

Commission on Victims in the Courts
DRAFT MINUTES
Friday, February 5, 2010
10:00 a.m. to 12:00 p.m.
State Courts Building
1501 W. Washington Street
Phoenix, AZ 85007
Conference Room 345

Members Present:

Mr. Paul Ahler
Hon. Lex Anderson
Mr. James J. Belanger
Ms. Patricia Bigwood
Mr. Michael Branham
Dr. Kathryn Coffman
Ms. Sydney Davis
Hon. Gary Donahoe
Cpt. Larry Farnsworth
Ms. Daisy Flores
Ms. Leslie James
Mr. Dan Levey
Ms. Keli Luther
Hon. Anna Montoya-Paez
Mr. Doug Pilcher
Mr. Paul Prato
Hon. Ronald Reinstein (Chair)
Hon. Antonio Riojas, Jr.
Mr. David Sanders
Hon. Richard Weiss

Members Absent:

Ms. JoAnn Del Colle
Ms. Karen Duffy
Hon. Andrew Gould
Hon. William O'Neil
Ms. Hilary Peele

Presenters/Guests:

Ms. Samantha Alcocer
Ms. Lori Ginsberg
Ms. Maria Hoffman
Ms. Caroline Lutt-Owens
Ms. Katy Proctor
Ms. Sharon Tillman

Staff:

Ms. Carol Mitchell
Ms. Kimberly Reid

I. Regular Business

A. Welcome and Opening Remarks

The February 5, 2010 meeting of the Commission on Victims in the Courts (COVIC) was called to order by Chair, Honorable Ronald Reinstein, at 10:05 a.m.

Congratulations were offered to Judge Weiss for being named the new presiding judge of the Superior Court in Mohave County.

National Crime Victims' Rights Week is taking place in April. The Attorney General's Office will be presenting distinguished service awards. Nominations will be accepted through February 12, 2010. Please see Addendum A.

Members were reminded of the importance of ensuring a quorum at each meeting and were asked to use the online RSVP form available at <http://www.supreme.state.az.us/covic/agenda-minutes.htm>

B. Approval of November 6, 2009 Minutes

Minutes from the November 6, 2009 Commission on Victims in the Courts meeting were presented for approval.

MOTION: To approve the November 6, 2009 Commission on Victims in the Courts minutes as presented. *Motion seconded and passed unanimously.*

II. Business Items / Potential Action Items

A. Legislative Update

Ms. Katy Proctor reviewed pending legislation as described in Addendum B. At this time the Supreme Court has not taken a stance on any of these bills.

Discussion:

- Mr. Paul Ahler stated that HB 2525 was set for a hearing but was pulled from the calendar. His office does not support this bill in its current form.
- Mr. Dan Levey also discussed two additional bills. Representative Lujan introduced a bill to create a homicide memorial at Wesley Bolin Plaza. He also introduced a bill to make escape from a state hospital by a sexually violent person a felony when it is currently a misdemeanor.

B. Children in the Court Update

As the chair of the Children in the Court Workgroup, Dr. Kathy Coffman explained that the workgroup has been working for an extended period of time on the proposal for enhanced guidelines/standards of practice for attorneys who represent children in dependency, guardian and

termination proceedings. The current suggestion has been to turn the recommendation over to each county to form their own standards. Concerns have been expressed about having 15 different sets of standards in the state. Chief Justice Rebecca White Berch and Mr. Dave Byers suggested that one option is to refer the proposal to the Committee on Juvenile Court where the Court Improvement Advisory Workgroup can determine the best way to proceed. There are at least three options for implementing the standards. The presiding juvenile judges recommended that the presented administrative order be signed by the Chief Justice requiring each county to adopt their own standards. Another option is to forward the proposal to the State Bar Association, and a third option is to have the legislature handle the proposal.

Ms. Maria Hoffman, Director of the Legislative Office of Family Advocacy, explained her various experiences with child advocates and guardian ad litem (GALs). She noted many cases in which there was no contact between the children, foster parents and the attorneys/GALs. She believes that the proposal is a wonderful idea; however, the Legislature's concern with the proposal is that it does not say how the standards will be enforced.

Ms. Caroline Lutt-Owens, Director for Dependent Children Services for the Administrative Office of the Court, explained that Court Improvement Advisory Workgroup of the Committee on Juvenile Court is comprised of presiding juvenile judges, attorneys and advocates so it would be an appropriate forum to move the proposal forward.

Discussion:

- Judge Reinstein briefly reviewed the statewide standards proposed in 2000 and questioned the need for some of the detailed requirements, such as standard 8 and some of the training mandates
- Judge Weiss supports a statewide standard and believes that the size of the county should not determine the level of service the children receive. He would also like to see Mental Health Child Family Team's added to the requirement of this standard.

MOTION: To refer the proposed administrative order and statewide standards from 2000, to COJC as drafted by the subcommittee. *Motion seconded and passed unanimously.*

C. Appellate Court Update

Judge Reinstein gave an update on behalf of Judge Timmer, Chief Judge of Court of Appeals, Division One. A group of staff reviewed appellate court opinions in search of victim names that need to be redacted. The group reviewed a number of cases and anything that was found to be questionable has been sent to Judge Timmer for review. She will be reviewing those cases this month and will work with the publishers to replace names with initials if necessary.

Discussion:

- Ms. Keli Luther asked the group to be considerate of this issue in all documents associated with any case. She suggested using initials or the word "victim" in place of the victim's full name. Many of these documents are now available on the Internet and it is very difficult to remove names at a later date.

