

**Arizona Supreme Court
Commission on Victims in the Courts**

February 21, 2014 Meeting Agenda
1501 W. Washington St. Phoenix, AZ 85007
State Courts Building, Conference Room 119 A/B
(602) 452-3288 or (520) 388-4330 Access Code: 0237

<https://arizonacourts.webex.com> Meeting ID Number: 575 132 714, Meeting Password: 0237

Call to Order

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Approval of October 2013 Meeting Minutes**</i>	

New Business

10:10 a.m.	Legislative Update	Amy Love
10:30 a.m.	COVIC Reappointment process	Judge Reinstein
10:40 a.m.	SANE presentation	Karyn Rasile
11:15 a.m.	Brainstorm/Discussion about COVIC Priority Areas	Judge Reinstein
11:45 a.m.	Call to the Public	Judge Reinstein

Adjourn

****Important Voting items**

All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Kelly Gray at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.

Commission on Victims in the Courts

Friday, October 18, 2013

10:00 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

Present: Judge Ronald Reinstein, Chairperson; James Belanger, Michael Breeze, Judge Peter Cahill, Sydney Davis, Judge Timothy Dickerson-*telephonically*, Captain Larry Farnsworth, Judge Elizabeth Finn-*telephonically*, Kirstin Flores, Michael Lessler, Daniel Levey, Keli Luther-*telephonically*, James Markey, Pam Moreton, Elizabeth Ortiz, Karyn Rasile, Judge Sally Simmons, Dimple Smith, Judge Richard Weiss, Judge Joseph Welty, and Cindy Winn-*telephonically*.

Absent/Excused: Shelly Corzo Shaffer, Karen Duffy, Leslie James, Judge Evelyn Marez, and Doug Pilcher.

Presenters/Guests: Mr. Jerry Landau, AOC-*telephonically*, Cindy Trimble, AOC, and Aaron Nash, Maricopa County Clerk of Superior Court's Office.

Staff: Carol Mitchell, AOC, Kelly Gray, AOC

I. Regular Business

A. Welcome and Opening Remarks

The January 25, 2013 meeting of the Commission on Victims in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:04 a.m. The Chair asked for Commission member roll call and introductions of staff and guests.

B. Approval of May 2013 Meeting Minutes

The draft minutes from the May 17, 2013, meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes from May 17, 2013 meeting.

- ***Motion was called by Ms. Karen Duffy to approve the May 17, 2013 meeting minutes. Ms. Kristin Flores seconded; motion passed unanimously.***

C. Identify 2014 Tentative Meeting Dates

The Chairperson reviewed the tentative 2014 meeting dates of this committee. The Commission on Victims in the Courts will tentatively meet on the following dates:

- *Friday, February 21, 2014*
- *Friday, June 20, 2014*
- *Friday, October 3, 2014*

Ms. Carol Mitchell will notify the committee if the dates present any conflicts with the Arizona Judicial Council's meeting dates.

II. Old Business

A. Legislative Update

A proposed change to Criminal Restitution Order (CRO) legislation was presented by Mr. Jerry Landau. The proposed change to the statute removes language related to absconding from probation or sentence under A.R.S. § 13-805. It would read as follows:

A.R.S. § 13-805(C):

"C. At the time the defendant completes the defendant's period of probation or the defendant's sentence ~~or the defendant absconds from probation or the defendant's sentence~~, the court shall enter both:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection b of this section."

Proponents believe the current language mandates CROs for monies owed to victims when a defendant absconds (failure to report, or escape-and-recapture during probation or serving a sentence) creates multiple CROs, thus compounding the number of orders and resources required from the courts to administer the CRO. They believe that the proposed change would streamline the process, allowing one-time calculations for monies owed to victims, fines and fees, interest, and collections costs.

Mr. Landau indicated that the AJC and AOC are currently neutral on the proposal at this time. The AJC deferred action in its October 2013 meeting in order to give COVIC, and other groups, a chance to review the legislative

changes and give recommendations. The AJC may discuss it again at the December 2013 meeting.

A concern was raised that the proposed legislation would in essence remove the mandatory provision to order a CRO and add an additional step for a victim to perform to receive restitution. It was pointed out that if a CRO was issued *only* at the end of probation or at the end of sentence, victims of a serious crime could be waiting many years for restitution. Further, a committee member suggested that issuing a CRO at the time of sentencing may be more effective to receiving earlier payments as the offender may have assets that could have a lien applied; waiting until after probation/sentence could allow the offender to transfer property, monies, etc. to another individual/out of the country before restitution payments could be made. The additional steps required in removing the mandatory provision by victims, in addition to barriers to receiving restitution, would significantly and negatively impact victims in the courts.

- ***Judge Richard Weiss presented a motion to make criminal restitution mandatory only at the time of sentencing. Seconded by Ms. Karyn Rasile.***

Further discussion about the proposed motion and legislation revealed that there were concerns about what victims may desire in relation to CROs. It was noted that some victims, particularly in Family Court cases, may not want a CRO issued.

It was suggested that the judge should have more discretion when deciding to issue a CRO. It was determined that a change should relate to A.R.S. § 13-805(B) and should revise the language from “may” order to “shall” order a CRO at the time of sentencing. However, the group did not amend the proposed revision to the language in A.R.S. § 13-805(C) related to absconder status, as the revision in section B would make this moot relative to victim restitution and any CRO based on the absconder status would only relate to fines, fees, etc..

- ***Judge Richard Weiss later amended the motion; motion to make criminal restitution mandatory only at the time of sentencing, unless otherwise requested by the victim. Motion passed by majority; 16 yay, 3 nay.***

13-805. Jurisdiction

A. *The trial court shall retain jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.*

B. *At the time the defendant is ordered to pay restitution by the superior court, the court ~~may~~ SHALL, UNLESS OTHERWISE REQUESTED BY THE VICTIM, enter a criminal restitution order in favor of ~~each person~~ A VICTIM who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution*

order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant's period of probation or the defendant's sentence or the defendant absconds from probation or the defendant's sentence, the court shall enter both:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection b of this section.

D. The clerk of the court shall notify each person who is entitled to restitution of the criminal restitution order.

E. A criminal restitution order may be recorded and is enforceable as any civil judgment, except that a criminal restitution order does not require renewal pursuant to section 12-1611 or 12-1612. Enforcement of a criminal restitution order by any person who is entitled to restitution or by the state includes the collection of interest that accrues at a rate of ten per cent per annum. A criminal restitution order does not expire until paid in full.

F. All monies paid pursuant to a criminal restitution order entered by the superior court shall be paid to the clerk of the superior court.

G. Monies received as a result of a criminal restitution order entered pursuant to this section shall be distributed in the following order of priority:

1. Restitution ordered that is reduced to a criminal restitution order.

2. Associated interest.

H. The interest accrued pursuant to subsection E of this section does not apply to fees imposed for collection of the court ordered payments.

I. A criminal restitution order is a criminal penalty for the purposes of a federal bankruptcy involving the defendant.

B. Strategic Agenda Presentation

Cindy Trimble, AOC audit officer, discussed the FY 2015-2019 Judicial Branch Strategic Agenda. She is working with Vice Chief Justice Scott Bales and the AJC Strategic Agenda Subcommittee on the plan, which is tentatively titled "Justice for All Arizona: Courts Serving Communities."

In early 2013, Ms. Trimble solicited ideas and suggestions from various AJC subcommittees. The next step was to synthesize the information into a well-rounded and thoughtful plan. In this meeting, Ms. Trimble presented a draft version that is still a work in process. Emerging themes focus on access to justice, evidence-based practices, improving processes, training and workforce development, and proactive communication with the public. Ms. Trimble presented the draft to AJC this month and a final version is set to go before AJC in December 2013 for implementation on July 1, 2014.

The current goals – Promoting Access to Justice; Protecting Children, Families, and Communities; Improving Court Processes to Better Serve the Public; Enhancing Professionalism and Efficiency within the Judicial System, and Improving Communications and Community Participation – are serving as

placeholders for main ideas; however some of the subtopics are still being developed.

Dialogue during this meeting focused on goal two of the agenda: Protecting Children, Families, and Communities. This goal is typically a mainstay of every strategic agenda; however Justice Bales' focus on the development of a Center for Evidence-Based Practices is being highlighted this year. The chairperson has been working with various groups and Justice Bales to develop this idea.

New to the Strategic Agenda is the topic of human trafficking. Human trafficking raises a variety of issues and challenges for state courts. The focus given to this issue in the Strategic Agenda will begin the process of identifying and obtaining a better understanding of the types of crimes and victims involved, which will better prepare the courts to handle such cases.

Regarding general topic of human trafficking and abuse, Karyn Rasile, Supervisor, Scottsdale Healthcare Forensic Nurse Examiners, has a presentation that she gives on this subject. The Chairperson requested that Ms. Rasile present at the next COVIC meeting in February 2014.

Additionally, the chairperson commented on goal four, Enhancing Professionalism and Efficiency within the Judicial System. COVIC member, Judge Joseph Welty, has been working with the Judicial Education department to further develop and improve new judge orientation and other educational materials. Improving web-based video and audio conference capabilities, as well as development of guidelines for the use of social media by employees was briefly discussed.

C. Victim ID Protection Rule Implementation Update

Judge Ronald Reinstein, and Mr. Aaron Nash, Special Counsel & Public Information Officer at Clerk of Superior Court, Maricopa County presented an update on the process of implementing approved rule petition R-12-2004 that took effect on September 1, 2013.

Several counties and entities have experienced changes and programming issues; however many issues have been resolved. Various counties are addressing the implementation in different ways based on how the clerks and prosecutorial agencies share information. It was suggested that judges continue to be involved in the decision-making and determine if sealing cases on a case-by-case basis would provide more flexibility.

Although some questions were submitted to AOC from a limited jurisdiction court regarding the impact of the rule, there was very little concern expressed by limited court members of COVIC as this was primarily written for cases that have documents posted online.

III. New Business

A. Juvenile Violation Hearings and Victims Rights

Ms. Dimple Smith from the Pima County Attorney's Office and COVIC member discussed the practice in juvenile courts/probation in Arizona on victim notification and rights at a Violation of Probation (VOP) detention hearing.

It was pointed out that victims who opted in to receive notice of hearing are not being sent written notice and victims were routinely excluded from providing input at VOP detention hearings. Ms. Smith believed that this may be an across the board issue, therefore brought it to this committee. Although no other counties had similar experiences, it was suggested that Ms. Smith may want to submit this topic to the Committee on Juvenile Courts. Judge Simmons will investigate to determine any appropriate next steps towards resolution.

B. Conditions of Release / LJC Judge Cheat Sheet

Ms. Kirstin Flores, Director of the Attorney General's Office of Victim Services, first updated the group on the Internal Audit findings discussed at COVIC's May 2013.

In the May 2013, Ms. Flores reviewed an audit finding of a county attorney's office where the court in that jurisdiction had a practice of sentencing misdemeanor cases during the initial appearance when the defendant has plead guilty. In these instances, the prosecutor was not present, so the County Attorney's office was never aware of the case to provide victims' rights. The audit found that this practice was in violation of some victims' rights laws. This prompted an informal statewide survey, and it was found that 8 of the 15 offices had similar procedures. Later, Ms. Flores contacted Mr. Paul Julien, Judicial Education Officer at the AOC to discuss judicial training related to this issue.

Ms. Flores indicated that Mr. Julien had sent the related judge orientation and training materials to the Attorney General's Office for appropriate updating. Ms. Flores is considering making a judicial tip sheet or "cheat sheet" document to assist judges when sentencing that will remind judges of a victim's rights. Ms. Flores will be working with Mr. Julien in the coming months to improve training materials regarding this issue. It was suggested that the materials should reflect the diversity of the Arizona courts, at all levels, including a distinction between rural and urban court procedures.

Ms. Flores also identified issues regarding law enforcement's access to release orders and modifications to those orders. Victim rights laws indicate that a copy of the release order and modifications are to be sent to the victim through either the prosecutor's office or through the County Sheriff's office. Other law

enforcement agencies need this information in the field to effectively police situations involving domestic violence and other violent crime where the suspected perpetrator has been released on bond/bail.

Previous discussions have occurred within Maricopa County between the court and the Sherriff's office regarding potential solutions. It was suggested that because this is a statewide issue, more work needs to be done with this topic. The limited jurisdiction courts have their own jail courts that produce release orders which are not available to law enforcement. Further, it was pointed out that A.R.S §13-3624 says that "The court, within twenty-four hours after a defendant is arrested for an act of domestic violence, shall register a certified copy of the release order with the sheriff's office of the county in which the order was issued. The court shall notify the sheriff's office of material changes in the release order, if the conditions of the release order are no longer in effect and when the charges are resolved." and most Arizona courts are not in compliance with this law.

Judge Elizabeth Finn suggested that a subcommittee of this group was necessary to address this issue for limited jurisdiction courts.

The chairperson agreed that this important issue should be investigated further by a subcommittee consisting of the following COVIC members:

Judge Elizabeth Finn, Chairperson
Ms. Kirstin Flores
Mr. Daniel Levey
Ms. Pam Morton
Mr. Larry Farnsworth
Mr. James Markey

Ms. Carol Mitchell will provide Judge Finn with the contact information for the rest of the group.

IV. Call to Public

A. Good of the Order/Call to the Public

The chairperson called to the public for commentary. Judge Ronald Reinstein indicated that in the next meeting of this group, he would like Ms. Karyn Raisle to present on strangulation and DV cases and how forensic examinations are done by sexual assault nurse examiners (SANE nurses). He would also like Ms. Kristin Flores to update the group on the progress of the tip sheet.

Mr. Dan Levey shared information about a fundraiser sponsored by the Parents of Murdered Children at the Brunswick Zone Glendale on January 25, 2014 and indicated there was a flyer available on the table.

Ms. Sydney Davis is performing at the Herberger Theater in the lunchtime theater. She invited the group to attend.

Ms. Kristin Flores indicated that the 2013/2014 Victim Rights Training schedule is available at www.azag.gov. Her office has revamped the training to make it more effective and comprehensive.

V. Adjourn

A. Motion to Adjourn:

- *Judge Richard Weiss presented a motion to adjourn at 12:05pm. Seconded by Judge Peter Cahill. Motion passed.*

B. Next Committee Meeting Date:

Friday, February 21, 2014
10:00 a.m. to 12:00 p.m.
State Courts Building, Room 119 A/B
1501 W. Washington St., Phoenix, AZ 85007

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 21, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Review

FROM: AOC Government Affairs Office

PRESENTER(S): Amy Love

DISCUSSION & TIME ESTIMATE: 10 minutes. Review of victim rights-related legislation.

RECOMMENDED MOTION (IF ANY):

REFERENCE TITLE: juvenile crime victims' rights

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2563

Introduced by
Representative Pierce J

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-350.02; AMENDING SECTIONS 8-383, 8-384, 8-386, 8-388, 8-391, 8-392, 8-397, 8-409, 8-413 AND 8-414, ARIZONA REVISED STATUTES; REPEALING SECTION 8-415, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 8-415; AMENDING SECTIONS 8-420, 8-421 AND 39-127, ARIZONA REVISED STATUTES; RELATING TO JUVENILE CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

- i -

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 3, article 3, Arizona Revised Statutes, is
3 amended by adding section 8-350.02, to read:

4 8-350.02. Civil actions by victim or other persons

5 A JUVENILE WHO IS ADJUDICATED IN A DELINQUENCY PROCEEDING IS PRECLUDED
6 FROM SUBSEQUENTLY DENYING IN ANY CIVIL PROCEEDING BROUGHT BY THE VICTIM OR
7 THIS STATE AGAINST THE ADJUDICATED DELINQUENT THE ESSENTIAL ALLEGATIONS OF
8 THE DELINQUENT ACT OF WHICH HE WAS ADJUDICATED DELINQUENT, INCLUDING
9 ADJUDICATIONS RESULTING FROM NO CONTEST PLEAS. AN ORDER OF RESTITUTION IN
10 FAVOR OF A PERSON DOES NOT PRECLUDE THAT PERSON FROM BRINGING A SEPARATE
11 CIVIL ACTION AND PROVING IN THAT ACTION DAMAGES IN EXCESS OF THE AMOUNT OF
12 THE RESTITUTION ORDER THAT IS ACTUALLY PAID.

13 Sec. 2. Section 8-383, Arizona Revised Statutes, is amended to read:

14 8-383. Implementation of rights and duties

15 A. Except as provided in sections 8-385 and 8-386, the rights and
16 duties that are established by this article arise on the arrest or formal
17 charging of a juvenile who is alleged to be responsible for a delinquent act
18 against a victim. The rights and duties continue to be enforceable pursuant
19 to this article until the final disposition of the charges, including
20 acquittal or dismissal of the charges, all postadjudication release, review
21 and appellate proceedings and the discharge of all proceedings related to
22 restitution. If a delinquent is ordered to pay restitution to a victim, the
23 rights and duties continue to be enforceable until restitution is paid or a
24 judgment is entered in favor of the victim pursuant to section 8-344.

25 B. IF A JUVENILE'S ADJUDICATION IS REVERSED AND THE CASE IS RETURNED
26 TO THE JUVENILE COURT FOR FURTHER PROCEEDINGS, THE VICTIM HAS THE SAME RIGHTS
27 THAT WERE APPLICABLE TO THE DELINQUENCY PROCEEDINGS THAT LED TO THE APPEAL OR
28 OTHER POSTADJUDICATION RELIEF PROCEEDING.

29 ~~B.~~ C. After the final termination of a delinquency proceeding by
30 dismissal or acquittal, a person who has received notice and has the right to
31 be present and be heard pursuant to the victims' bill of rights, article II,
32 section 2.1, Constitution of Arizona, this article or any court rule is no
33 longer entitled to those rights.

34 Sec. 3. Section 8-384, Arizona Revised Statutes, is amended to read:

35 8-384. Inability to exercise rights; designation of others;
36 notice; representative for a minor or vulnerable
37 adult; definition

38 A. If a victim is physically or emotionally unable to exercise any
39 right but is able to designate a lawful representative who is not a bona fide
40 witness, the designated person may exercise the same rights that the victim
41 is entitled to exercise. The victim may revoke this designation at any time
42 and exercise the victim's rights.

43 B. If a victim is incompetent, deceased or otherwise incapable of
44 designating another person to act in the victim's place, the court may
45 appoint a lawful representative who is not a witness. If at any time the

1 victim is no longer incompetent, incapacitated or otherwise incapable of
2 acting, the victim may personally exercise the victim's rights.

3 C. If the victim is a minor OR VULNERABLE ADULT the victim's parent or
4 other immediate family member may exercise all of the victim's rights on
5 behalf of the victim. If the delinquent act is alleged against a member of
6 the minor's OR VULNERABLE ADULT'S immediate family, these rights may not be
7 exercised by that person but may be exercised by another member of the
8 immediate family unless the court, after considering the guidelines in
9 subsection D OF THIS SECTION, finds that another person would better
10 represent the interests of the minor OR VULNERABLE ADULT FOR PURPOSES OF THIS
11 CHAPTER.

12 D. The court shall consider the following guidelines in appointing a
13 representative for a minor OR VULNERABLE ADULT VICTIM:

14 1. ~~If~~ WHETHER the minor OR VULNERABLE ADULT has a relative who would
15 not be so substantially affected or adversely impacted by the conflict
16 resulting from the allegation of a delinquent act against a member of the
17 immediate family of the minor OR VULNERABLE ADULT that the representative
18 could not represent the victim.

19 2. The representative's willingness and ability to do all of the
20 following:

21 (a) Undertake working with and accompanying the minor victim OR
22 VULNERABLE ADULT through all proceedings, including delinquency, civil and
23 dependency proceedings.

24 (b) Communicate with the minor OR VULNERABLE ADULT victim.

25 (c) Express the concerns of the minor OR VULNERABLE ADULT to those
26 authorized to come in contact with the minor OR VULNERABLE ADULT as a result
27 of the proceedings.

28 3. The representative's training, if any, to serve as a ~~minor's~~ MINOR
29 OR VULNERABLE ADULT VICTIM'S representative.

30 4. The likelihood of the representative being called as a witness in
31 the case.

