

Commission on Victims in the Courts

Meeting Minutes

Friday, March 10th 2006, 10:00 AM - 2:00 PM

State Courts Building, Conference Room 119 A&B

Conference Call Number: (602) 542-9010

C.O.V.I.C. Website: <http://www.supreme.state.az.us/covic/>

C.O.V.I.C. Members Present

Chair: Hon. Ronald Reinstein
Hon. William O' Neil
Hon. Patricia Noland
Hon. Lex Anderson
Hon. Anna Montoya-Paez
Hon. Richard Weiss
Hon. Antonio Riojas Jr.
Det. Jack Ballentine
Mr. Steve Dichter
Ms. Kim Musselman
Mr. Tony Vidale
Ms. Emily Johnston
Mr. Doug Pilcher
Dr. Kathryn Coffman
Mr. Dan Levey
Ms. Karen Sullivan
Ms. Sydney Davis
Mr. Richard Romley
Mr. Gary Husk
Mr. Edwin Cook
Mr. Steve Twist
Mr. Bill Hart

Members Not Present

Mr. Marc Budoff
Ms. Kathy Waters
Ms. Charlene Laplante

Staff Present

Ms. Carol Mitchell
Ms. Carrin Huff

Guests

Chief Justice Hon. Ruth McGregor
Mr. Dave Byers
Ms. Janet Scheiderer
Ms. Amy Wood
Mr. Mike Baumstark
Mr. Karl Heckert
Hon. Michael Jeanes
Mr. Jerry Landau
Mr. Robert Roll

Welcome and Opening Remarks

Mr. Dave Byers, Director of the Supreme Court's Administrative Office of the Courts, provided background information on how the Supreme Court utilized input from victim focus groups to assist in the formation of this commission. He introduced the Chief Justice Ruth V. McGregor.

Chief Justice McGregor welcomed everyone and shared her enthusiasm for this commission. She signed the Administrative Order, now posted as A.O. 2006-25, officially appointing all the members of the Commission on Victims in the Courts. Chief Justice McGregor acknowledged Maricopa County Clerk of Superior Court, Michael Jeanes for his cooperation with the Supreme Court's Information Technology Division in developing an automated courtesy notification system which will be demonstrated later in the meeting. Chief Justice McGregor turned the meeting over to the commission chair, Honorable Ron Reinstein, Maricopa County Superior Court Judge.

Call to Order and Introductions

The chair officially called the meeting to order at 10:15 AM, at the State Courts building, 1501 West Washington, Phoenix Arizona.

The Chair asked members to introduce themselves and explain victim experience and any goals for the commission. Chief Justice McGregor requested a moment of silence to honor the recent passing of Senator Marilyn Jarrett.

AOC Victim Notification System Demonstration

Mr. Karl Heckart and Mr. Robert Roll, from AOC's Information Technology Division, provided a detailed demonstration of the Supreme Court's new automated, victim courtesy notification system. Mr. Heckart reinforced that this notification system does not replace any statutorily-mandated notification from the attorneys' offices, but it is intended to serve as another means for victims to receive timely notice.

Currently, only Maricopa County Superior Court cases are available for this service. The site enables users (victims, public or media) to track case activity by signing up to receive automated e-mail notifications when there are changes made to the cases the user is tracking.

Members provided their input and feedback that will be taken into account. The link to this service will go "live" by the end of the day and will be available under the Supreme Court's public access site, as well as a link from COVIC's website.

AJC Committee Structure

Mr. Mike Baumstark, Deputy Director of the Administrative Office of the Courts, presented a PowerPoint presentation on the committee structure and duties of the Arizona Judicial Council (AJC). He explained the various committees/commissions that report to the AJC and how they provide recommendations to the AJC. Mr. Baumstark informed the commission that prior to recommendations being taken to the AJC, it is important that inter-related issues be presented to other committees to seek their input. In addition, Mr. Baumstark shared that the commission chair can establish ad-hoc or sub-committees and appoint members to those more informal groups.

Victim Legislation Update

Mr. Jerry Landau, Director of Government affairs for the Administrative Office of the Courts, presented information on proposed victim legislation. The following bills were discussed:

1051: "clean up" bill

1052: Provides compensation for persons suffering injury or death while aiding a public safety officer.

1093: Prohibits use of blank subpoena to obtain victims records.

1126: Victim's right to refuse an interview: extends to parent or legal guardian of minor child who exercises the victim's rights in adult and juvenile proceedings.

1176: Victims failure to comply; provides right to request for a reexamination proceeding.

1386: Victims right to one free copy of a police report.

Review Commission Materials and discuss commission purpose

The chair reviewed the COVIC binder provided to all the members present. The chair will review the commission business rules and may decide to change the rules to allow COVIC members to serve as proxy for another member who will be absent.

Strategic Planning

Ms. Carol Mitchell, AOC Staff member presented a PowerPoint presentation with the recommendations received from members based on the four focus areas listed in the Code Section for COVIC:

- Training and education of judges
- Restitution collection
- Victim advocacy
- Make recommendations that preserve victims' constitutional rights and administration of justice.

