



Task Force on Fair Justice for All

Draft Minutes

April 7, 2016

State Courts Building ♦ 1501 West Washington St. ♦ Conference Room 101
Phoenix, Arizona

Present: Dave Byers, Chair, Tom O’Connell, Vice Chair, Kent Batty, Judge Michael Bluff, Judge Maria Elena Cruz, India Davis, Jeffrey Fine, Ryan Glover, Robert James, Paul Julien, Judge Catherine Kelley, Doug Kooi, Officer Michael Kurtenbach, Judge Dorothy Little, Jeremy Mussman, Tony Penn, Judge Antonio Riojas, Judge Lisa Roberts, Judge Thomas Robinson, Mary Ellen Sheppard, Rebecca Steele, Judge Don Taylor

Presenters/Guests: Chief Justice Scott Bales, Tim Schnacke, Bert Cisneros, Judge John Hudson, Mark Meltzer, Heather Murphy, Dianne Post, Marcus Reinkensmeyer

Staff: Theresa Barrett, Kathy Sekardi, Jennifer Greene, Patrick Scott, Susan Pickard, Susan Hunt, Sabrina Nash, Alicia Moffatt, Administrative Office of the Courts (AOC)

Call to Order

Dave Byers called the first meeting of the Task Force on Fair Justice for All to order at 10:00 a.m. After a brief welcome and housekeeping matters, Mr. Byers introduced Chief Justice Scott Bales.

Opening Remarks

Chief Justice Bales echoed Mr. Byers’ welcome, thanking the members for their willingness to serve, and confront one of the most important initiatives of today. Chief Justice Bales noted the importance of the report authored by the Department of Justice, Civil Rights Division, “Investigation of the Ferguson Police Department” in bringing to the forefront the issues of self-defeating statutes, and court rules that can compound the issues of poverty. His Honor discussed the principles enumerated in Administrative Order 2016-16. Chief Justice Bales ended by noting innovations like Phoenix’s Customer Assistance Program, Glendale’s warrant wipe-out program and the Pima County stakeholder group.

Welcome and Introductions

Task Force members introduced themselves. Each member discussed his or her interest in the Task Force, providing abbreviated background and expertise information, and expressing gratitude for being included in this initiative.

Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies

Changing the Bail Culture and Improving Pretrial Release and Detention

Tim Schnacke, Executive Director, Center for Legal and Evidence-Based Practices, presented the history of bail/no bail (release/detention), and its progression from a personal surety release process into a money-based process. Mr. Schnacke discussed case law; the purposes of the bail process, to maximize court appearance and public safety; and the use of validated risk assessment tools.

Violation Review Data-Driven Results

Bert Cisneros, AOC, presented civil traffic, criminal traffic and misdemeanor statistics derived from 800,000 charges filed in fiscal year 2014. Mr. Cisneros discussed the sample data and the life cycle of a case before delving into demographics, disposition and sentencing, defaults, failures to appear and license suspensions, assessments, time payment fees, and the impact of the Fines, Fees and Restitution Enforcement (FARE) program and subsequent violations.

Promising Practices

Compliance Assistance Program, City of Phoenix

Judge Don Taylor discussed the change of course the City of Phoenix has made in regard to defendant financial obligation enforcement.

Use of Notifications, Pima County

Doug Kooi discussed the success that Pima County has experienced using an Interactive Voice Response (IVR) outbound call system in reducing failure to appear rates. The system is also used to remind defendants about time payments.

Lunch

The Task Force broke for lunch at 12:52. During the break, information continued to be presented to the members. The video presentations included “Last Week Tonight with John Oliver – Bail,” a satirical look at the American bail system, and “Joe Got a Ticket,” a compelling example of how first offenses and multiple failures to appear can compound into financial impossibilities for the work poor and indigent in Arizona.

Promising Practices (continued)

McArthur Grant Funding, Pima County

Kent Batty discussed the McArthur Foundation invitation regarding grant funding for planning and a possible future significantly larger grant to reduce jail populations and any associated racial and ethnic disparities.

Break-out sessions

At 2:00 p.m. Task Force members separated into limited jurisdiction and general jurisdiction workgroups to discuss and develop recommendations to be brought back to the Task Force for consideration. The Limited Jurisdiction Workgroup convened in Conference Room 330, while the General Jurisdiction Workgroup remained in Conference Room 101.

Plans for April 8

At 4:30 p.m. Task Force members reconvened to clarify plans for the following day. Members Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies

were asked to gather in Conference Room 101, before returning to the workgroup break-out sessions on the 8th.

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Absent/Excused: Judge Dorothy Little

Presenters/Guests: Tim Schnacke, Judge John Hudson, Mark Meltzer, Dianne Post

Staff: Theresa Barrett, Kathy Sekardi, Jennifer Greene, Susan Pickard, Susan Hunt, Sabrina Nash, Alicia Moffatt, Administrative Office of the Courts (AOC)

Call to Order

Dave Byers called the meeting to order at 8:30 a.m. Members were welcomed back and housekeeping announcements were made.

Break-out sessions

Task Force members separated into limited jurisdiction and general jurisdiction workgroups to continue the discussion and development of recommendations to be brought back to the Task Force for consideration. The Limited Jurisdiction Workgroup convened in Conference Room 330, while the General Jurisdiction Workgroup remained in Conference Room 101.

Task Force Reconvening

With neither workgroup completing the deliberations, each broke for the day separately and did not reconvene to discuss each workgroup’s highlights and top priorities.

Call to the Public

The Call to the Public was made by the General Jurisdiction Workgroup on behalf of the Task Force in the meeting room noted on the agenda. Jamaar Williams and Dulce Juarez spoke.

Next Meeting: Friday, May 20, 2016 – State Courts Building – Conference Room 101