32 E. The ~~minor's~~ MINOR OR VULNERABLE ADULT VICTIM'S representative shall
33 accompany the minor OR VULNERABLE ADULT victim through all proceedings,
34 including delinquency, criminal, dependency and civil proceedings, and,
35 before the minor's OR VULNERABLE ADULT'S courtroom appearance, shall explain
36 to the minor OR VULNERABLE ADULT the nature of the proceedings and what the
37 minor OR VULNERABLE ADULT will be asked to do, including telling the minor OR
38 VULNERABLE ADULT that the minor OR VULNERABLE ADULT is expected to tell the
39 truth. The representative shall be available to observe the minor OR
40 VULNERABLE ADULT in all aspects of the case in order to consult with the
41 court as to any special needs of the minor OR VULNERABLE ADULT. Those
42 consultations shall take place before the minor OR VULNERABLE ADULT
43 testifies. The court may recognize the ~~minor's~~ MINOR OR VULNERABLE ADULT
44 VICTIM'S representative when the representative indicates a need to address
45 the court. A ~~minor's~~ MINOR OR VULNERABLE ADULT VICTIM'S representative shall

1 not discuss the facts and circumstances of the case with the minor OR
2 VULNERABLE ADULT witness, unless the court orders otherwise on a showing that
3 it is in the best interests of the minor OR VULNERABLE ADULT.

4 F. Any notices that are to be provided to a victim pursuant to this
5 article shall be sent only to the victim or the victim's lawful
6 representative.

7 G. FOR THE PURPOSES OF THIS SECTION, "VULNERABLE ADULT" HAS THE SAME
8 MEANING PRESCRIBED IN SECTION 13-3623.

9 Sec. 4. Section 8-386, Arizona Revised Statutes, is amended to read:
10 8-386. Information provided to victim by law enforcement
11 agencies

12 A. As soon after the detection of an offense as the victim may be
13 contacted without interfering with an investigation or arrest, the law
14 enforcement agency responsible for investigating the offense shall provide
15 the victim with a multicopy form:

16 1. That allows the victim to request or waive applicable rights to
17 which the victim is entitled, on request, under this article.

18 2. That provides the victim a method to designate a lawful
19 representative if the victim so chooses pursuant to section 8-384, subsection
20 A or section 8-385.

21 3. That provides notice to the victim of all of the following
22 information:

23 (a) The victim's right under the victims' bill of rights, article II,
24 section 2.1, Constitution of Arizona, to be treated with fairness, respect
25 and dignity and to be free of intimidation, harassment or abuse throughout
26 the criminal or juvenile justice process.

27 (b) The availability, if any, of crisis intervention services and
28 emergency and medical services and, if applicable, that medical expenses
29 arising out of the need to secure evidence may be reimbursed pursuant to
30 section 13-1414.

31 (c) In cases involving domestic violence, the procedures and resources
32 available for the protection of the victim pursuant to section 13-3601.

33 (d) The names and telephone numbers of public and private victim
34 assistance programs, including the county victim compensation program and
35 programs that provide counseling, treatment and other support services.

36 (e) The police report number, if available, other identifying case
37 information and the following statement:

38 If within thirty days you are not notified of an arrest in your
39 case, you may call (the law enforcement agency's telephone
40 number) for the status of the case.

41 (f) Whether the suspect is an adult or juvenile, the victim will be
42 notified by the law enforcement agency at the earliest opportunity after the
43 arrest of a suspect.

44 (g) If the suspect is a juvenile and the officer requests that the
45 accused be detained, a statement of the victim's right, on request, to be

1 informed if the juvenile will be released or will be detained pending the
2 detention hearing and of the victim's right to be present and heard at the
3 detention hearing and that, to exercise these rights, the victim must contact
4 the detention screening section of the juvenile probation department
5 immediately to request notice of all of the following:

6 (i) The juvenile's release.

7 (ii) The date, time and place of the detention hearing and any changes
8 to that schedule.

9 (iii) If the victim chooses to exercise the right to be heard through
10 a written statement, how that statement may be submitted to the court.

11 (h) THAT THE VICTIM OR THE IMMEDIATE FAMILY MEMBER OF THE VICTIM, IF
12 THE VICTIM IS KILLED OR INCAPACITATED, HAS THE RIGHT TO RECEIVE ONE COPY OF
13 THE POLICE REPORT, INCLUDING ANY SUPPLEMENTS TO THE REPORT, FROM THE
14 INVESTIGATING LAW ENFORCEMENT AGENCY AT NO CHARGE PURSUANT TO SECTION 39-127.

15 B. If at the time of contact with a law enforcement agency the victim
16 is physically or emotionally unable to request or waive applicable rights,
17 the law enforcement agency shall designate this on the multicopy form and the
18 entities that may be subsequently affected shall presume that the victim
19 invoked the victim's right to request applicable rights to which the victim
20 is entitled, on request, unless the victim later waives those rights.

21 C. The law enforcement agency shall submit one copy of the victim's
22 request or waiver of predisposition rights form to the detention center, if
23 the arresting officer is requesting that the accused be detained, at the time
24 the juvenile is taken to detention. If detention is not requested, the form
25 copies shall be submitted to the juvenile probation intake section at the
26 time the case is otherwise referred to court. The probation intake section
27 shall submit a copy of the victim's request or waiver of predisposition
28 rights form to the prosecutor and the departments or governmental agencies,
29 as applicable, that are mandated by this article to provide victims' rights
30 services upon request.

31 D. If the accused juvenile is cited and released by an Arizona traffic
32 ticket and complaint form pursuant to section 8-323, the law enforcement
33 agency shall inform the victim how to obtain additional information about
34 subsequent proceedings.

35 E. Law enforcement agencies within a county may establish different
36 procedures designed to efficiently and effectively provide notice of the
37 victim's rights pursuant to this article and notice to affected entities of
38 victim request or waiver information. If different procedures are
39 established, the procedures shall:

40 1. Be reported to the entities within a county affected by the
41 procedures and reported to the attorney general.

42 2. Be designed so that detention centers within a county receive
43 notice of the victim's request or waiver of the victim's predisposition
44 rights at the same time that an accused juvenile is detained.

1 3. Be designed so that the juvenile probation intake section of the
2 county receives notice of the victim's request or waiver of the victim's
3 predisposition rights at the same time that the case is referred to court.

4 4. Provide that the notice to affected entities of a victim's request
5 or waiver of the victim's predisposition rights includes information that
6 allows the affected entity to contact the victim.

7 5. Be supported by the use of brochures, forms or other written
8 materials developed by the law enforcement agencies within a county and
9 reviewed by the attorney general pursuant to section 8-398, subsection B.

10 Sec. 5. Section 8-388, Arizona Revised Statutes, is amended to read:
11 8-388. Notice of diversion

12 A. If an accused is accepted into a diversion program pursuant to
13 section 8-321, the court administering the program shall give the victim
14 notice of the conditions that the accused must comply with in order for the
15 complaint or citation to be adjusted or dismissed. The notice shall state
16 whether restitution was required and that, on request of the victim, the
17 victim has the right to be notified of the accused's completion of or
18 termination from the program.

19 B. THE COURT ADMINISTERING THE DIVERSION PROGRAM SHALL PROVIDE NOTICE
20 TO THE VICTIM OF THE JUVENILE'S COMPLETION OR TERMINATION FROM THE DIVERSION
21 PROGRAM.

22 Sec. 6. Section 8-391, Arizona Revised Statutes, is amended to read:
23 8-391. Notice of adjudication; impact statement

24 A. On request the prosecutor's office, within fifteen days after the
25 adjudication, transfer, acquittal or dismissal of the charges against the
26 accused, shall give notice to the victim of the offense or offenses for which
27 the accused was adjudicated delinquent, transferred for adult prosecution or
28 acquitted or of the charges dismissed against the juvenile defendant.

29 B. If the juvenile is adjudicated delinquent and the victim has
30 requested notice, the prosecutor's office shall notify the victim, if
31 applicable, of:

32 1. The function of the predisposition report.

33 2. The name and telephone number of the probation department that is
34 preparing the predisposition report.

35 3. The right to make a victim impact statement under section 8-404.

36 4. The right to receive portions of the predisposition report pursuant
37 to section 8-404, subsection C.

38 5. The right to be present and be heard at any predisposition or
39 disposition proceeding pursuant to section 8-405.

40 6. The time, place and date of the disposition proceeding.

41 7. If the court orders restitution, the right to have a judgment
42 entered for any unpaid amount and to file a restitution lien pursuant to
43 section 8-345.

44 8. THE JUVENILE'S RIGHT TO VIEW THE PREDISPOSITION REPORT.

1 C. The victim shall be informed that the victim's impact statement may
2 include the following:

3 1. An explanation of the nature and extent of any physical,
4 psychological or emotional harm or trauma suffered by the victim.

5 2. An explanation of the extent of any economic loss or property
6 damage suffered by the victim.

7 3. An opinion of the need for and extent of restitution.

8 4. Whether the victim has applied for or received any compensation for
9 the loss or damage.

10 D. Notice provided pursuant to this section does not remove the
11 probation department's responsibility to initiate the contact between the
12 victim and the probation department concerning the victim's economic,
13 physical, psychological or emotional harm. At the time of contact, the
14 probation department shall advise the victim of the date, time and place of
15 the disposition proceeding and of the victim's right, if present, to be heard
16 at that proceeding.

17 Sec. 7. Section 8-392, Arizona Revised Statutes, is amended to read:
18 8-392. Notice of postadjudication review and appellate
19 proceedings

20 A. Within fifteen days after the disposition proceeding the
21 prosecutor's office, on request, shall notify the victim of the disposition
22 imposed on the juvenile defendant.

23 B. The prosecutor's office shall provide the victim with a form that
24 allows the victim to request postadjudication notice of all postadjudication
25 review and appellate proceedings, all postadjudication release proceedings,
26 all probation modification proceedings that impact the victim, all probation
27 revocation or termination proceedings, all conditional liberty revocation
28 proceedings or modifications to conditional liberty, any decisions that arise
29 out of these proceedings, all releases and all escapes.

30 C. The prosecutor's office shall advise the victim on how the
31 completed request form may be filed with the appropriate agencies and
32 departments.

33 D. On request of the victim, the prosecutor's office that is
34 responsible for handling any postadjudication or appellate proceedings shall
35 notify the victim of the proceedings and any decisions that arise out of the
36 proceedings.

37 E. THE SUPREME COURT OR COURT OF APPEALS SHALL SEND A VICTIM WHO
38 REQUESTS NOTICE PURSUANT TO THIS SECTION A COPY OF THE MEMORANDUM DECISION OR
39 OPINION FROM THE ISSUING COURT CONCURRENTLY WITH THE PARTIES. IF THE VICTIM
40 IS REPRESENTED BY COUNSEL, THE NOTICE SHALL BE PROVIDED TO THE VICTIM'S
41 COUNSEL.

1 E. If, with the written or verbal consent of the victim, the crime
2 victim advocate discloses to the prosecutor or a law enforcement agency any
3 communication between the victim and the crime victim advocate or any
4 records, notes, documents, correspondence, reports or memoranda, the
5 prosecutor or law enforcement agent shall disclose the material to the
6 accused's attorney only if the information is otherwise exculpatory.

7 F. Notwithstanding subsections A and B OF THIS SECTION, if a crime
8 ~~victim advocate is employed or authorized by a prosecutor's office, the~~
9 CONSENTS EITHER VERBALLY OR IN WRITING, A CRIME VICTIM advocate may disclose
10 information to the prosecutor with the oral consent of the victim OTHER
11 PROFESSIONALS AND ADMINISTRATIVE SUPPORT PERSONS THAT THE ADVOCATE WORKS WITH
12 FOR THE PURPOSE OF ASSISTING THE ADVOCATE IN PROVIDING SERVICES TO THE VICTIM
13 AND TO THE COURT IN FURTHERANCE OF ANY VICTIMS' RIGHT PURSUANT TO THIS
14 CHAPTER.

15 Sec. 10. Section 8-413, Arizona Revised Statutes, is amended to read:

16 8-413. Victim's right to privacy

17 A. The victim has the right at any court proceeding not to testify
18 regarding the victim's addresses, telephone numbers, place of employment or
19 other locating information unless the victim consents or the court orders
20 disclosure on finding that a compelling need for the information exists. A
21 court proceeding on the motion shall be in camera.

22 B. A VICTIM'S CONTACT AND IDENTIFYING INFORMATION THAT IS OBTAINED,
23 COMPILED OR REPORTED BY A LAW ENFORCEMENT AGENCY SHALL BE REDACTED BY THE
24 ORIGINATING AGENCY IN PUBLICLY ACCESSIBLE RECORDS PERTAINING TO THE CRIMINAL
25 CASE INVOLVING THE VICTIM.

26 C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO:

27 1. THE VICTIM'S NAME.

28 2. ANY RECORDS THAT ARE TRANSMITTED BETWEEN LAW ENFORCEMENT AND
29 PROSECUTION AGENCIES OR A COURT.

30 3. ANY RECORDS IF THE VICTIM HAS CONSENTED TO THE RELEASE OF THE
31 INFORMATION.

32 Sec. 11. Section 8-414, Arizona Revised Statutes, is amended to read:

33 8-414. Speedy adjudication; continuance; notice

34 A. In any delinquency proceeding, the court, prosecutor and law
35 enforcement officials shall take appropriate action to ensure a speedy
36 adjudication for the victim.

37 B. THE PROSECUTOR SHALL MAKE REASONABLE EFFORTS TO NOTIFY A VICTIM OF
38 ANY REQUEST FOR A CONTINUANCE, EXCEPT THAT IF THE VICTIM IS REPRESENTED BY
39 COUNSEL WHO HAS FILED A NOTICE OF APPEARANCE, THE COURT, IF THE REQUEST FOR A
40 CONTINUANCE IS IN WRITING, SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE
41 VICTIM'S COUNSEL IN THE SAME MANNER IN WHICH A PARTY IS NOTIFIED.

42 ~~B-~~ C. In any delinquency proceeding in which a continuance is
43 requested, the court shall consider the victim's views and the victim's right
44 to a speedy adjudication. If a continuance is granted, the court shall state
45 on the record the reason for the continuance.

1 Sec. 12. Repeal

2 Section 8-415, Arizona Revised Statutes, is repealed.

3 Sec. 13. Title 8, chapter 3, article 7, Arizona Revised Statutes, is
4 amended by adding a new section 8-415, to read:

5 8-415. Effect of failure to comply

6 A. THE FAILURE TO COMPLY WITH A VICTIM'S CONSTITUTIONAL OR STATUTORY
7 RIGHT IS A GROUND FOR THE VICTIM TO REQUEST A REEXAMINATION PROCEEDING WITHIN
8 TEN DAYS AFTER THE PROCEEDING AT WHICH THE VICTIM'S RIGHT WAS DENIED OR WITH
9 LEAVE OF THE COURT FOR GOOD CAUSE SHOWN. AFTER THE VICTIM REQUESTS A
10 REEXAMINATION PROCEEDING AND AFTER THE COURT GIVES REASONABLE NOTICE, THE
11 COURT SHALL AFFORD THE VICTIM A REEXAMINATION PROCEEDING TO CONSIDER THE
12 ISSUES RAISED BY THE DENIAL OF THE VICTIM'S RIGHT. EXCEPT AS PROVIDED IN
13 SUBSECTION B OF THIS SECTION, THE COURT SHALL RECONSIDER ANY DECISION THAT
14 ARISES FROM A PROCEEDING IN WHICH THE VICTIM'S RIGHT WAS NOT PROTECTED AND
15 SHALL ENSURE THAT THE VICTIM'S RIGHTS ARE THEREAFTER PROTECTED.

16 B. THE FAILURE TO USE REASONABLE EFFORTS TO PERFORM A DUTY OR PROVIDE
17 A RIGHT IS NOT CAUSE TO SEEK TO SET ASIDE AN ADJUDICATION OR DISPOSITION
18 AFTER TRIAL. FAILURE TO AFFORD A RIGHT UNDER THIS CHAPTER SHALL NOT PROVIDE
19 GROUNDS FOR A NEW TRIAL. A VICTIM WHO WAS GIVEN NOTICE OF A PLEA OR
20 SENTENCING PROCEEDING MAY MAKE A MOTION TO REOPEN A PLEA OR SENTENCE ONLY IF
21 THE VICTIM WAS NOT VOLUNTARILY ABSENT FROM THE PROCEEDING AND HAS ASSERTED
22 THE RIGHT TO BE HEARD BEFORE OR DURING THE PROCEEDING AT ISSUE AND THE RIGHT
23 TO BE HEARD WAS DENIED AND, IN THE CASE OF A PLEA, THE ACCUSED HAS NOT PLED
24 TO THE HIGHEST OFFENSE CHARGED. THIS SUBSECTION DOES NOT AFFECT THE VICTIM'S
25 RIGHT TO RESTITUTION, WHICH THE VICTIM MAY SEEK TO ENFORCE AT ANY TIME.

26 C. UNLESS THE JUVENILE IS DISCHARGED FROM THE JUVENILE'S SENTENCE, THE
27 FAILURE TO USE REASONABLE EFFORTS TO PROVIDE NOTICE AND A RIGHT TO BE PRESENT
28 OR BE HEARD PURSUANT TO THIS CHAPTER AT A PROCEEDING THAT INVOLVES A
29 POSTCONVICTION RELEASE IS A GROUND FOR THE VICTIM TO SEEK TO SET ASIDE THE
30 POSTCONVICTION RELEASE UNTIL THE VICTIM IS AFFORDED THE OPPORTUNITY TO BE
31 PRESENT OR BE HEARD.

32 D. IF THE VICTIM SEEKS TO HAVE A POSTCONVICTION RELEASE SET ASIDE
33 PURSUANT TO SUBSECTION C OF THIS SECTION , THE COURT, OR DEPARTMENT OF
34 JUVENILE CORRECTIONS SHALL AFFORD THE VICTIM A REEXAMINATION PROCEEDING AFTER
35 THE PARTIES ARE GIVEN NOTICE.

36 E. A REEXAMINATION PROCEEDING CONDUCTED PURSUANT TO THIS SECTION OR
37 ANY OTHER PROCEEDING THAT IS BASED ON THE FAILURE TO PERFORM A DUTY OR
38 PROVIDE A RIGHT SHALL COMMENCE NOT MORE THAN THIRTY DAYS AFTER THE
39 APPROPRIATE PARTIES HAVE BEEN GIVEN NOTICE THAT THE VICTIM IS EXERCISING THE
40 RIGHT TO A REEXAMINATION PROCEEDING PURSUANT TO THIS SECTION OR TO ANOTHER
41 PROCEEDING BASED ON THE FAILURE TO PERFORM A DUTY OR PROVIDE A RIGHT.

1 Sec. 14. Section 8-420, Arizona Revised Statutes, is amended to read:
2 8-420. Right to leave work; scheduled proceedings; employment
3 rights; nondiscrimination; confidentiality; definition

4 A. An employer who has fifty or more employees for each working day in
5 each of twenty or more calendar weeks in the current or preceding calendar
6 year, and any agent of that employer, shall allow an employee who is a victim
7 of a juvenile offense to:

8 1. Leave work to exercise the employee's right to be present at a
9 proceeding pursuant to sections 8-395, 8-400, 8-401, 8-402, 8-403, 8-405,
10 8-406 and 8-415.

11 2. OBTAIN OR ATTEMPT TO OBTAIN AN ORDER OF PROTECTION, AN INJUNCTION
12 AGAINST HARASSMENT OR ANY OTHER INJUNCTIVE RELIEF TO HELP ENSURE THE HEALTH,
13 SAFETY OR WELFARE OF THE VICTIM OR THE VICTIM'S CHILD.

14 B. An employer may not dismiss an employee who is a victim of a
15 juvenile offense because the employee exercises the right to leave work
16 pursuant to subsection A of this section.

17 C. An employer is not required to compensate an employee who is a
18 victim of a juvenile offense when the employee leaves work pursuant to
19 subsection A of this section.

20 D. If an employee leaves work pursuant to subsection A of this
21 section, the employee may elect to use or an employer may require the
22 employee to use the employee's accrued paid vacation, personal leave or sick
23 leave.

24 E. An employee who is a victim of a juvenile offense shall not lose
25 seniority or precedence while absent from employment pursuant to subsection A
26 of this section.

27 F. Before an employee may leave work pursuant to subsection A of this
28 section, the employee shall do all of the following:

29 1. Provide the employer with a copy of the form provided to the
30 employee by the law enforcement agency pursuant to section 8-386, subsection
31 A or a copy of the information the law enforcement agency provides to the
32 employee pursuant to section 8-386, subsection E.

33 2. If applicable, give the employer a copy of the notice of each
34 scheduled proceeding that is provided to the victim by the agency that is
35 responsible for providing notice to the victim.

36 G. It is unlawful for an employer or an employer's agent to refuse to
37 hire or employ, to bar or to discharge from employment or to discriminate
38 against an individual in compensation or other terms, conditions or
39 privileges of employment because the individual leaves work pursuant to
40 subsection A of this section.

41 H. Employers shall keep confidential records regarding the employee's
42 leave pursuant to this section.

43 I. An employer may limit the leave provided under this section if the
44 employee's leave creates an undue hardship to the employer's business.