Note: The information presented prior to the meeting is indicated with a check mark and the additional input received at the meeting are listed in circle bullet points:

Training and education:

- ✓ Develop curriculum
- ✓ Review bench book

Other suggestions:

- Prioritize victims cases (call first), set victim hearings on day other than jury trial day
- Set cases so judges don't feel rushed
- Find remedy for rotating judges because it causes victim frustration when a judge who has been with the case for an extended period is replaced with a judge unfamiliar with the case facts.
- Control over courtroom, preventing victim intimidation, having victims advocates, waiting room to keep victims and defendants/defendants families separated.
- Resource book to find laws pertinent to cases,
- Create a Judges victims' rights bench book available for easy reference
- Education: not just criminal case judges, family and juvenile also, cooperation and a more holistic approach.
- Expand mandatory domestic violence training to mandatory training regarding victim's rights
- Educate that proceedings for cases involving victims should be held in the courtroom rather than chambers, partially due to the size of chambers and the proximity between victim and defendant.
- Require court staff training- teleconference to all courts, important to hear perspective of victims, those victimized by process
- Hold next COVIC meeting at education services building and talk with AOC education services division about current status of victim education
- Request current education material to review at next meeting
- Provide an overview of state of courts, committees
- Facilitate possibility of commission visiting victims groups and listening to their issues, such as Parents of Murdered Children (POMC), held on second Tuesdays of each month.

- Develop a victim panel
- Keep balance, humanity, with judges, staff, police department
- Family Court- encourage more adequate representation for children
- Appoint council for teens other than guardian ad litem
- Pay GAL (Guardian Ad Litem) more than attorney to encourage participation, look into funding sources.
- Municipal Courts, judicial conference, add victims rights and train the staff around the judge
- Create compelling need as to why court personnel need to be trained on Victims rights material, motivate why personnel should be concerned
- Possibility of visiting an advocacy center
- Domestic Violence: need help with training in Clerk of Court: need to understand victimization
- Possible coordination with Committee on the Impact of Domestic Violence and the Courts (CIDVIC)
- Victim sensitivity training for judges, new judge orientation
- On-going training for Judges & Staff
- Teach methods of support, help victims and families make informed decisions
- Education and resources available to victims
- Need for modifying fine (reducing) vs. surcharge for fines that are too large and will never be paid, by deleting the surcharge because valuable funds are losing money
- How to get information and support to rural areas where there aren't any organized advocacy or support groups.
- Consider a teleconference going out for all of the judges
- Consider a separate reference book (opposed to bench book) on victims rights
- Audit of courthouse compliance with Victims Rights
- Review state of Oregon's victims' rights program. Chair asked member Steve Twist to provide follow-up information on Oregon's program.

Restitution, collection & disbursement:

- ✓ Need more focus through probation supervision
- ✓ Need to explore greater use of set-offs
- ✓ Focus on those parts of the system that deal with restitution and identify weaknesses
- ✓ May want to schedule a meeting where victims can come in and tell of their problems to the commission
- ✓ Develop written information which is more specific, examples of what happens to restitution could be given to victims. Victims are hit with too much information after a trial to remember a great deal about restitution.

Other suggestions:

- Use collection officers vs. probation to do collection, or have training available for probation on how to collect
- Provide more training for clerks to manage collection, such as in Pima County
- If restitution is 60 days delinquent notice sent to probation officer, need to be held accountable
- Victim restitution top priority for clerk of court, enforce priority
- Need tools to be able to enforce restitution payments

- Need more information on FARE program
- Consider bringing in collection programs to discuss collection of restitution
- Determine if victims' rights apply to state agencies
- Lack of advocate support, not enough funding, need to recognize importance of a consistent contact person that is focused on the victim
- Possibility of victim telephonically appearing so as to not have to risk intimidation by defendant
- Look at goals of probation and service, probation officers feel caught in the middle and determine who should be collecting
- Reinforce the importance of trial date certainty, beneficial for victims
- Get word out to victims about the type of proceeding, they should know in advance if it is going to be a one minute proceeding so they can make an informed choice about whether or not to take the day off work to attend.
- Need to fight culture, must hold defendants accountable for restitution.

Due to the great response and discussion on the first two topics, the other slides, from the remaining two focus areas, will be continued at the next COVIC meeting. June 9th was listed as the next COVIC meeting date; however, due to input from some members who will be attending the Victim Assistance Academy Graduation in Flagstaff, the next meeting date may be adjusted. The Chair asked members to advise Carol Mitchell via email, with specific dates they are unavailable. The future meeting dates for the rest of 2006 will be updated on the website.

A member requested the email addresses for the membership to be provided. In addition, a request was made for information on the current state of AZ victim rights issues.

Call to the Public

No Responses

The first COVIC meeting adjourned at 2:05 P.M.