ACTION ITEM: Mr. Ahler will request that a discussion of the use of initials in all documents be placed on the APAAC meeting agenda.

D. Evidence Based Practices Presentation

Ms. Kathy Waters, Director of Adult Services for the Administrative Office of the Courts, gave a brief presentation on evidence based sentencing. Trainings on the subject have been conducted to attorneys throughout the state.

Evidence based practices are practices that have been proven to work by research. Probation departments throughout the state are now using techniques that are proven to help reduce recidivism. An assessment, based on risk and need principles, is conducted as soon as possible after the offender enters the system. The results from the assessment are used to inform the sentencing judge in the presentence report. There needs to be a balance of nurturing and punitive attitudes to reduce effectively recidivism in most probationers.

Discussion:

- Mr. Michel Branham stated that since these practices have been introduced in the juvenile arena, recidivism has declined ten percent in one year.
- Last year's goal of reducing adult probationers' technical violations by five percent resulted in actual reductions close to 12 percent.
- In Indiana, a similar program known as Thinking for a Change teaches offenders how to change their cognitive thinking. The program has resulted in greatly improved recidivism rates.
- Ms. Daisy Flores explained that victims sometimes have a hard time understanding evidence based practices. Some of them view it as the courts coddling the offender.
- Judge Weiss would like to see a change in statute that would create a restitution order at the time of sentencing.
- Mr. Levey would like to see restitution paid off before offenders are released from probation. He believes that after release from probation, it is more difficult to collect restitution.

E. Strategic Planning- SAVIN project

Ms. Carol Mitchell presented a possible grant opportunity to develop a statewide victim notification system. It is similar to a previous system used in the state. Victims would be able to sign up and get a phone call or email notification about upcoming court dates and incarceration status changes of the offender. Hawaii, Vermont and Virginia have similar programs.

Discussion:

- Mr. Levey's concern with automated systems notifying victims is the lack of personal contact. The victim is not able to ask questions at that time and need to make a separate phone call if they have any questions. He also worries about victims finding out that the offender is being released from prison by a computer, versus a person.

ACTION ITEM: Mr. Ahler will request that a discussion of the SAVIN grant be placed on the APAAC meeting agenda.

F. Work Group Updates

1. Restitution

Mr. Levey explained that in Maricopa County, the Department of Corrections (DOC) collections increased by 62 percent in 2009. It is believed to be attributed to the new legislation allowing restitution to be collected from monies received while in DOC.

Ms. Keli Luther stressed the importance of using the specific language requested by DOC in the restitution order, otherwise the restitution may not be collected from this source. Judge Reinstein would like to explore ideas of how to disseminate this information to judges throughout the state.

ACTION ITEM: Members of the committee will send Ms. Mitchell the specific language they use in order to collect restitution from monies received while in DOC. She will disseminate this information to the group.

III. Business

A. Next Meeting:

May 14, 2010
10:00 a.m.
State Courts Building
Phoenix, AZ 85007
Conference Room 345 A/B

B. Call to the Public

Mr. Ahler would like to inform the members of COVIC that there is a Sentencing Reform Committee being headed up by Representative Ash. The next meeting is scheduled for February 27 and the agenda is mostly defense topics. He believes it would be helpful for victim advocates to be present.

C. Adjournment

The meeting adjourned at 12:11 p.m.

National Crime Victims' Rights Week

SAVE THE DATE

MONDAY, APRIL 19th, 2010
9:00 a.m.
CARNEGIE CENTER
1101 West Washington
Phoenix, AZ 85007

crime victims' rights:
FAIRNESS.
DIGNITY.
RESPECT.

Please join the
Arizona Attorney General
Terry Goddard
in celebration of the
2010 National Crime
Victims' Rights Week
& Presentation of the 2010
Distinguished Service Awards

PARKING MAP

15th Avenue
12th Avenue
Washington (One Way)
Jefferson (One Way) →
FREE PARKING
ATTORNEY GENERAL'S OFFICE
CARNEGIE CENTER

RSVP BY APRIL 12, 2010
To the Arizona Attorney General's Office of Victim Services
Attn: Nicole Blue 602.542.4911 or Nicole.Blue@azag.gov

Addendum B

Commission on Victims in the Courts

Review of Current Legislation

February 5th, 2010

HB 2525; life sentence; parole eligibility (Rep. Ash)

A person convicted of murder and sentenced to life in prison for an offense that was committed before August 8, 1973 is eligible for parole after serving 25 calendar years. If the person was convicted of any other offense and is serving a sentence that runs consecutively to the murder conviction the person is eligible for parole only to the consecutive sentence. The two aforementioned parole eligibilities are to take effect immediately on the effective date of this section. Directs the state department of corrections to notify all persons who are eligible for parole under this section of their parole eligibility within 30 days after the effective date of this section. Contains an intent clause and an emergency clause.

Title affected: 13

SB 1035; parental rights; termination; hearing (Sen. Waring)

Requires guardian ad litem to meet with the minor at least once after the petition to terminate parental rights has been filed and before the initial hearing. Strike everything amendment adopted to include an appointed attorney in this provision, and to make the meeting requirement more stringent so that the guardian ad litem or attorney must meet with the minor as soon as possible following the appointment.

Title affected: 8

SB 1037; sentencing; natural life imprisonment (Sen. Waring)

Removes life with the possibility of release after 25 years as a sentencing option for first degree murder.

Title affected: 13

SB 1055; victims' rights; disclosure of information (Sen. Paton)

Includes the court in the list of entities to which a crime victim's information may be disclosed by an advocate providing services to the victim if consented by the victim and in the furtherance of any victim's right.

Title affected: 13