1 J. The prosecutor shall inform the victim of the victim's rights
2 pursuant to this section. A victim may notify the prosecutor if exercising
3 the victim's right to leave under this section would create an undue hardship
4 for the victim's employer. The prosecutor shall communicate the notice to
5 the court during the scheduling of proceedings where the victim has the right
6 to be present. The court shall continue to take the victim's schedule into
7 consideration when scheduling a proceeding pursuant to subsection A of this
8 section.

9 K. For THE purposes of this section, "undue hardship" means a
10 significant difficulty and expense to a business and includes the
11 consideration of the size of the employer's business and the employer's
12 critical need of the employee.

13 Sec. 15. Section 8-421, Arizona Revised Statutes, is amended to read:
14 8-421. Statement of rights

15 In order to assure that any victim who comes before the juvenile court
16 has been advised of the victim's constitutional rights, THE FOLLOWING
17 STATEMENT SHALL BE PROMINENTLY POSTED IN EACH JUVENILE COURT IN THIS STATE
18 AND SHALL BE READ OUT LOUD BY a judge of the juvenile court ~~shall make the~~
19 ~~following statement~~ at the time each victim first appears in that court:

20 If you are the victim of a delinquent act with a case
21 pending before this court, you are advised that you have rights
22 to justice and due process under Arizona law that, among others,
23 include the right to be treated with fairness, respect and
24 dignity, to a speedy disposition and a prompt and final
25 conclusion of the case, to be present at court proceedings, to
26 choose whether or not to be interviewed by the juvenile's
27 attorney, to be heard before the court makes a decision on
28 release, negotiation of a plea, scheduling and disposition and
29 to seek restitution from a person who is adjudicated as causing
30 your loss. If you have not already been provided with a written
31 statement of all victims' rights, please contact the victim
32 services division of the prosecutor's office.

33 Sec. 16. Section 39-127, Arizona Revised Statutes, is amended to read:
34 39-127. Free copies of police reports and transcripts for crime
35 victims

36 A. A victim of a criminal offense that is a part I crime under the
37 statewide uniform crime reporting program or an immediate family member of
38 the victim if the victim is killed or incapacitated has the right to receive
39 one copy of the police report from the investigating law enforcement agency
40 at no charge and, on request of the victim, the court or the clerk of the
41 court shall provide, at no charge, the minute entry or portion of the record
42 of any proceeding in the case that arises out of the offense committed
43 against the victim and that is reasonably necessary for the purpose of
44 pursuing a claimed victim's right.

1 ~~B.~~ For the purposes of this section SUBSECTION, "criminal offense",
2 "immediate family" and "victim" have the same meanings prescribed in section
3 13-4401.

4 B. A VICTIM OF A DELINQUENT ACT THAT IS A PART I CRIME UNDER THE
5 STATEWIDE UNIFORM CRIME REPORTING PROGRAM OR AN IMMEDIATE FAMILY MEMBER OF
6 THE VICTIM IF THE VICTIM IS KILLED OR INCAPACITATED HAS THE RIGHT TO RECEIVE
7 ONE COPY OF THE POLICE REPORT FROM THE INVESTIGATING LAW ENFORCEMENT AGENCY
8 AT NO CHARGE AND, ON REQUEST OF THE VICTIM, THE COURT OR THE CLERK OF THE
9 COURT SHALL PROVIDE, AT NO CHARGE, THE MINUTE ENTRY OR PORTION OF THE RECORD
10 OF ANY PROCEEDING IN THE CASE THAT ARISES OUT OF THE OFFENSE COMMITTED
11 AGAINST THE VICTIM AND THAT IS REASONABLY NECESSARY FOR THE PURPOSE OF
12 PURSUING A CLAIMED VICTIM'S RIGHT. FOR THE PURPOSES OF THIS SUBSECTION,
13 "DELINQUENT ACT", "IMMEDIATE FAMILY" AND "VICTIM" HAVE THE SAME MEANINGS
14 PRESCRIBED IN SECTION 8-382.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 21, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	COVIC Reappointment Process

FROM:

PRESENTER(S): Hon. Ron Reinstein and Carol Mitchell

DISCUSSION & TIME ESTIMATE: 10 minutes. Commission members will be asked to provide names of potential candidates for future reappointments from their respective jurisdictions and disciplines.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 21, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	SANE Presentation

FROM:

PRESENTER(S): Karyn Rasile, RN BSN MAEd AFN-BC SANE-A CFN
Forensic Nurse Manager

DISCUSSION & TIME ESTIMATE: 35 minutes Ms. Rasile will present information the work of sexual assault nurse examiners (SANE) and explain the forensic examination process in strangulation cases for which she and the Scottsdale Family Advocacy Center have received national acclaim.

RECOMMENDED MOTION (IF ANY):



The Other Side of Paradise

The Alarming Facts about Domestic Violence and Sexual Assault in our Valley

*Karyn Rasile BSN MAED RN AFN-BC SANE-A CFN
Scottsdale Lincoln Health Network
Forensic Nurse Examiner Unit Manager*

SEXUAL ASSAULT

- ❑ The crime **NO ONE** likes to talk about
- ❑ Knows no socioeconomic boundaries
- ❑ History of Sexual Assault Examinations (aka "Rape Kits")
- ❑ Scottsdale Lincoln Health Network's (SLHN) innovative approach
- ❑ Where we are now

DOMESTIC MINOR SEX TRAFFICKING (DMST)

- ❑ Another crime **NO ONE** likes to talk about
- ❑ Knows no socioeconomic boundaries
- ❑ "U.S. citizen or legal permanent resident who has not obtained 18 years of age engages in prostitution, pornography, erotic dancing or stripping"
- ❑ Average age being lured: 11-14 years old
- ❑ Is not gender specific
- ❑ Greatest risk factor is age
- ❑ Profits range from \$32-\$91 **BILLION ANNUALLY**

Kotrla, 2010; TVPA

Domestic Violence, Strangulation

- ❑ Another crime **NO ONE** likes to talk about
- ❑ Knows no socioeconomic boundaries
- ❑ Studies indicate that 23-68% of victims of domestic violence have experienced at least one strangulation event
- ❑ Is a significant risk factor for Domestic Violence homicide
 - ❑ 700 times more likely to die in a domestic violence homicide than someone who has not been strangled
- ❑ How is SLHN FNE unit involved???
- ❑ Where we are now

What does a Forensic Nurse Examiner Do????????



Multi-disciplinary Response Program



FORENSIC NURSES

1. **Obtain** a detailed history using direct and open ended questions for the purposes of diagnosis and treatment
2. **Perform** a complete head to toe physical examination looking for Trauma
3. **Perform** a detailed genital examination (if indicated) looking for Trauma
4. Throughout the entire exam, **Collect** evidence
5. **Testify** in a court of law



Purpose of a Medical-Forensic Examination

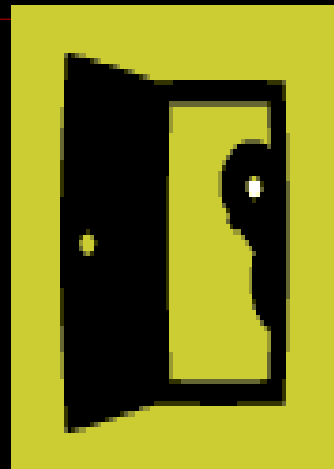
- Identify all injuries
- May identify the assailant through DNA
- May confirm recent sexual contact
- May corroborate victim's/patient's story
- No expense incurred by the victim/patient



So, How is SLHN involved???

- The SLHN Forensic Nurses perform *ALL* Medical-Forensic Examinations on patients/victims age 13 and older
 - Forensic nurses may be the only medical contact they have had in a long time; develop a rapport with the patients
 - Photo documentation is part of the medical record
- Partner with Maricopa County Attorney's Office
 - Partner with ALL Law Enforcement Agencies
- Perform Medical-Forensic Exams on Suspects
 - Pimps and Johns

THE MEDICAL- FORENSIC EXAMINATION









Domestic Violence Strangulation

Aggravated Assault by Strangulation 13-1204.B became law in Arizona as a class 4 felony and added to the Domestic Violence Statute July 29, 2010.

- The statute defines strangulation as either intentionally or knowingly impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through use of an instrument.**
- The statute also requires the presence of a relationship defined in the DV Statute 13-3601.**

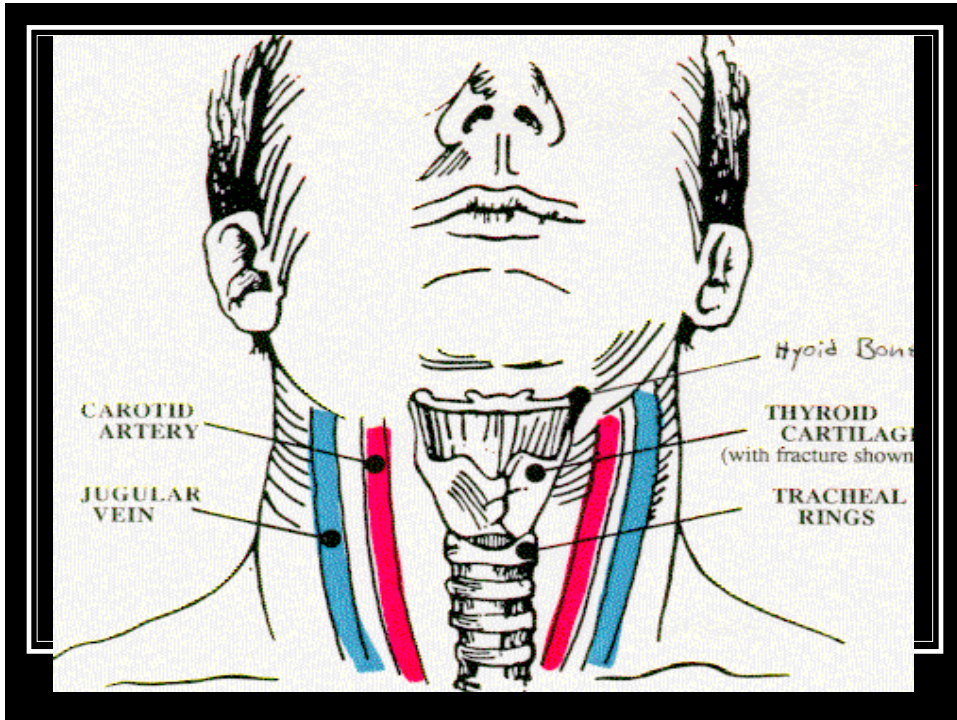
Strangulation

- ❖ 50% suffer no injuries
- ❖ 50% have visible injuries
 - ❖ Of that,
- ❖ 35% have injury too minor to photograph
 - ❖ 16% have very visible injuries

Strack, et al 2001

The victim will lose consciousness

- Blocking of the carotid arteries
 - Depriving the brain of oxygenated blood
- Blocking of the jugular veins
 - Prevents de-oxygenated blood from leaving the brain
- Closing off the airway
 - Causing the victim from being unable to breathe



Quantity of Applied Force

- 4.4 lbs. of pressure: Can close the jugular veins
- 11 lbs. of pressure can close the carotid arteries and in 10 seconds and render someone...

Unconscious

*Comparisons:

4-6 lbs of pressure (trigger pull)

22 lbs of pressure to open a can of soda

33 lbs. of pressure to close the trachea

- Reviewed submittals to MCAO between February 2011 – August 2011
- 12 cases – Chandler PD
- 38 cases – Glendale PD
- 50 cases total

Cases Filed:

- 6 Glendale PD
- 1 Chandler PD
- 7 of 50 cases = 14%

43 cases Turndown for Prosecution

- Reasons:
 - 90% Lack of corroboration
 - 5% Self defense issues
 - 5% Breathing not impeded

December 1, 2011

- 6 month pilot program
- Multidisciplinary team response to domestic violence strangulation cases
- Medical-forensic exam performed by SLHN forensic nurses (including photos)

N.U.R.S.E.

Neck

Unconscious

Restricted Airway

Strangulated or Suffocated

Eyes and Ears

3 Month Review December 1st, 2011 – February 29th, 2012

- Allegation of Strangulation
 - 34 cases – Glendale PD
 - 7 cases – Chandler PD
 - 41 Total

31 victims in 41 cases consented to exam

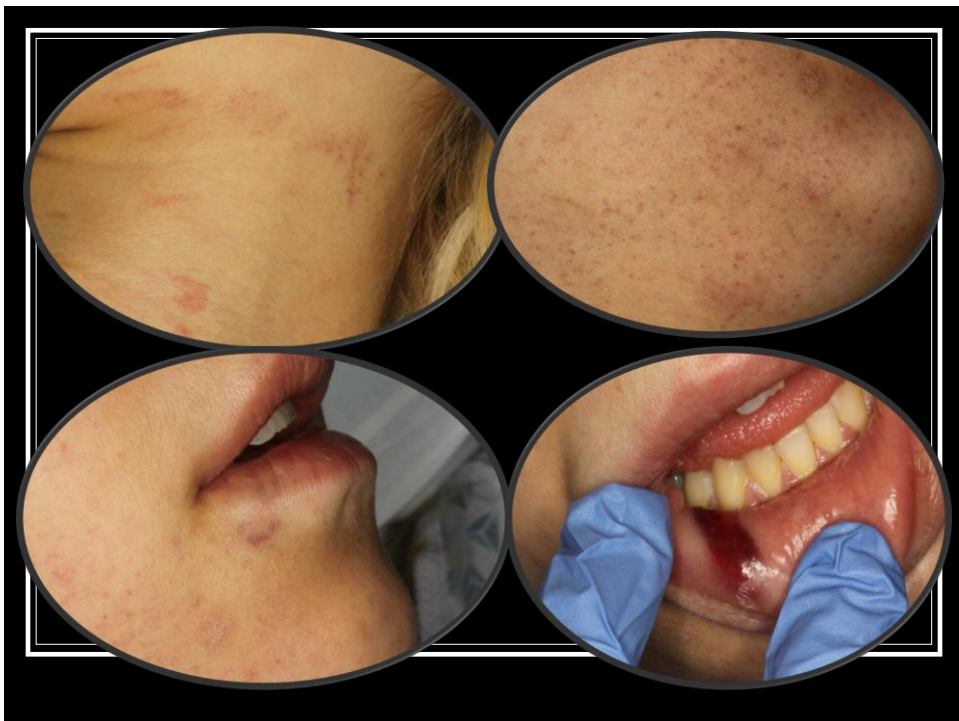
- Exams performed at
 - 21 – Glendale Family Advocacy Center
 - 6 – Mesa Center Against Family Violence
 - 2 – Arrowhead Community Hospital
 - 1 – Banner Thunderbird Hospital
 - 1 – Chandler Regional Hospital

26 of these cases were submitted for felony charges to MCAO

- Results:
 - 16 Cases filed by MCAO
 - 2 Sent to City
 - 8 Turndown
- Increase from 14% filed to 61.5% filed.



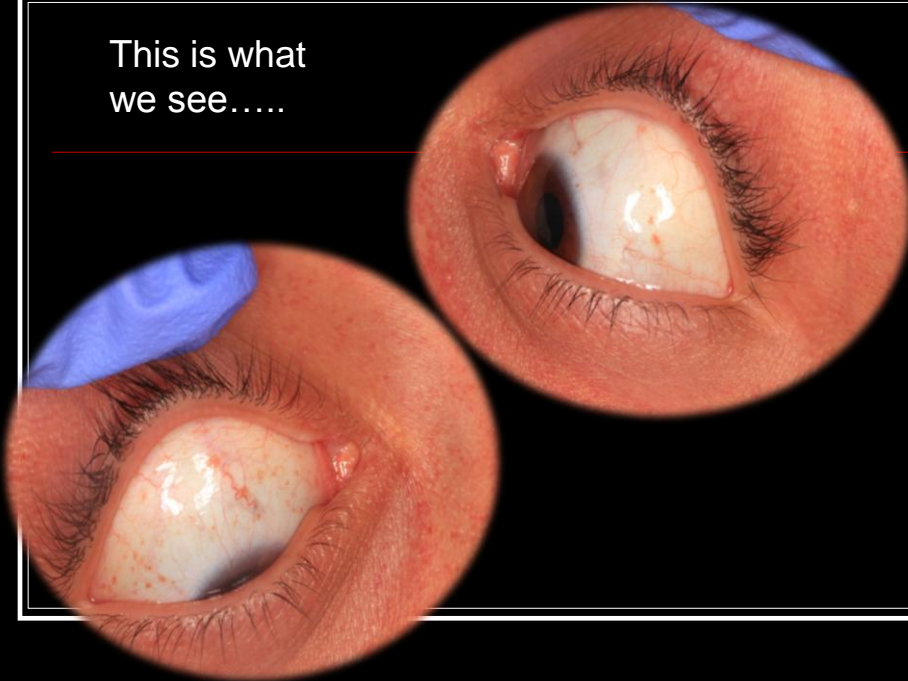
This is what you see



This is what you see:



This is what
we see.....



BY THE NUMBERS

The program began in 1998 with 4 nurses

There are currently 26 Forensic Nurse Examiners and a secretary in the SLHN FNE unit

We see from 150-200 patients per month

According to National statistics, 1 in 5 women and 1 in 6 men are sexually assaulted during their lifetime. Only 1 in 4 report the crime. For domestic violence, the percentage is even lower.*

For Domestic Violence/Strangulation cases, Maricopa County Attorney's Office has a 85-90% conviction rate

*National Alliance to End Sexual Violence, 2012

More Numbers.....

We are at the requested location and with our patient within 1 hour or less of receiving the call (24/7)

We respond to requests from over 40 agencies (within Maricopa County, Military, Indian Reservations and surrounding counties)

These patients are not charged for their examinations (\$0)

Each nurse will only care for 1 patient at a time

The patient has the same nurse throughout the entire examination

In addition, we:

- ❑ Provide community education
- ❑ Are consultants in and out of the state
- ❑ Provide education and training to Law Enforcement, Healthcare providers, Attorneys, students of all ages, members of the community
- ❑ Are members of multiple **Multi Disciplinary Teams**
- ❑ Are members of multiple Planning Committees
- ❑ Are active in community events

CONTACT INFORMATION

Karyn Rasile RN BSN MAEd RN AFN-BC
SANE-A CFN

480-312-6340

krasile@shc.org

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 21, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Brainstorming/COVIC priorities

FROM:

PRESENTER(S): Hon. Judge Reinstein

DISCUSSION & TIME ESTIMATE: 30 minutes Prepare to evaluate previous Commission priorities and determine new initiatives and identify volunteers for relevant workgroups to address these potential projects.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts Brainstorming Priorities 2014

Focus areas from AJCA Code Section 1-111:

- *Make recommendations regarding training and education for judges and court personnel on victims' rights and treatment of victims;*
- *Work to promote the improved collection and disbursement of restitution;*
- *Liaison with other established victims' advocacy organizations while maintaining neutrality;*
- *Make other recommendations that preserve victims' constitutional rights and administration of justice.*

Recommendations from COVIC May 2013 meeting:

- Using technology efficiently: Encourage the coordination of technology solutions to ensure victim safety by making terms and conditions of release readily accessible to law enforcement.
- Create uniform procedures for processing and collecting on restitution judgments and
- Extend language access services to victims and victim families in court proceedings.
- Communication with Other Branches of Government and Justice System Partners: Improve intra-court communications between judicial officers on family, juvenile and/or the criminal bench for cases involving child victims to reduce conflicting contact orders.
- Evaluate the resource entitled, "Multidisciplinary Protocol for the Investigation of Child Abuse" to suggest revisions to court-related victim impacts within the judicial, juvenile court, juvenile and adult probation, mental health and victim services chapters.
- Revise criminal benchbook for judicial officers to include information on impact of trauma on children, child accommodations for court proceedings and best practices that help reduce delay in processing violent crimes involving children.

