 12:10 p.m.