**Arizona Supreme Court
Commission on Victims in the Courts**

June 20, 2014 Meeting Agenda
1501 W. Washington St. Phoenix, AZ 85007
State Courts Building, Conference Room 119 A/B
(602) 452-3288 or (520) 388-4330 Access Code: 6789

<https://arizonacourts.webex.com> *Meeting ID Number: 578 611 699, Meeting Password: welcome*

Call to Order

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Welcome NEW COVIC Members</i>	
	<i>Approval of February 2014 Meeting Minutes**</i>	

New Business

10:15 a.m.	Legislative Review	Hon. Ron Reinstein
10:30 a.m.	Criminal Rule 41, Form 4(a) Proposed Revision**	Kirstin Flores
10:40 a.m.	Sexual Assault Awareness	Chief Jerald Monahan
11:00 a.m.	DNA Databases: CODIS and Rapid DNA	Vince Figarelli
11:20 a.m.	Parent Representation	Bill Owsley
11:35. a.m.	Victim Identification Rule Update	Hon. Ron Reinstein
11:45 a.m.	Call to the Public	Hon. Ron Reinstein

Adjourn

*****Important Voting Items***

Commission on Victims in the Courts

Friday, February 21, 2014

10:00 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

Present: Judge Ronald Reinstein, Chair, Michael Breeze, Judge Peter Cahill, Sydney Davis, Karen Duffy-*telephonically*, Captain Larry Farnsworth-*telephonically*, Kirstin Flores, Leslie James, Michael Lessler, Judge Evelyn Marez, Jim Markey, Pam Moreton-*telephonically*, Elizabeth Ortiz-*by proxy Barbara Marshall*, Doug Pilcher, Karyn Rasile, Judge Sally Simmons-*telephonically*, Dimple Smith-*telephonically*, Judge Richard Weiss-*telephonically*, Judge Joseph Welty-*telephonically*, Chief Cindy Winn

Absent/Excused: James Belanger, Judge Timothy Dickerson, Judge Elizabeth Finn, Dan Levey, Shelly Corzo-Shaffer, Keli Luther

Presenters/Guests: Amy Love, Legislative Liaison/AOC, Colleen Clase, Arizona Voice for Crime Victims

Staff: Carol Mitchell, AOC; Kelly Gray, AOC

I. Regular Business

A. Welcome and Opening Remarks

The February 21, 2014 meeting of the Commission on Victims in the Courts was called to order by the Chair, Honorable Ronald Reinstein, at 10:04 a.m.

The Chair asked for a Commission member roll call and introductions of staff and guests. The Chair presented, and asked the group, for upcoming events and announcements.

National Crime Victim's Rights Week begins on Sunday, April 6, 2014 through Saturday, April 12, 2014. Ms. Flores indicated that there will be a lunch event on Wednesday, April 9, 2014 that will likely be held at the Kroc Corps Community Center, near Phoenix South Mountain, in Maricopa County.

Judge Marez, mentioned that Navajo County is having their 5th Annual Victims' Rights Symposium in Snowflake, Arizona on Friday, April 11, 2014.

The Chair indicated that the Office for Victims of Crime (OVC) provided materials that are designed to help communities and victim assistance

providers promote awareness of crime victim issues. The guide provided includes educational content, campaign materials, artwork, and a theme video for National Crime Victim's Rights Week. Individuals and/or agencies can view the guide online or download all materials for use offline at <http://ovc.ncjrs.gov/ncvrw2013/index.html>.

The Chair discussed that the Office for Victims of Crime annually recognizes individuals and organizations that demonstrate outstanding service in supporting victims and victim services. Each year there is an awards ceremony held in Washington, DC to honor individuals, organizations, and programs for their outstanding efforts on behalf of crime victims. The Chair nominated COVIC for a public policy award through the Arizona Attorney General's Office annual victim rights recognition luncheon and awards ceremony.

The Chair mentioned that he and Jim Markey are attending a working group in Washington D.C. sponsored by the National Institute of Justice. The group will discuss the Sexual Assault Forensic Evidence Reporting Act (SAFER), a section of the Violence Against Women Act (VAWA). SAFER was a non-funded directive that instructs agencies to test the Sexual Assault Test Kits in evidence. The upcoming roundtable will afford participants an opportunity to discuss funding of the research needed to identify the kits that need to be processed and rollout of the program for agencies across the country.

B. Approval of October 18, 2013 Minutes

The draft minutes from the October 18, 2013, meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes from October 18, 2013 meeting.

- Motion was called by Judge Peter Cahill for the approval of minutes; Ms. Sydney Davis seconded; motion passed unanimously.

II. New Business

A. Legislative Update

Ms. Amy Love, Legislative Liaison for the AOC, presented information on legislation related to victims. Ms. Love reviewed the following legislative bills:

H2057: Setting Aside Conviction; Public Records

On request and showing of good cause, a judge, justice of the peace or magistrate is authorized to seal the record of a person whose judgment of guilt is set aside. Public agencies are prohibited from knowingly displaying or disclosing any information in a sealed record. First sponsor: Rep. Kavanagh.

Commentary: This bill never went to hearing.

H2307: Sentencing; Probation

For the purpose of sentencing repetitive felony offenders and dangerous felony offenders, if the presentence report includes a clear and compelling recommendation that the person is seriously mentally ill or has a history of mental illness and would benefit from supervised probation, the court is authorized to suspend the imposition or execution of sentence and place the person on supervised probation. First sponsor: Rep. J. Pierce.

Commentary: The strike-everything amendment to HB2307 allows each county to establish a County Attorney Deferred Prosecution Fund. It requires the court to hold regular review hearings on the progress of persons in deferred prosecution programs. It requires an annual report be prepared by the county attorney and the chief probation officer that includes, the number of persons diverted through diversion programs established pursuant to section 11-361 in each county in the previous fiscal year, the number of persons charged by the county attorney with a criminal offense in the previous fiscal year, the average length of time on probation for a person who is sentenced to a term of probation in the county and the probation department's most recent cost per person for supervised probation. The AOC is concerned about the wording of this piece of legislation and will be working on recommendations for changes.

There were concerns raised about funding of this legislation. It was discussed that the resources needed to monitor deferred defendants as required in the reporting requirements is not supported financially. In response, it was pointed out that the way this proposed legislation is written, it allows for funding through general fund appropriation, federal monies appropriated through for prosecution programs, grants, gifts, donations, and legislative appropriations, and that this legislation is permissive, not mandatory.

Further it was pointed out that many courts already have a deferred sentencing program. What does this legislation do? In response, it was discussed that the legislation creates a reporting requirement not otherwise utilized.

Also, there was discussion about how this legislation may affect the court's and county attorney's ability to sentence. A question was raised that if the court/county attorney did not want court monitoring as allowed by other statutes, how would this affect their sole authority on diversion programs?

H2314: Prosecutor Presence; Interview of Minor

The defendant, defendant's attorney or an agent of the defendant is prohibited from interviewing a minor child who is a victim and who has agreed to an interview unless the prosecutor is present, even if the minor child's parent initiates contact with the defendant, defendant's attorney or agent of the defendant. First sponsor: Rep. J. Pierce

Commentary: This was included as an FYI for this group.

H2454: Human Trafficking; Prostitution

Various changes relating to human trafficking. For cases where the minor is 15, 16 or 17 years of age, the minimum, presumptive and maximum sentences are increased for a person who commits child prostitution by causing a minor to engage in prostitution or financing, controlling or owning prostitution activity involving a minor. It is child prostitution to engage in prostitution with a minor who the person should have known, instead of only who the person knows, is 15, 16 or 17 years of age. The list of acts constituting aggravating circumstances for sentencing felony sex trafficking is expanded to include that the defendant recruited, enticed or obtained the victim from a shelter designed to serve victims of human trafficking, domestic violence or sexual assault, or runaways, foster children or the homeless. Child prostitution, sex trafficking, and trafficking of persons for forced labor or services are added to the list of acts that constitute "racketeering." If a person committed acts of prostitution as a direct result of being a victim of sex trafficking, it is an affirmative defense to prosecution for prostitution. First sponsor: Rep. E. Farnsworth.

Commentary: The amendment to H2454 requires escort agencies to include their license number when advertising their services and to keep on file for at least one year proof of the age of any escort used in advertising. Establishes civil penalties for violations of these laws. Requires that the civil penalties collected from these violations be deposited in the Human Trafficking Victim Assistance Fund. Establishes the following affirmative defenses: If the escort whose services were offered in an advertisement for escort services was eighteen years of age or older at the time the advertisement was published; The escort or escort agency possessed a valid license at the time the advertisement was published. Expands the criminal offense, "Commercial sexual exploitation of a minor".

H2563: Juvenile Crime Victims' Rights

Various changes to victims' rights for juvenile offenses, including that a vulnerable adult is added to certain protections granted to a minor. Adds various requirements that victims be given notice of specified rights. A victim's contact and identifying information obtained or reported by a law enforcement agency must be redacted in publicly accessible records pertaining to the criminal case involving the victim, with some exceptions. Statute governing the effect of failure to comply is repealed and replaced. A victim of a delinquent act has the right to receive one copy of the police report from the investigating law enforcement agency at no charge. A juvenile who is adjudicated in a delinquency proceeding is precluded from subsequently denying the essential allegations of the delinquent act in any civil proceeding brought by the victim or the state, including adjudications resulting from no contest pleas. First sponsor: Rep. J. Pierce.

Commentary: The perceived goal of this bill is to have juvenile and adult crime victims' rights to match in both A.R.S. § 8 and A.R.S. § 13 language. This bill made it out of committee this week.

H2593: Death; Post conviction; Appellate Proceedings; Dismissal

On a convicted defendant's death, the court is required to dismiss any pending appeal or post conviction proceeding. The death does not abate the defendant's criminal conviction or sentence or any restitution, fine or assessment imposed by the sentencing court. First sponsor: Rep. Allen.

Commentary: It was discussed that that current law suggests that conviction abatement of a defendant occurs at death on appeal. Recently the Arizona Supreme Court held that for cases pending Rule 32 post-conviction proceedings, upon death of a defendant, conviction and restitution does not abate, but did not go as far as when a case is under appeal.

H2625: Penalty Assessment; Victims' Rights Enforcement

Increases the penalty assessment levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalties imposed for traffic violations or a violation of game and fish statutes to \$15, from \$13. Increases the amount from each penalty assessment that the city or county treasurer is required to remit to the State Treasurer to \$10, from \$8, and requires \$2 of the assessment to be deposited in the newly established Victim's Rights Enforcement Fund, to be administered by the Department of Public Safety. The Dept is required to distribute monies from the Fund to nonprofit organizations and entities that provide specified services to crime victims and meet other specified requirements. First sponsor: Rep. Tobin

Commentary: The House judiciary committee amendment clarifies that the non-profit organizations and entities applying for funds shall not be limited with respect to the type of crimes committed against the victim population they serve.

H2632: Prohibited Possessor; Order of Protection

For the purpose of regulations on weapons, the definition of "prohibited possessor" is expanded to include a person who is subject to an order of protection that prohibits the person from possessing a firearm and that was issued after a hearing that the person had an opportunity to participate in. First sponsor: Rep. Campbell

Commentary: This bill never went to hearing.

S1371: Prostitution; Children

Various changes relating to child prostitution. For cases where the minor is 15, 16 or 17 years of age, the minimum, presumptive and maximum sentences are increased for a person who commits child prostitution by causing a minor to engage in prostitution or financing, controlling or owning prostitution activity involving a minor. It is a class 1 (highest) misdemeanor to knowingly enter a house of prostitution or engage a prostitution enterprise for the purpose of paying money or other valuable consideration for sexual conduct. A child may be taken into temporary custody by a peace officer or a Child Protective Services worker if probable cause exists to believe that the child is a victim or will imminently become a victim of child prostitution or sex trafficking. A minor who is a victim of child prostitution cannot be charged with a violation of child prostitution. A person who was previously convicted or adjudicated delinquent for such a violation may apply to the court that pronounced sentence or imposed probation to have the judgment of guilt or adjudication expunged. First sponsor: Sen. Hobbs

Commentary: This bill never went to hearing.

S1411: Order of Protection; Warnings

A petition for an order of protection must contain warnings to the petitioner that making a false accusation of domestic violence is perjury and that a substantiated false accusation of domestic violence may have an adverse effect in any child custody or marital relations proceeding. An order of protection must include a statement that the defendant has the right to object to the order using an attached form. The burden of proof to determine if an order of protection should remain in place is by clear and convincing evidence. First sponsor: Sen. Murphy

Commentary: The bill passed in committee in the Senate on February 20, 2014. During hearing, issues were raised about the proposed

warning language on the Order of Protection. The proposed language may violate the Violence Against Women Act., but it is believed that if the bill proceeds, the problem will be addressed. Additionally this bill increases the burden of proof to determine if an order should remain in place by clear and convincing evidence. It is believed that if this bill moves out of the Senate, it is unlikely that it will receive a hearing in the House.

B. COVIC Reappointment Process

Every March this Commission has members whose appointment term ends. Some members of this group are appointed due to their position in the victim rights community, and others are selected based upon other recommendations. One of the goals in the reappointment process is to increase the diversity of appointees to include candidates from outlying counties and disciplines.

This year the following member terms are expiring: James Belanger, Michael Breeze, Sydney Davis' Karen Duffy, Captain Larry Farnsworth, Doug Pilcher, Judge Evelyn Marez and Judge Joseph Welty terms are expiring. Carol Mitchell and the Chair have already started the reappointment process, but would like this Commission's assistance in recommending additional candidates. The reappointment process calls for providing both the name of the reappointment individual and an alternate for the Chief Justice to choose from. If you, or your colleagues, have a recommendation for an individual to serve on this Commission, please contact Carol Mitchell at (602) 452-3965 or via email at cmitchell@courts.az.gov. Even if an individual is not selected in this reappointment cycle, he/she can be placed on the list for future cycles.

C. SANE Presentation

Ms. Karen Rasile, Forensic Nurse Manager with the Scottsdale Lincoln Health Network (SLHN), presented information on the role of Sexual Assault Nurse Examiners (SANE) and explained the forensic examination process in strangulation cases.

The SLHN Forensic Nurse program has partnered with the Maricopa County Attorneys' Office and law enforcement agencies throughout the valley to provide forensic exams for sexual assault and minor sex trafficking cases. The purpose of the medical-forensic examination is to identify all injuries that may help corroborate a victim's story, identify the assailant through DNA, and other purposes. The Forensic Nurse Examiners can perform exams anywhere in Maricopa County other than a private residence. Typically the exams are

performed in one of the five (5) Maricopa County Advocacy Centers located throughout the valley, other health care facilities, and prisons/jails.

Ms. Rasile explained the role of Forensic Nurses in domestic violence strangulation cases. Strangulation is defined as intentionally or knowingly impeding the breathing or circulation of another and is a Class 4 Felony. Strangulation cases were not successfully prosecuted in the past due to lack of evidence and/or victim cooperation. In late 2011, a pilot program was developed in Maricopa County. Piloted in Glendale and Chandler, the program helped increase prosecution rates of strangulation cases by 47.5%. The Forensic Nurses now assist law enforcement agencies in recognizing and properly addressing possible strangulation cases in the field.

Ms. Rasile provided examples and facts regarding strangulation. She explained that only 4.4 pounds of pressure can close the jugular veins, and 11 pounds of pressure can close the carotid arteries. It can be less than 10 seconds to render someone unconscious from strangulation. She presented photographs of victim injuries and explained that 35% of victims have injuries too minor to photograph, as well as provide additional information about injuries.

During the Q&A session after the presentation, many good points and commentary were expressed. The discussion centered around other programs throughout Arizona, the difficulty of reaching the far counties in Arizona, the medical documentation provided by the Forensic Nurses, and the benefits of the integrity of testimony provided by a Forensic Nurse Examiner in court because the nurses serve as a non-biased, third party providing acute medical services.

D. Brainstorm/Discussion about COVIC Priority Areas

COVIC was established with the following focus areas: making recommendations regarding training and education for judges and court personnel on victims' rights and treatment of victims; working to promote the improved collection and disbursement of restitution; serving as liaison with other established victims' advocacy organizations while maintaining neutrality, and making other recommendations that preserve victims' constitutional rights and administration of justice.

In May of 2013, this Commission made recommendations to the AJC regarding Victims' Rights for the 2015 Strategic Agenda. In this meeting, the Chair requested discussion about the focus of the Commission in the coming year based on the recommendations provided to the AJC.

Encourage the coordination of technology solutions to ensure victim safety by making terms and conditions of release readily accessible to law enforcement.

Discussion: The focus of this conversation was an update on the progress of the working group established in the last COVIC meeting to address this issue. When the first meeting of this group is scheduled, the initial focus is likely to be on limited jurisdiction court notification of the terms and conditions of release, and improved communication between law enforcement and the courts.

Create uniform procedures for processing and collecting on restitution judgments.

Discussion: The primary focus of this conversation centered on issues in the restitution process throughout the country. One of the current topics is what happens when a conviction is reversed on appeal and some restitution has been paid. Is the defendant repaid what he/she has already paid out? If so, who repays the defendant (the State or Plaintiff)? The consensus is that the State repays the defendant, but there have been other cases where the defendant was NOT entitled to repayment. Arizona does not require repayment to the defendant upon reversal.

Additionally, an important issue related to restitution is the collection of restitution judgments. The US Attorney's Office, Civil Division assists victims with the collection of a restitution judgment; however in Arizona and in most states in the country, victims are left on their own to execute/collect on the judgment. In the federal courts, the mandate is written into the prosecuting attorney legislation. In Arizona, some courts have adopted system where nonpayment of restitution is treated similarly to a contempt of court issue. It was suggested that this should be an issue to focus on in the coming year and this Commission can help advance some resolutions to this issue.

Extend language access services to victims and victim families in court proceedings.

Discussion: The focus of this conversation was on the difficulty in finding qualified interpreters for languages beyond Spanish, as well as the difficulty in finding multiple interpreters of the same language for the same hearing (one for the defendant, one for the plaintiff, etc.). The discussion went on to address the efficiency of using the Video Remote Interpreting equipment for remote counties and the cost savings. If there are any questions about language access, Carol Mitchell is available to assist at (602) 452-3965.

Improve intra-court communications between judicial officers on family, juvenile and/or the criminal bench for cases involving child victims to reduce conflicting contact orders and improve communication with other branches of government and justice system partners.

Discussion: The focus of this discussion was on the need for better communication between courts and the informal system currently in use in some courts. In Pima County, there have been efforts over the past year to formalize communication between courts and other governmental agencies. Though the issue is not as pronounced in the remote/smaller county courts because judges handle multiple case types, there are still issues in some juvenile cases. When the planned formal written protocol from Pima County is complete, the Chair requests that the plan be made available in order to possibly establish a statewide formal communication system.

Evaluate the resource titled, “Multidisciplinary Protocol for the Investigation of Child Abuse” to suggest revisions to court-related victim impacts within the judicial, juvenile court, juvenile and adult probation, mental health and victim services chapters.

Discussion: This conversation centered on the progress already made toward this goal, as some COVIC members provided input for the judicial/court sections. In Maricopa County in there is work being done to improve protocol in many different areas including probation, law enforcement, juvenile court, and judicial protocols.

Revise Criminal Benchbook for judicial officers to include information on impact of trauma on children, child accommodations for court proceedings and best practices that help reduce delay in processing violent crimes involving children.

Discussion: The focus of this discussion was the progress made already on this goal and suggestions for the publication. The Chair has been working with the AOC Education Services Division to revise the Criminal Benchbook and include an appendix with Victims’ Rights. If any member of this Commission has suggestion about content, please contact Carol Mitchell at (602) 452-3965 or via email at cmitchell@courts.az.gov.

Additional areas of concern to focus on in the coming year suggested by Commission members include:

Electronic notifications (Arizona Board of Executive Clemency): A Committee member was concerned about Arizona Board of Executive Clemency notification to victims by the U.S. Mail. It was suggested that this board start using electronic system, similar to that used by the Arizona Supreme Court to announce decisions and administrative actions..

Electronic notifications (other agency letters to victims): There was a concern raised about the frequency and content of letters provided to victims. Victims receive many notices, including information regarding motions, stays, etc. It was pointed out that this is very cumbersome and confusing to the victim of a crime. This is especially evident in cases where a defendant is sentenced for consecutive terms. For example, a defendant may be eligible for probation on one of the charges in the case, but not in another, more serious offense. The letter doesn't clarify well which charge(s) are being addressed in the letter.

Public record requests: Concerns were raised about public record requests for victim-related records. Recently there have been requests from media and others for victim-related records including autopsy photos, crime scene photos, and other sensitive documents. It was suggested that this Commission discuss further possible changes to legislation and dissemination of information to the media related to victims.

Media access to the court and records: During discussion, there were concerns voiced about the negative victim impact when there are requests for sensitive documents like crime scene photos, etc. Victims could be traumatized by additional court hearings to stop the release of records and possible media scrutiny. Additional questions were raised about the designation of entities (bloggers, etc.) and what is considered "the media."

III. Call to Public

A. Good of the Order/Call to the Public

Colleen Clase, Arizona Voice for Crime Victims, raised concerns about how the AZTurboCourt e-filing system, handles filings and fees for special actions. Recently her organization was registered as an entity that filing fees were raised, solving the issue for her agency, but there are pro bono victim attorneys that are still experiencing problems.

Ms. Clase identified a few issues that she has seen in courts also. She raised concerns about defendant and law enforcement behavior while in court before a hearing begins. She pointed out that in some court rooms the victim is physically present to see the alleged defendant engaging in inappropriately jovial conversations with law enforcement and other personnel. This can be very disturbing to the victim.

In response, it was pointed that attorneys sometimes appear to be having good-humored conversation in the courtroom, but in reality they are really working to resolve the case as quickly as possible, a legitimate business purpose.

Sometimes this can be misinterpreted by the defendant and others in the court, allowing improper behavior to develop. It was suggested that one of the best ways to quiet the courtroom is to remind everyone that the proceedings are being recorded. Ultimately the judge has control of the courtroom.

Finally, Ms. Clase brought up an issue she had experienced in a restitution hearing with a victim. In this case, the victim and State Prosecutor did not agree on the restitution for a particular charge, but the prosecutor was still allowed to direct the hearing even though she could not make an argument for the victim in good faith. Ms. Clase was allowed to be heard, and the victim was read her rights, but Ms. Clase felt that it was inappropriate for the prosecutor to represent the victim.

IV. Adjourn

A. Motion

The Chair called for a motion to adjourn at 12:13pm.

- Motion was called by Judge Peter Cahill for adjournment; Mr. Michael Breeze seconded; motion passed unanimously.

B. Next Committee Meeting Date:

Friday, June 20, 2014

10:00 a.m. to 12:00 p.m.

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Review

FROM:

PRESENTER(S): Honorable Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: (15 min) Review of victim-rights related legislation and rule changes from the most recent Arizona legislative sessions.

RECOMMENDED MOTION (IF ANY):

Fifty-First Legislature
Second Regular Session 2014

Committee on Victims in the Courts
June 20, 2014

Chapter 38. HB2505: leaving accident scene; alcohol; penalty (Rep. Gray)

Requires the court to order a person convicted of Leaving the scene of an accident involving death or physical injury to complete alcohol or other drug screening if the court finds by a preponderance of the evidence that the person's use of intoxicating liquor, any drug listed in §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident.

If reasonable suspicion exists to believe that the person's use of intoxicating liquor, any drug listed in the §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident, the department of transportation (ADOT) may require the person to complete alcohol or other drug screening as a condition of license reinstatement. The statute is not clear on who finds the reasonable suspicion, but it seems to be MVD (ADOT).

The classification for failure to give information and assistance is increased from a Class 3 Misdemeanor to a Class 6 Felony. If the court finds by a preponderance of the evidence that the person's use of intoxicating liquor, any drug listed in §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident that caused death or physical injuries, the court shall order the person to complete alcohol or other drug screening.

Sections amended: §28-661, 28-662, 28-663

Chapter 151. HB2454: human trafficking; prostitution (Representative Farnsworth)

Engaging in prostitution with a minor who the person should have known is 15, 16 or 17 years old is added to the Child prostitution statute. Increases the presumptive, minimum and maximum sentence for a person convicted of child prostitution if the minor is 15, 16 or 17 years old.

Creates an affirmative defense for knowingly engaging in prostitution if the defendant committed the acts as a direct result of being a victim of sex trafficking.

Adds to the Commercial sexual exploitation of a minor statute, knowingly using an advertisement for prostitution that contains a visual depiction of a minor. This provision is not applicable to an act in violation of §13-3555, Portraying an adult as a minor, or to websites or internet service providers that host advertisements created and published by third parties and do not participate in creating or publishing the advertisements.

Clarifies language in the pandering statute, §13-3209.

Adds as an aggravating circumstance when a defendant is convicted of Sex trafficking or Trafficking of persons for forced labor or services, whether the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault.

Includes child prostitution, sex trafficking and forced labor trafficking within the offenses included in the definition of racketeering. Allows monies in the anti-racketeering revolving fund and county anti-racketeering revolving funds to be used for programs that provide assistance to victims of criminal offenses that are subject to racketeering.

Establishes the Human Trafficking Victim Assistance fund consisting of monies received from civil penalties imposed for Unlawful advertising by escort services and massage therapists. Requires the Governor's Office for Children, Youth and Families to establish program priorities for the Fund and to spend monies in the Fund to provide assistance to victims of sex trafficking and trafficking of persons for forced labor or services.

Prohibits an escort or escort agency or a massage therapist or massage therapy business to advertise escort or massage services unless enumerated requirements are met. Subjects an escort or escort agency or a massage therapist or massage therapy business to a civil penalty for violating advertising requirements and allows the Attorney General, a county attorney or a city or town attorney to bring an action to enforce escort and massage therapy advertising requirements. Requires the court to deposit any civil penalties collected into the Human Trafficking Victims Assistance Fund. Defines advertising, advertisement, escort, escort agency and massage therapy business.

Enacts an affirmative defense in a civil action brought against an escort or escort agency or a massage therapist or massage therapist business for the first failure to display a license number in an advertisement if the escort or escort agency or massage therapist or massage therapy business possessed a valid license at the time the advertisement was published.

Requires an escort or escort agency or a massage therapist or massage therapy business to retain proof of the age of any escort or therapist whose services are offered in any advertisement of escort services or massage therapy services for at least one year. Creates an affirmative defense in a civil action for failure to retain proof of age of an escort or therapist if the escort or therapist whose services were offered in an advertisement was at least 18 years old at the time the advertisement was published. Prohibits a person from advertising massage therapy services unless that person is properly licensed, violation of this is a Class 1 Misdemeanor. A

victim has a right in any court proceeding not to testify regarding any identifying and locating information subject to exceptions. The information obtained by a law enforcement agency or a prosecution agency must be redacted from discovery disclosed to the defendant. Defines *identifying information* and *locating information*.

Sections amended: §9-500.10, 13-701, 13-2301, 13-2314.01, 13-2314.03, 13-3209, 13-3212, 13-3214, 13-3551, 13-3552, 13-4434, 32-4255 Sections enacted: §9-500.10, 32-4260, 41-113

Chapter 158. HB2625: penalty assessment; victims' rights enforcement (Rep. Tobin)

Establishes a penalty assessment of \$2 to be levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and on any civil penalties imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor

vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes. Monies collected from the assessment are deposited into the newly established Victim's Rights Enforcement Fund, to be administered by the Department of Public Safety (DPS). DPS is required to distribute monies from the fund to nonprofit organizations and entities that provide specified services to crime victims and meet other specified requirements.

Sections enacted: §12-116.09, 41-1722

Delayed effective date: January 1, 2015

Chapter 159. HB2639: identity theft; violation; penalties (Rep. Townsend)

Increases the offense of knowingly accepting the identity of another person in hiring an employee to Aggravated identity theft, a Class 3 Felony, instead of Identity theft, a Class 4 Felony. Sections amended: §13-2008, 13-2009

Chapter 224. SB1342 unlawful mutilation; female genitalia (Senator Burges)

An action for recovery of damages based on the commission against the plaintiff of an action in violation of the Unlawful mutilation and Duty to report abuse statutes must be commenced not later than ten years from the date the plaintiff turns 18 years old or within six years of July 24, 2014, whichever is longer. Requires the court to award the plaintiff treble damages, costs, and reasonable attorney fees if the judgment is for the plaintiff.

Enacts an Unlawful Mutilation statute, classifies it as a dangerous crime against children pursuant to §13-0705, subsection D, and adds it to the Duty to report abuse statute. It is unlawful for a person to mutilate a female less than 18 years of age, knowingly transport a female under 18 years of age to another jurisdiction for the purpose of mutilation or recklessly transport a female under 18 years of age to a jurisdiction where mutilation is likely to occur. Requires the court to order a person convicted of this section to pay a fine of at least \$25,000 in addition to any other penalty. Unlawful mutilation is classified as a Class 2 Felony and the person is not eligible for suspension of sentence, probation, pardon, or release from confinement on any basis except as authorized pursuant to §31-233 or until the sentence has been served or commuted. Sets the sentencing ranges for the violation.

Defines *mutilate or mutilation* as the partial or total removal of the clitoris, prepuce, labia minora, with or without the excision of the labia major, the narrowing of the vaginal opening through the creation of a covering or seal formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris, or any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing. Mutilate and mutilation does not include procedures performed by a licensed physician that are proven to be medically necessary due to a medically recognized condition.

The act is cited as the Girls and Young Women's Sufferance Act.

Sections amended: §13-705, 13-3620

Sections enacted: §12-513, 13-1214

6/16/14

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-14-0022
RULE 39, RULES OF CRIMINAL)	
PROCEDURE)	
)	
)	
)	FILED 06/11/2014
_____)	

**ORDER
AMENDING RULE 39(b), RULES OF CRIMINAL PROCEDURE,
ON AN EXPEDITED BASIS**

A petition having been filed proposing to amend Rule 39(b), Rules of Criminal Procedure, on an expedited basis in response to the Legislature’s recent passage of House Bill 2454 (Laws 2014, Chapter 151), which will become effective July 24, 2014, and upon consideration,

IT IS ORDERED that Rule 39(b), Rules of Criminal Procedure, be amended on an expedited basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto, effective July 24, 2014.

IT IS FURTHER ORDERED that this matter shall be opened for comment in accordance with Rule 28(G)(2), Rules of the Supreme Court, until September 26, 2014.

DATED this 11th day of June, 2014.

REBECCA WHITE BERCH
Chief Justice

Arizona Supreme Court No. R-14-0022
Page 2 of 3

TO:
Rule 28 Distribution
David K Byers, Administrative Director, Administrative Office of the
Courts

ATTACHMENT*

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 39. Victims' Rights

a. [no change in text]

b. Victims' Rights. These rules shall be construed to preserve and protect a victim's rights to justice and due process. Notwithstanding the provisions of any other rule in these Rules of Criminal Procedure, a victim shall have and be entitled to assert each of the following rights:

1. - 9. [no change in text]

10. The right to require the prosecutor to withhold, during discovery and other proceedings, the victim's date of birth, social security number, official state- or government-issued driver license or identification number, home address, ~~and~~ telephone number ~~of the victim,~~ e-mail address, the address and telephone number of the victim's place of employment, and the name of the victim's employer; provided, however, that for good cause shown by the defendant, the court may order that such information be disclosed to defense counsel and may impose such further restrictions as are appropriate, including a provision that the information shall not be disclosed by counsel to any person other than counsel's staff and designated investigator and shall not be conveyed to the defendant.

11. - 16. [no change in text]

c. - g. [no change in text]

* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Proposed revision to Criminal Rule 41 Form 4(a)

FROM: Arizona Attorney General's Office

PRESENTER(S): Kirstin Flores, Director of Victim Services Division,

DISCUSSION & TIME ESTIMATE: (10 min) The Attorney General's Victims' Rights Advisory Committee (VRAC) has been discussing the victims' rights of child victims who are in the custody of CPS. One issue we believe could be solved by a proposed change to Form IV. In the initial court appearance, the Judge will ask if CPS is involved in the case. By knowing that CPS was involved in the case, it gives the case a solid foundation from the start. If the law enforcement officer is not present, no one is there to answer that question. We believe that by adding the box to Form IV indicating that CSFS is involved, this will bring the seriousness of the offense to the attention of the judge so that he/she has the correct information when making decisions involving children.

RECOMMENDED MOTION (IF ANY): Support AG's office proposed amendment to Criminal Rule 41, Form 4(a)

2. List any prior:

Arrests: _____

Convictions: _____

Failures to Appear (FTA): _____

Protective Orders: _____

3. There is an indication of:

- Alcohol Abuse Other Substance Abuse
- Mental Health Issues Physical Illness

Developmental Disability
Explain: _____

4. Defendant is employed by: _____

Address: _____

Phone: _____

How long: _____

5. Defendant resides at: _____

With Whom: _____

How Long: _____

Alternate address for court notification: _____

6. Facts to indicate defendant will flee if released: _____

7. Reasons to oppose an unsecured release: _____

D. CIRCUMSTANCES OF THE OFFENSE

1. Defendant used firearm or other weapon
Type: _____

2. Defendant injured someone.
Explain: _____

3. Medical attention was necessary
Nature of injuries: _____

4. Defendant threatened someone
Nature of threats: _____

5. If property offense
a. Value of property taken/damaged: _____
b. Property was recovered

6. Names of co-defendant(s), if any: _____

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: _____

2. Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by Victim
 Third Party Officer observation

4. Previous incidents involving these same parties
Explain: _____

5. Defendant is currently the subject of:
 Order of Protection
 Injunction against Harassment
 Other court order: _____

6. Likelihood of inappropriate contact with victim(s)
Explain: _____

7. Victim(s) expressed an opinion on defendant's release.
Explain: _____

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- Access to or use of weapons
 - Children/Vulnerable adults present
 - Crime occurred in public
 - Control/ownership/jealousy issues
 - Depression
 - Frequency/intensity of Domestic Violence increasing
 - Kidnapping
 - Potential for multiple violations of court orders
 - Prior history of Domestic Violence
 - Prior Protective Order
 - Recent separations
 - Stalking behavior
 - Threats of homicide/suicide/bodily harm
 - Violence against children, vulnerable adults or animals
- Explain: _____

G. CIRCUMSTANCES OF ARREST

1. Did defendant attempt to:
 Avoid arrest Resist arrest Self Surrender
 Explain: _____

2. Defendant was armed when arrested
 Type of weapon: _____

3. Evidence of the offense was found in defendant's possession
 Explain: _____

4. State whether defendant was under the influence of alcohol or drugs at the time of the offense
 Yes No Unknown
 Type of substance: _____

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: _____

2. State quantities and types of illegal drugs directly involved with offense _____

 Methamphetamine was involved:
 Drug field test was positive
 Defendant admission of drug type: _____
 Approximate monetary value of drugs: _____

3. State whether money was seized
 Yes No
 Amount: _____

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 et seq.)

I certify that the information presented is true to the best of my knowledge:

Date

_____/_____/_____
Arresting Officer/Agency/ Serial No.
Duty Phone No. _____

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Sexual Assault Awareness

FROM:

PRESENTER(S): Chief Jerald Monahan, Prescott Police Department

DISCUSSION & TIME ESTIMATE: (20 min) Information about the *Start By Believing* sexual assault awareness campaign.

RECOMMENDED MOTION (IF ANY):

"My daughter died
in a car crash."

"Well that's what
she gets for not
taking the bus."



START BY

YOUR REACTION MAKES THE DIFFERENCE

There is no shame when a loved one dies.

When a home is lost.

When a car is stolen.

THERE IS **COMFORT** AND **SUPPORT**.

THERE IS **RESPECT** AND **SYMPATHY**.

Yet when someone is
SEXUALLY ASSAULTED...

There can be a very different response.

STEUBENVILLE, OHIO



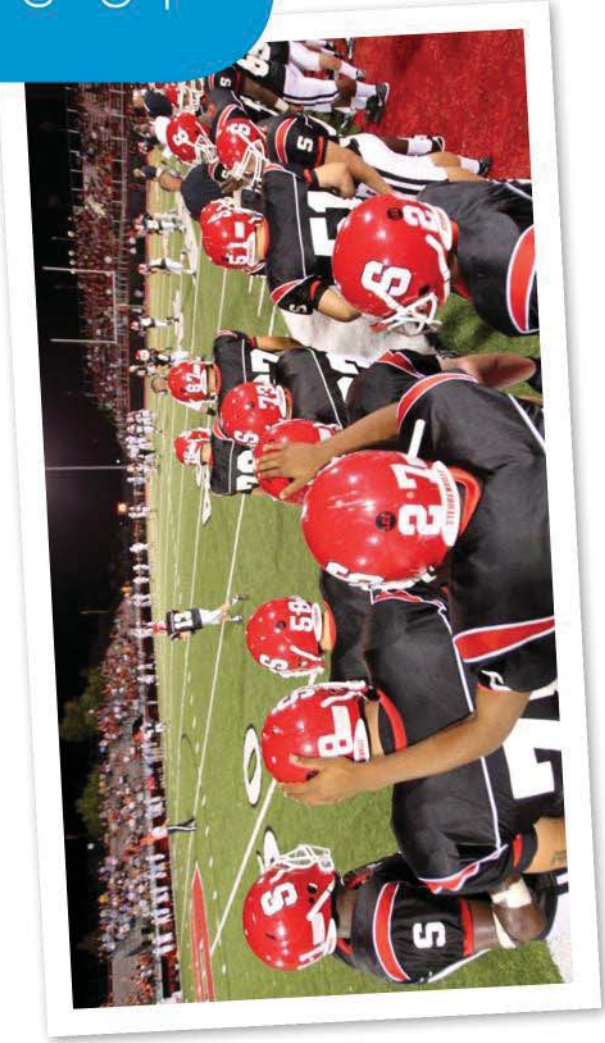
A 16-year old girl, **unconscious** from alcohol, is sexually assaulted and **ferried from party to party** by members of the high school football team.

The party starts at **an assistant coach's house**.



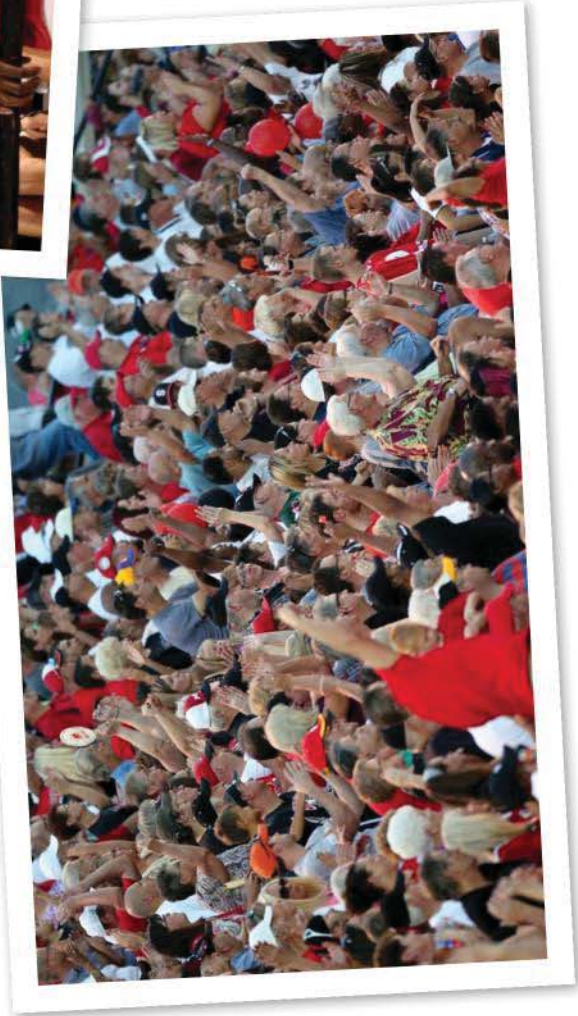
The victim learns of the assault when pictures and videos are posted on social media.

She contacts police.



"We're not gonna let dumb s - - like this mess up our state championship goal," one football player Tweets.

Police urge students
and parents to
come forward.



The response: "mostly silence."

Two suspects are ultimately convicted for rape of a minor.

Media coverage focuses on how the young men's lives are "destroyed."



"This will haunt them for the rest of their lives."

Ohio Attorney General Mike DeWine announces the **indictment of four adults** for obstruction of justice and tampering with evidence.



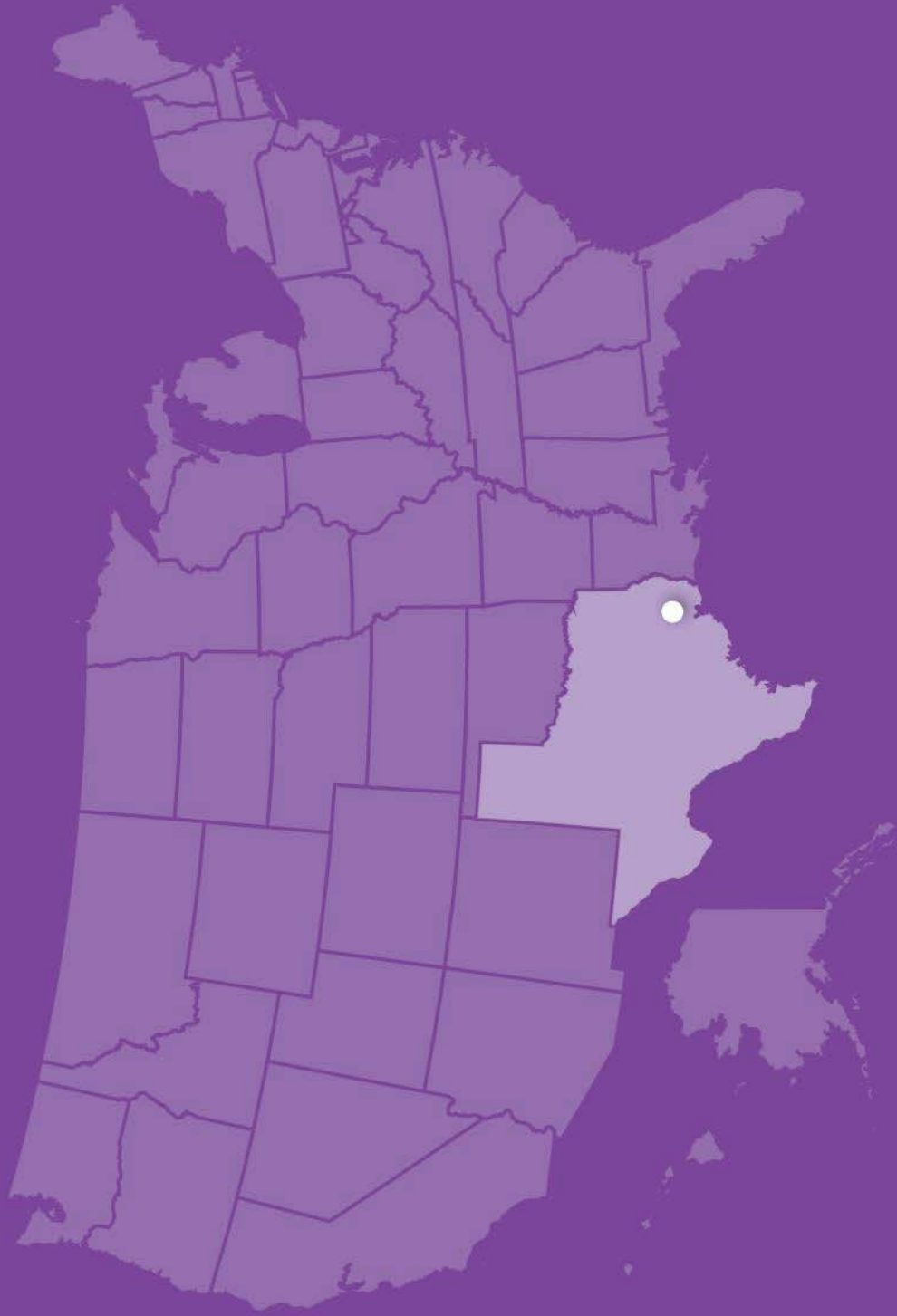
“While this started out being about the kids, it is also just as much about the parents, about the grown-ups, about the adults.”



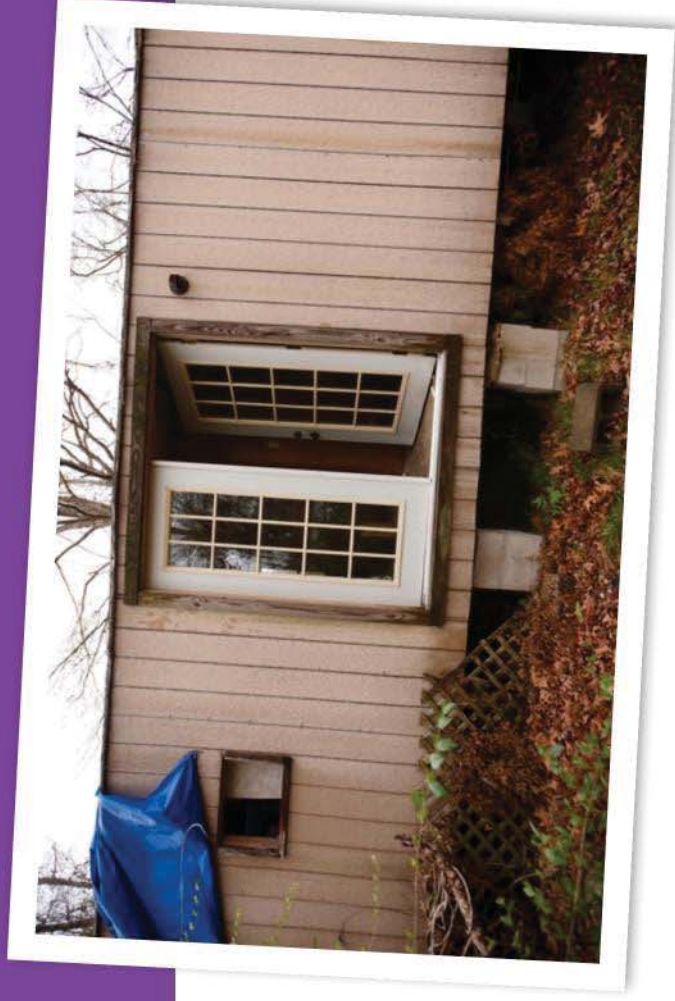
The school technology director is the first adult charged for the **cover-up**.

Charges against the school superintendent are related to the **prior rape** of a 14-year old girl by several Steubenville **baseball players**.

CLEVELAND, TEXAS



21 suspects are charged with the videotaped gang rape of an **11-year old girl** in an abandoned trailer.



Residents say the victim wore makeup and dressed like a 20-year old.

“What was her mother thinking?” one neighbor asked.

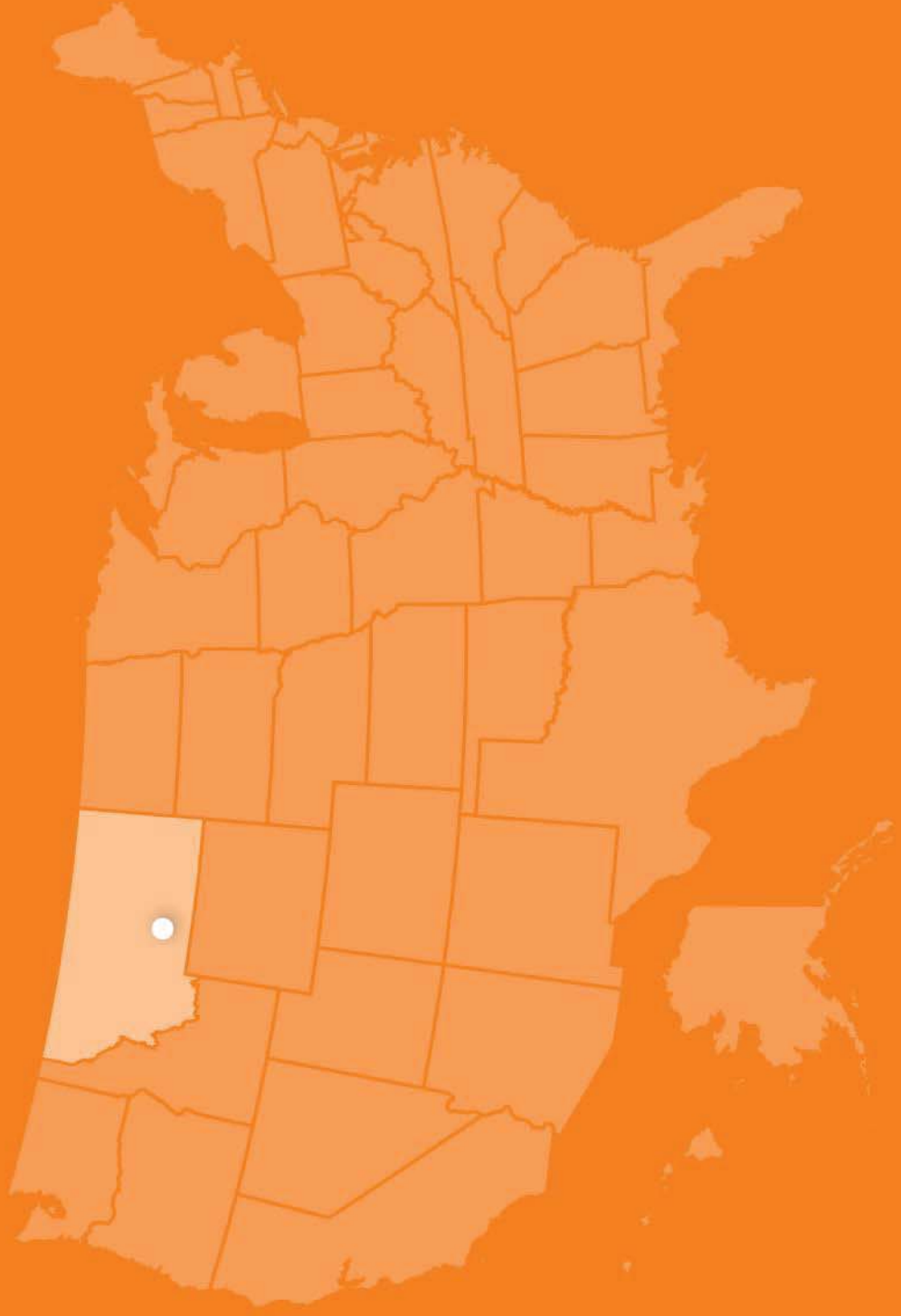
The defense likened the victim to a spider:

"Wasn't she saying, 'Come into my parlor, said the spider to the fly?'"

The lead investigator answered:

"I'd say she was just an 11-year old girl."

BILLINGS, MONTANA

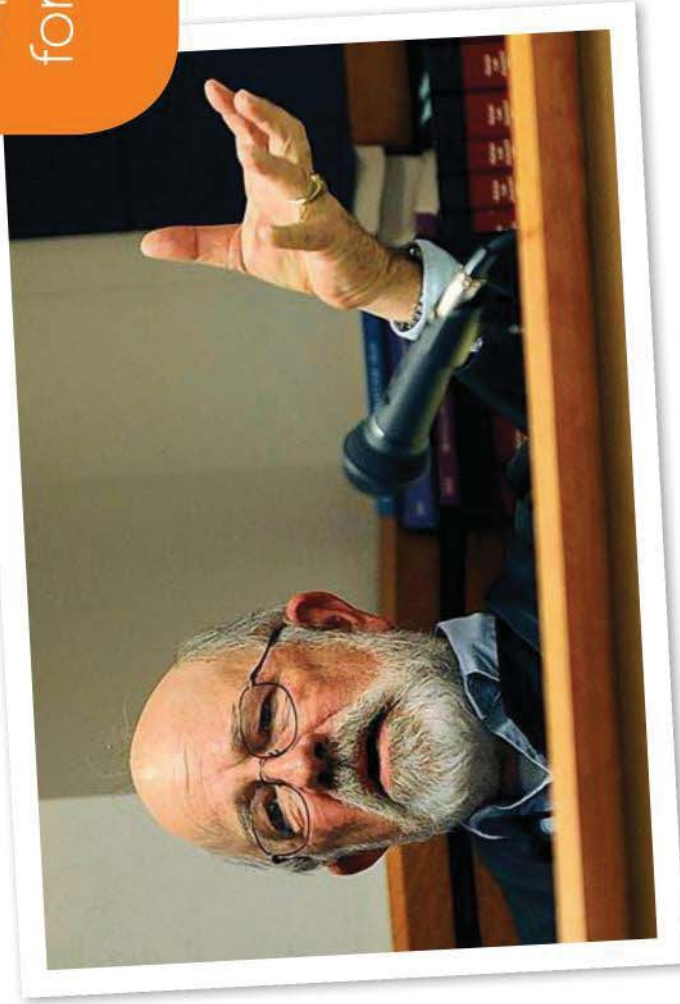


A 54-year old former high school teacher is sentenced to **30 days in jail** for raping a student.

Montana District Judge G. Todd Baugh explains the **14-year old victim** was "older than her chronological age" and **"as much in control"** as the teacher.

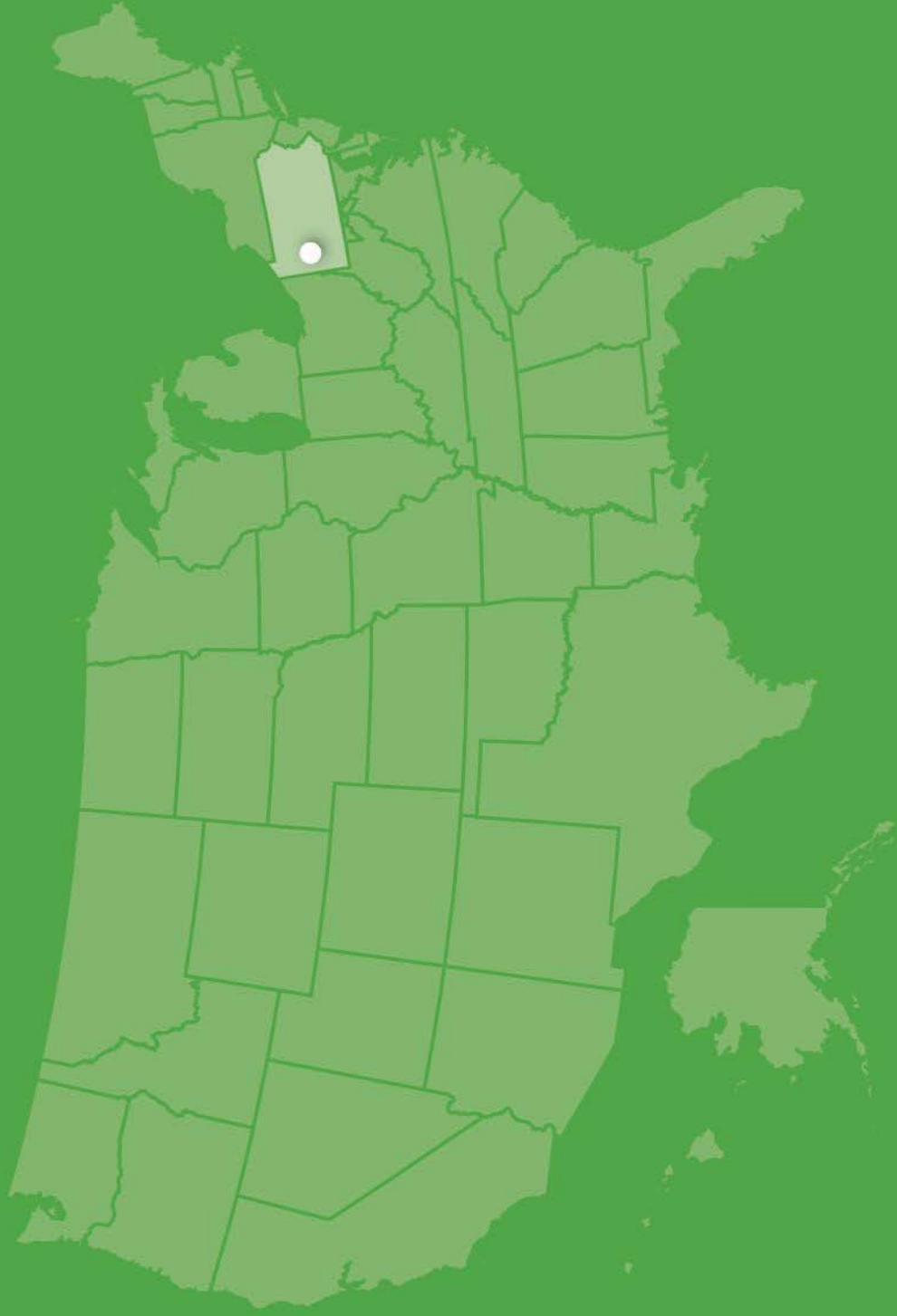


"I think that people have in mind that this was some violent, forcible, horrible rape ... but it wasn't this forcible beat-up rape."

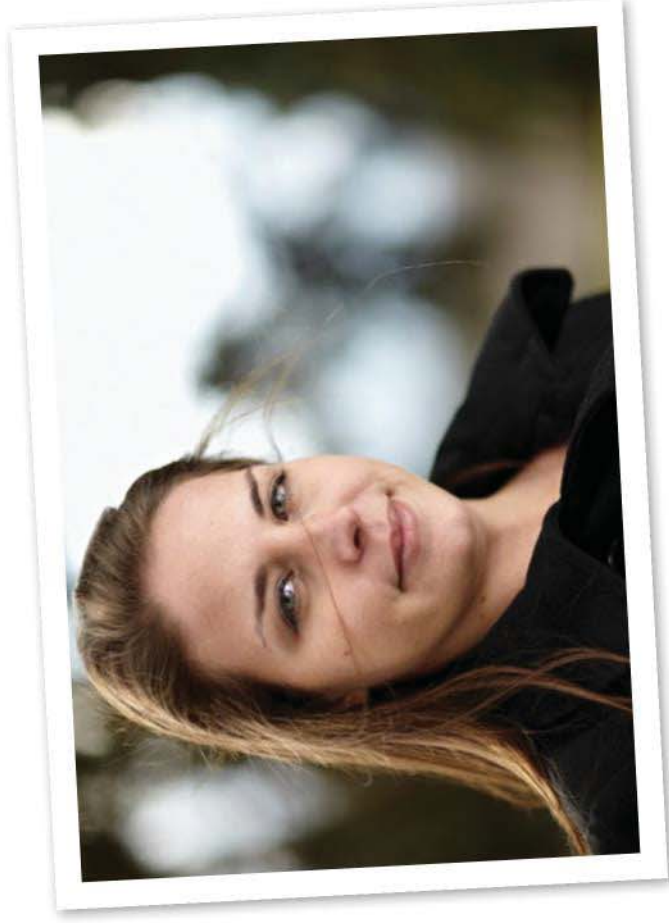


The victim **took her own life** at 16.

CRANBERRY TOWNSHIP, PENNSYLVANIA



Sara Reedy reports being robbed and raped at gunpoint. The detective fails to investigate or connect it with his other case – **the only other rape reported that year.**

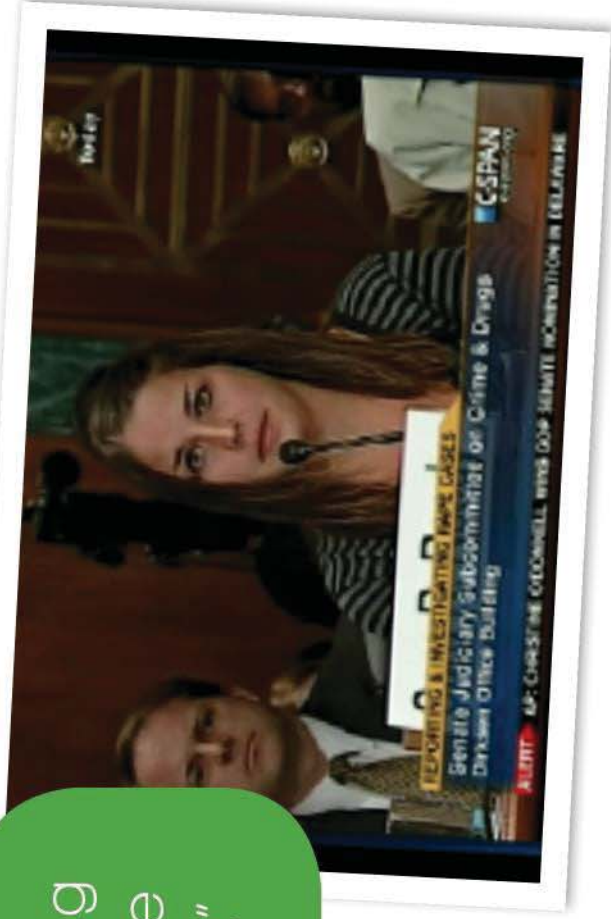


Sara is arrested for filing a false report, theft, and receiving stolen property. Five months pregnant, she spends **5 days in jail.**

When arrested, the suspect confesses to 12 sexual assaults, **10 after Sara**.

Sara later wins a **1.5 million dollar settlement** and testifies before the Senate Judiciary Committee.

"If my story can bring about change, I owe it to people to tell it."



MARYVILLE, MISSOURI



Two high school seniors supply **14-year old** Daisy Coleman with alcohol. One sexually assaults her while the other videotapes it.

They leave her on her porch, **unconscious**, in freezing temperatures.

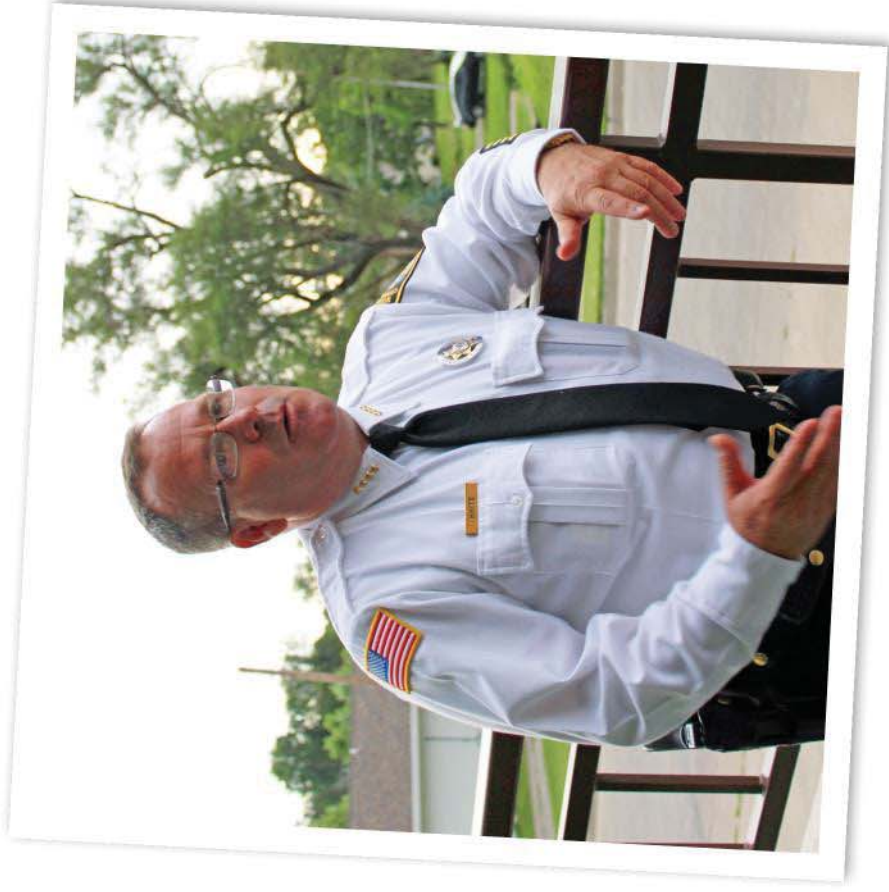
Her mother wakes to find Daisy **scratching at the door**.



Within hours, deputies execute a search warrant, seize evidence, conduct interviews, and make arrests.

The suspects **confess on videotape.**

The Sheriff says the case will **"absolutely" result in prosecutions.**



Daisy is read her Miranda rights and questioned by the prosecutor and defense attorney in a “tag-team” deposition.

She is asked **690 questions** ... nearly **500 by the prosecutor**.

The **suspect’s interview** with a detective lasts **17 minutes**.

The District Attorney **drops all charges.**

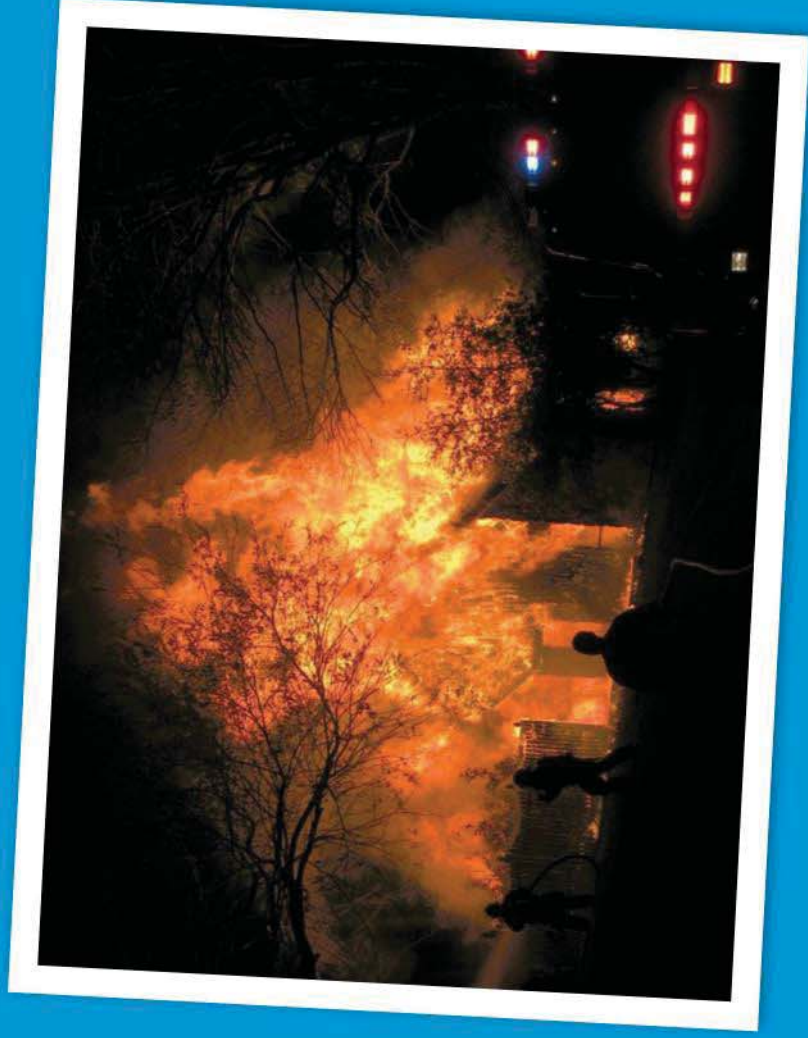
“There wasn’t any prosecuting attorney that could take that case to trial. It had to be dismissed.”



Months of torment follow. Daisy's mother is fired.
The family moves.

Their unsold home
in Maryville **burns**
to the ground
under mysterious
circumstances.

Three skinned
rabbits are found at
their new home.



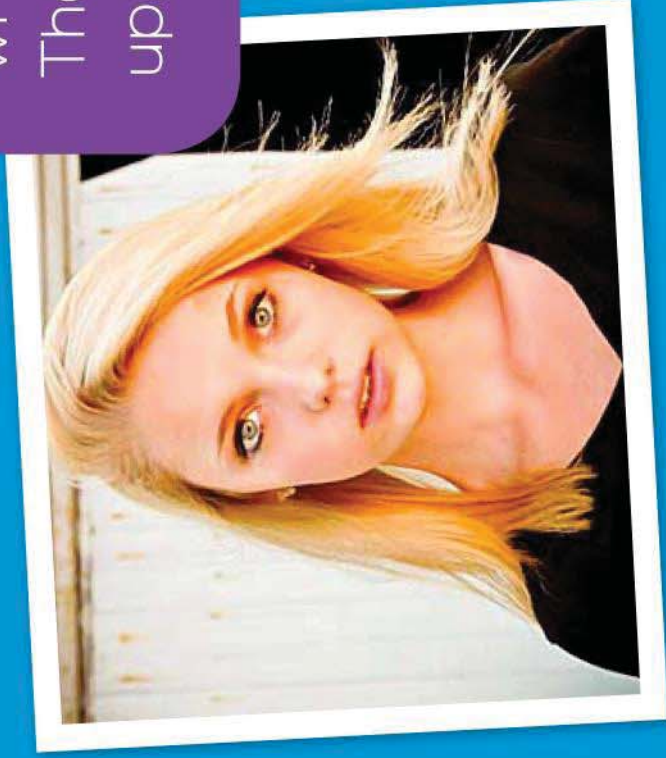
Finally, **a special prosecutor** is appointed.

Only one suspect is convicted for **misdemeanor child endangerment**.

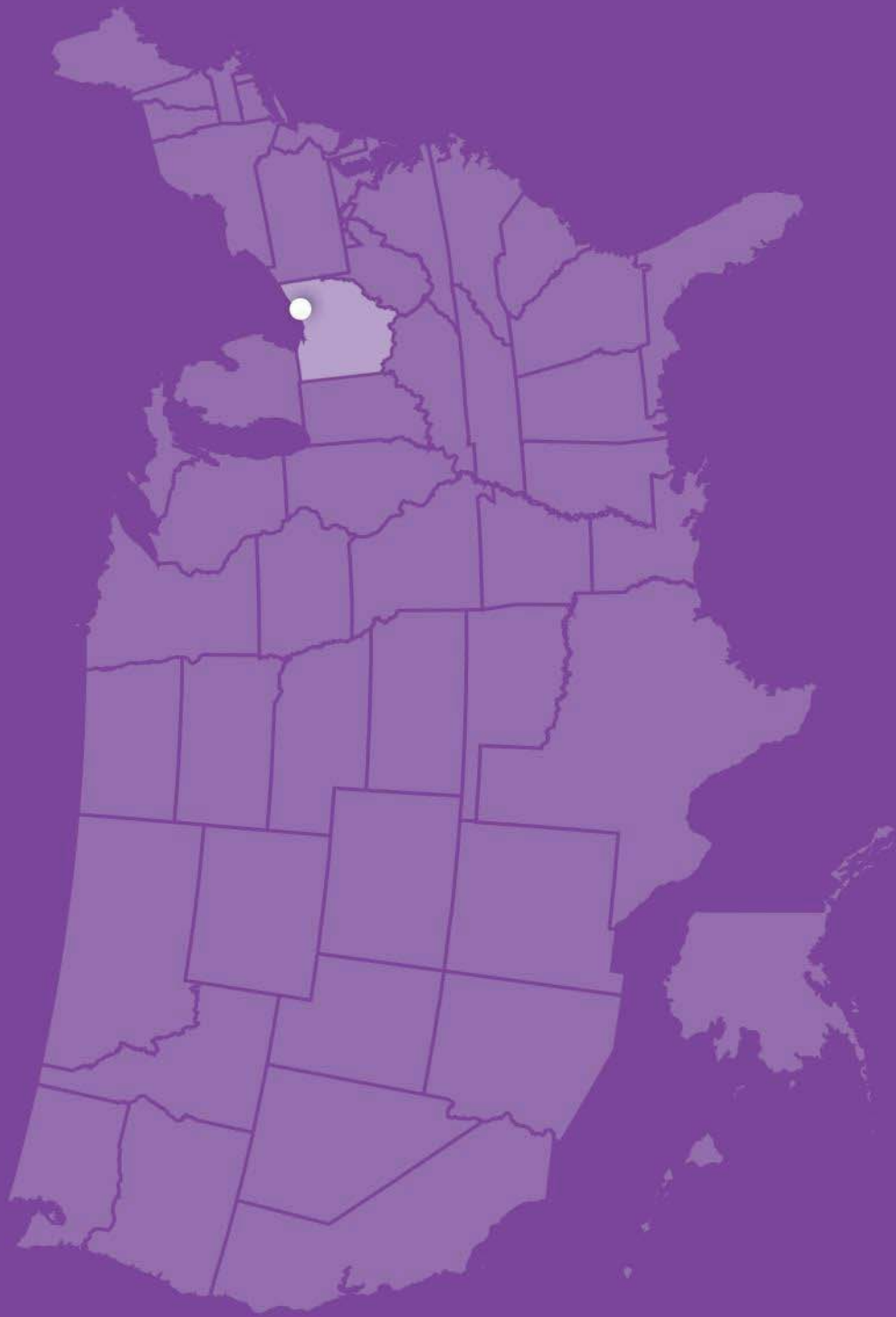


Daisy recovers from her **third suicide attempt**.

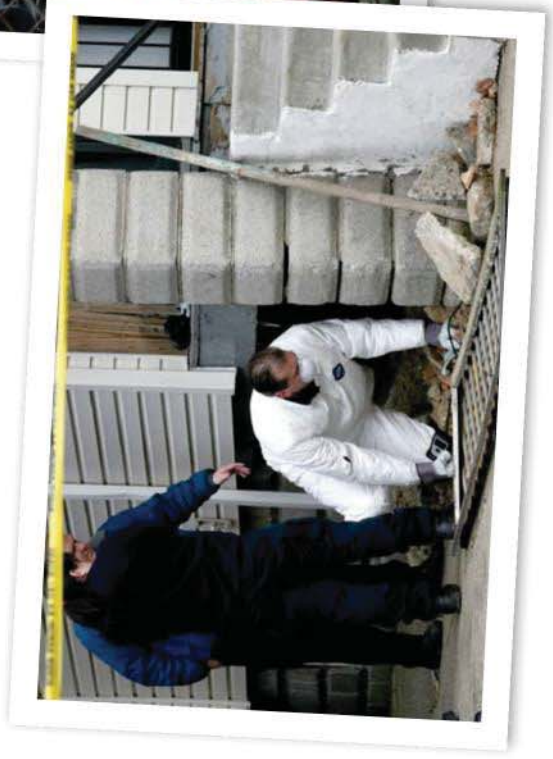
"I refuse to be a victim of cruelty any longer. That is why I am saying my name. That is why I am not shutting up. I am not done fighting yet."



CLEVELAND, OHIO



Police discover the **decomposing bodies**
of 11 women inside the home of convicted
sex offender Anthony Sowell.



Police interviewed the woman, collected her clothing, and **took pictures of her injuries**. Hospital personnel conducted the exam.



At Sowell's home, police found **signs of a struggle and blood**. They interviewed Sowell and took pictures of injuries on his shoulder and legs.

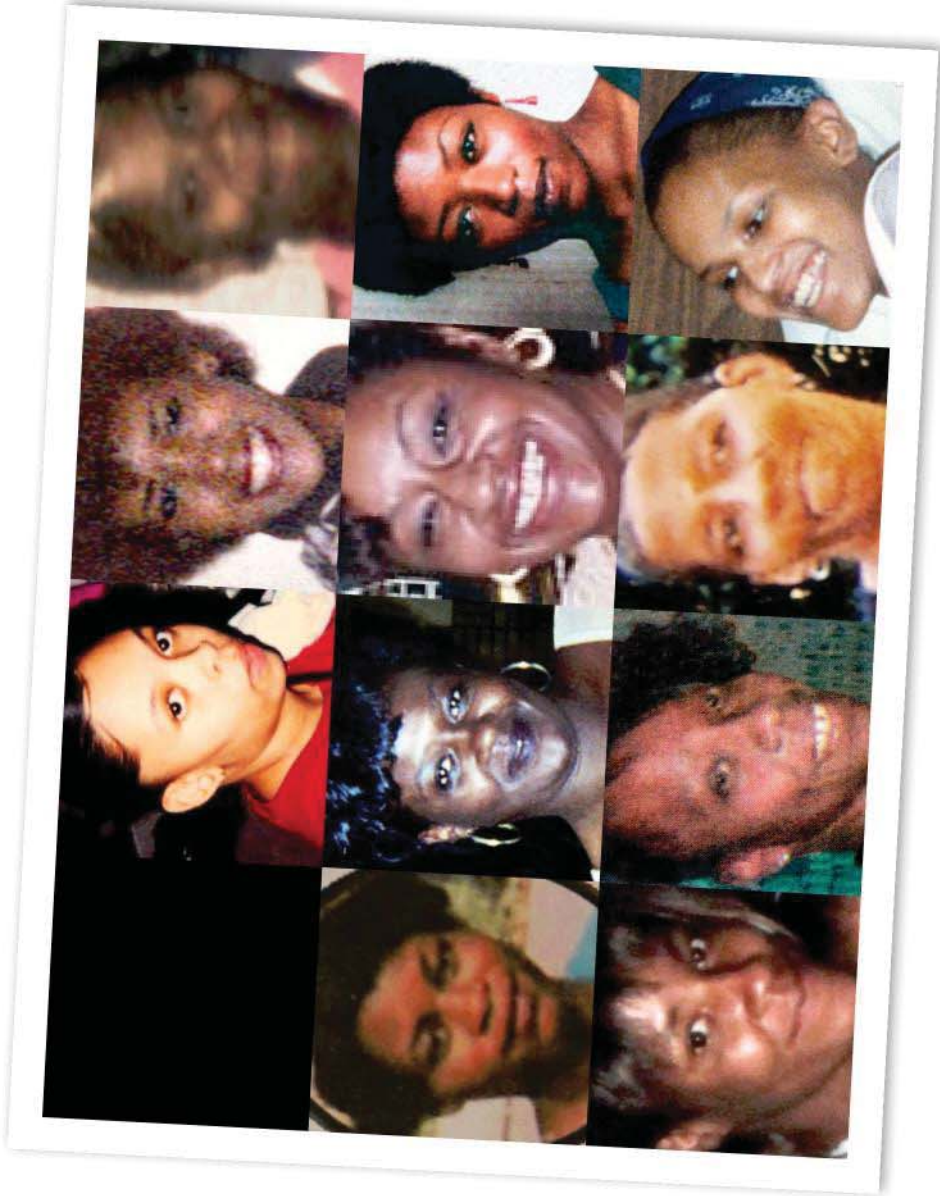
Prosecutors said there was insufficient evidence to charge, indicating the **“detective did not believe the victim was credible.”**

The detective noted:

“Clean up report

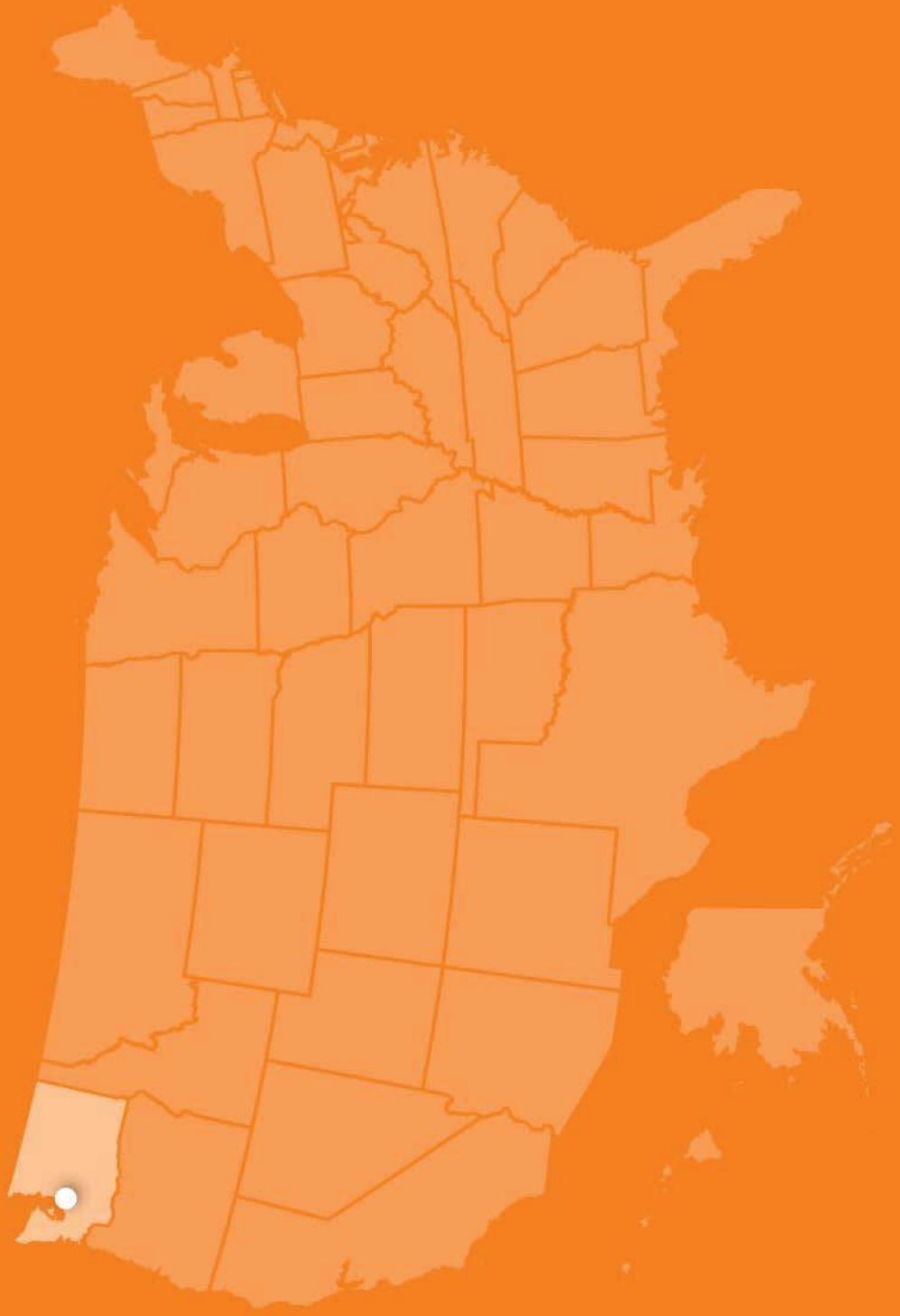
– Unfounded.”





Sowell is sentenced to death for 11 murders.

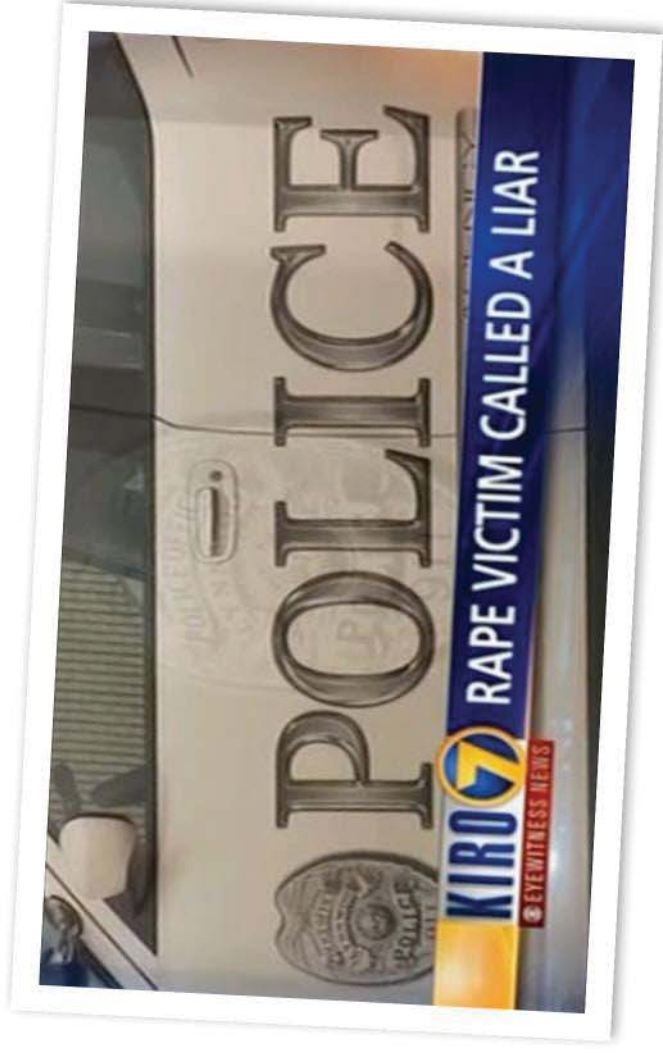
LYNNWOOD, WASHINGTON



Police now believe a woman they **accused of lying** about a rape in 2008.

They doubted **"her ever-changing story,"** and charged her with false reporting.

She was **finned \$500.**





Marc Patrick O'Leary is arrested for a series of sexual assaults in Colorado. Investigators discover **hundreds of pictures, including the Lynnwood victim.**

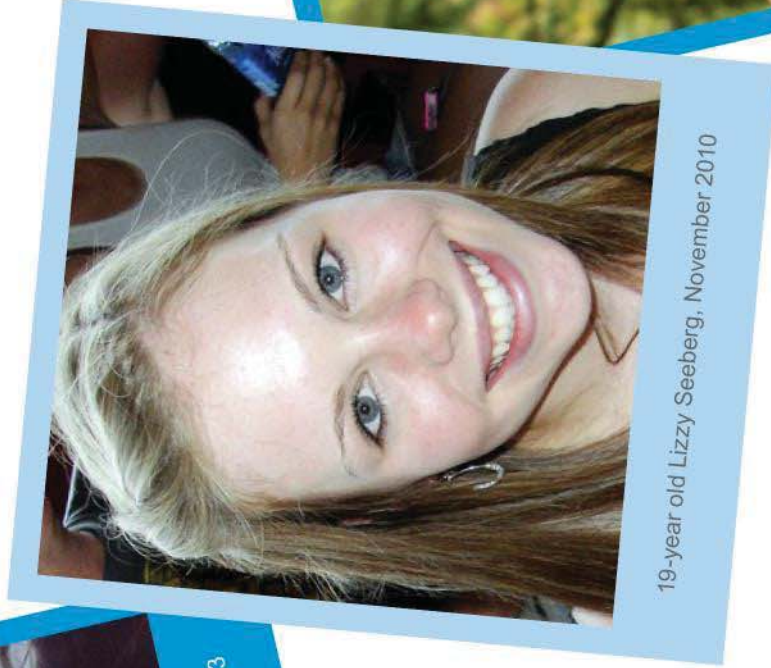
Lynnwood Police apologize to the woman and **return her money.**

She wins a \$150,000 settlement against the department.

One after another, teenagers **take their own lives** after being sexually assaulted and tormented on social media.



15-year old Rehtaah Parsons, April 2013



19-year old Lizzy Seeberg, November 2010



15-year old Audrie Pott, September 2010



"I was raped thirty years ago.
**There was so much shame
then, and there still is now."**

—Bonnie Quillin

It doesn't have to be this way.

Because **your** response ...

Our response ...

Makes the difference.



START BY



The *Start by Believing* Campaign

A public awareness campaign leading the way toward a **positive community response** to survivors of sexual violence.

SPRINGDALE, WASHINGTON



Members of the **Camas Valley Grange** pledge to *Start by Believing*

CANYON COUNTY, IDAHO



Sheriff's Office remodels their **victim interview room**

CHINLE, ARIZONA



Sexual Assault Affects the Whole Community

Stop Sexual Assault

Start by Believing...

Your Reaction Makes a Difference

Central Navajo Sexual Assault Response Team—Chinle, Arizona

Hopi, Zuni, Apache and Navajo Coalitions rent billboard space to spread the word

ASHLAND, OREGON



At the
Ashland Police
Department



We Start By
Believing

Community enacts **visionary reforms**
to encourage reporting

KANSAS CITY, MISSOURI



Lamar Advertising donates
billboard space across the state

STEVENS COUNTY, WASHINGTON



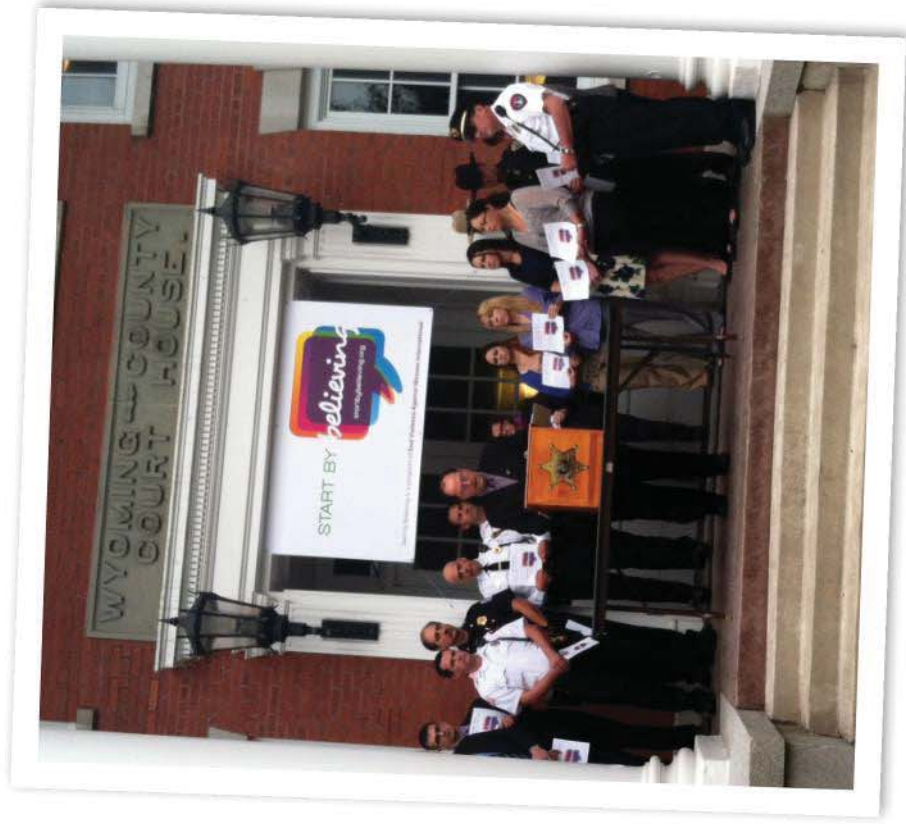
Northeast Washington Parents, Family, and Friends of Lesbians and Gays (PFLAG)

WYOMING COUNTY, NEW YORK



"All too often, victims who have the courage to tell someone are blamed for bringing it on themselves. This needs to change."

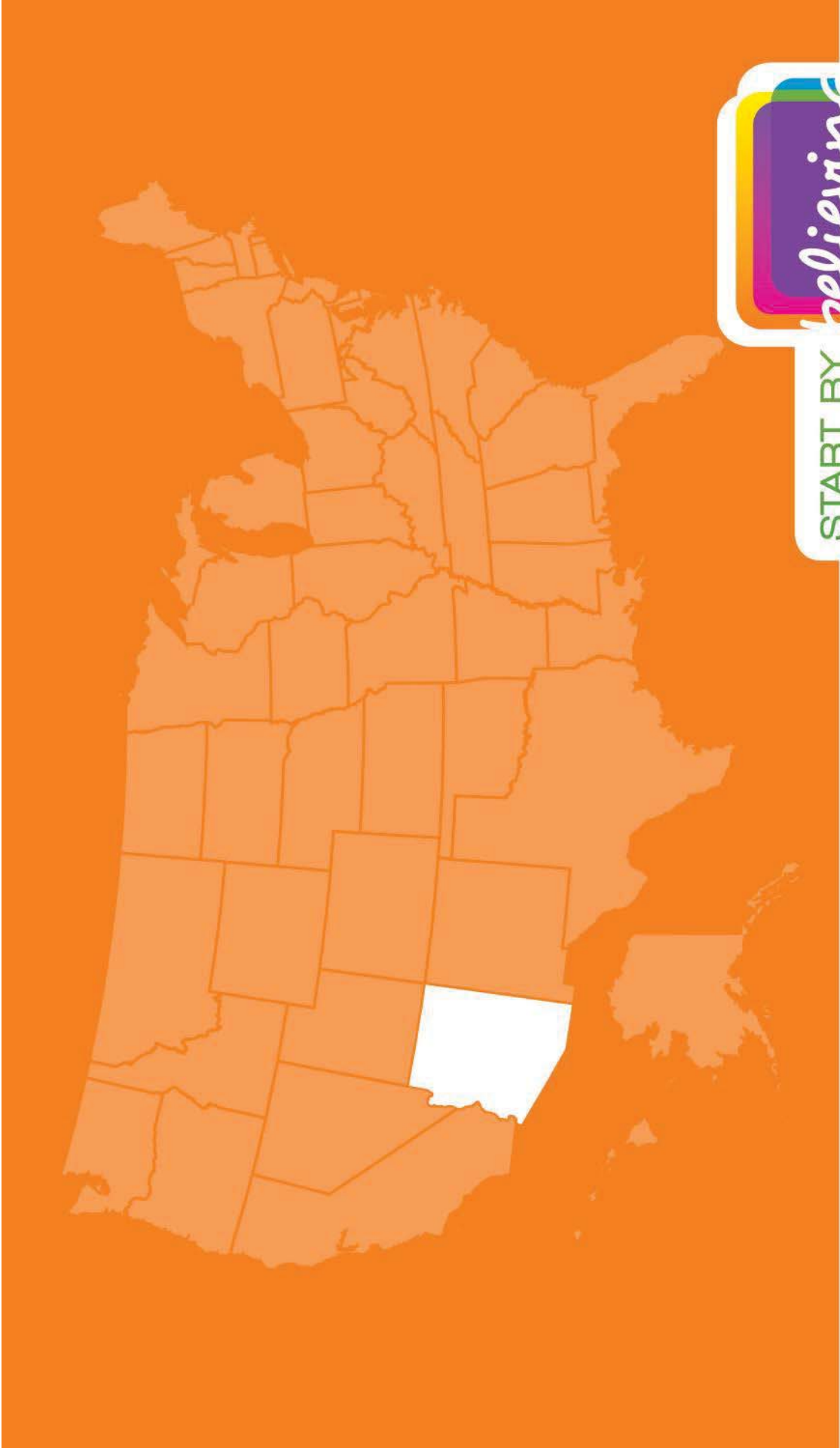
– District Attorney Donald O'Geen



SAN LUIS OBISPO, CALIFORNIA



Community partners
launch a comprehensive,
countywide campaign



START BY



ARIZONA: THE "START BY BELIEVING" STATE

STATE OF ARIZONA



Chief Jerald Monahan, President of the Arizona Association of Chiefs of Police, works to make Arizona the first **"Start by Believing state"**.



STATE OF ARIZONA



Apache Junction is **first Arizona city** to issue a proclamation to *Start by Believing*.



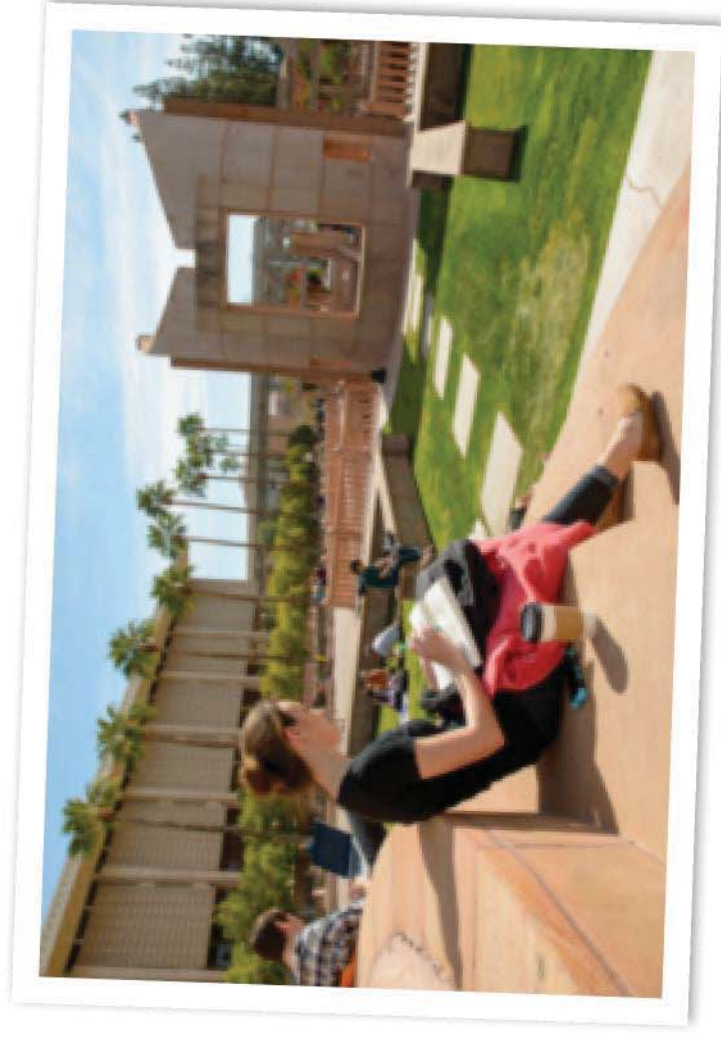
Many others follow.

STATE OF ARIZONA



Arizona State University Police Chief and President issue a proclamation.

The **largest university in the nation** is the first to formally launch a *Start by Believing* campaign.



STATE OF ARIZONA



Janice K. Brewer
Governor

Office of the Governor

WHEREAS, Arizona shares a critical concern for victims of sexual violence and a desire to support their needs for justice and healing; and

WHEREAS, according to the 2008 - 2012 United States Survey on Crime Victimization, 80% of rape victims reported to law enforcement were not reported to police, and 35% of victims were not reported to police; and

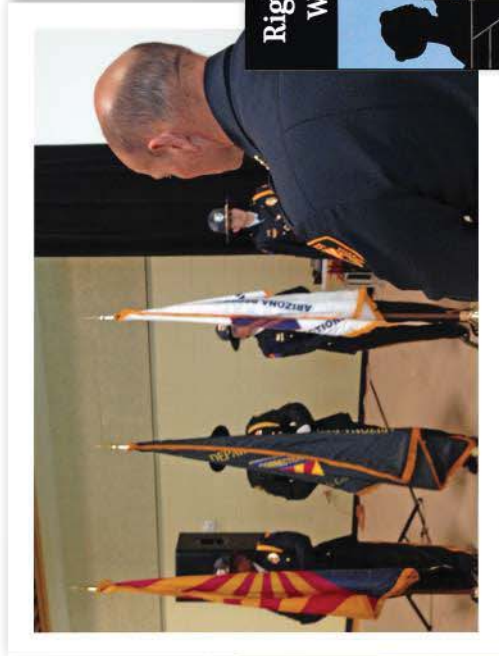
WHEREAS, in the last six years, the Arizona Department of Justice reported that five incidents of forcible rape were reported per day;

WHEREAS, national research estimates that as many as 100,000 victims of rape or attempted rape, yet most will not report to police; and

WHEREAS, research documents that victims are far more likely to report to police when they are supported by family members, friends, and community members; and

WHEREAS, the Start By Believing public awareness campaign is designed to increase public awareness of sexual violence and encourage victims to report to police; and


NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the week of April 7-13, 2014, as Start By Believing Week, and I encourage all Arizonans to support the campaign and encourage victims to report to police.

Rights Week Recognition Wednesday, April 9, 2014

30 years:
restoring
the
balance
of
justice

Presented Jointly By:




Arizona Governor recognizes the *Start By Believing* campaign on April 9, 2014 in honor of **Victims' Rights Week.**

STATE OF ARIZONA



state of Arizona



Legislative Proclamation

Start by Believing

LEGISLATIVE, the Arizona Department of Public Safety reported that in 2012, there were _____ reports of rape or attempted rape, which is _____ sexual assaults per day, and

LEGISLATIVE, according to the U.S. Department of Justice, only 40% of sexual assaults are reported, and

LEGISLATIVE, research and information by the Pennsylvania State University in 2003, and a United States Senate Subcommittee 2010 hearing on crime have found that the number one reason victims of sexual assault do not report the crime is *“fear of not being believed and being blamed for the attack,”* and

LEGISLATIVE, sexual assault is a violent crime with devastating safety and health implications for every person in Arizona, be they a victim, a survivor or family member, loved one, friend, neighbor, or coworker of a victim, and

LEGISLATIVE, End Violence Against Women International has developed a program entitled “Start by Believing” a message that in past conferences the reality that many victims do not get the support they need when they do report the crime, and

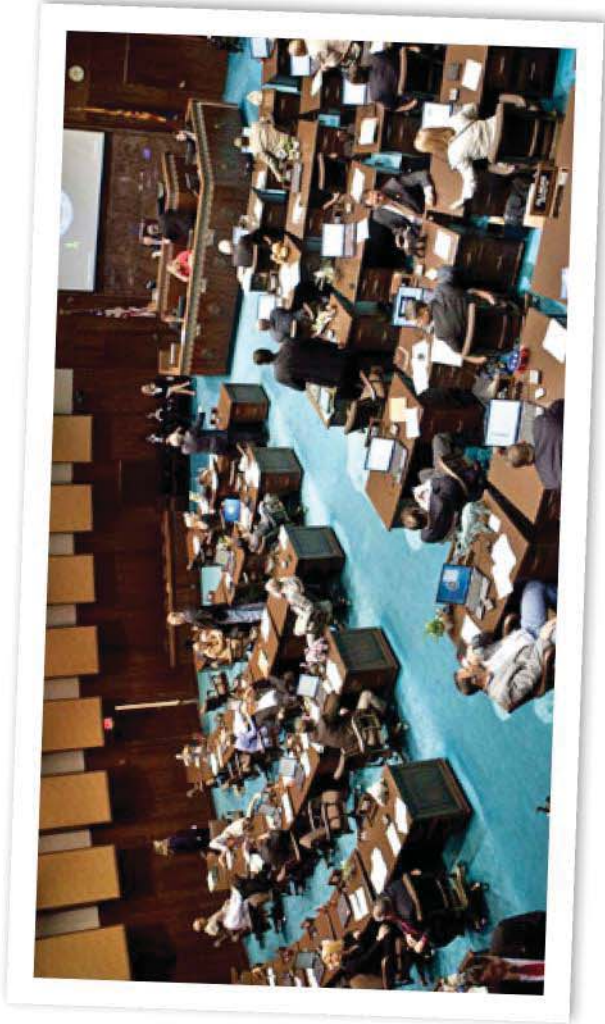
LEGISLATIVE, local governments and private business organizations around the state are adopting the Start by Believing Campaign, which is appropriate for Arizona as a whole to support this simple message of support for survivors of sexual assault.

WHEREFORE, be it resolved that the Members of the House of Representatives of the State of Arizona do hereby proclaim Arizona to be a Start by Believing State, thus encouraging the people of Arizona to provide support to survivors of rape, during Sexual Assault Awareness Month, April 2014.

Done this 18th day of April, 2014.

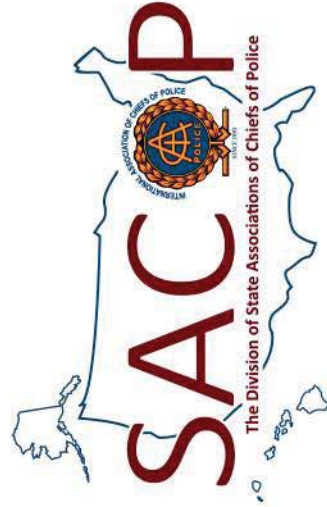
Karen Fann
State Representative
District 1

Andy M. Tolfa
Speaker of the House
District 1



The House of Representatives proclaim Arizona to be a Start by Believing state on April 15, 2014.

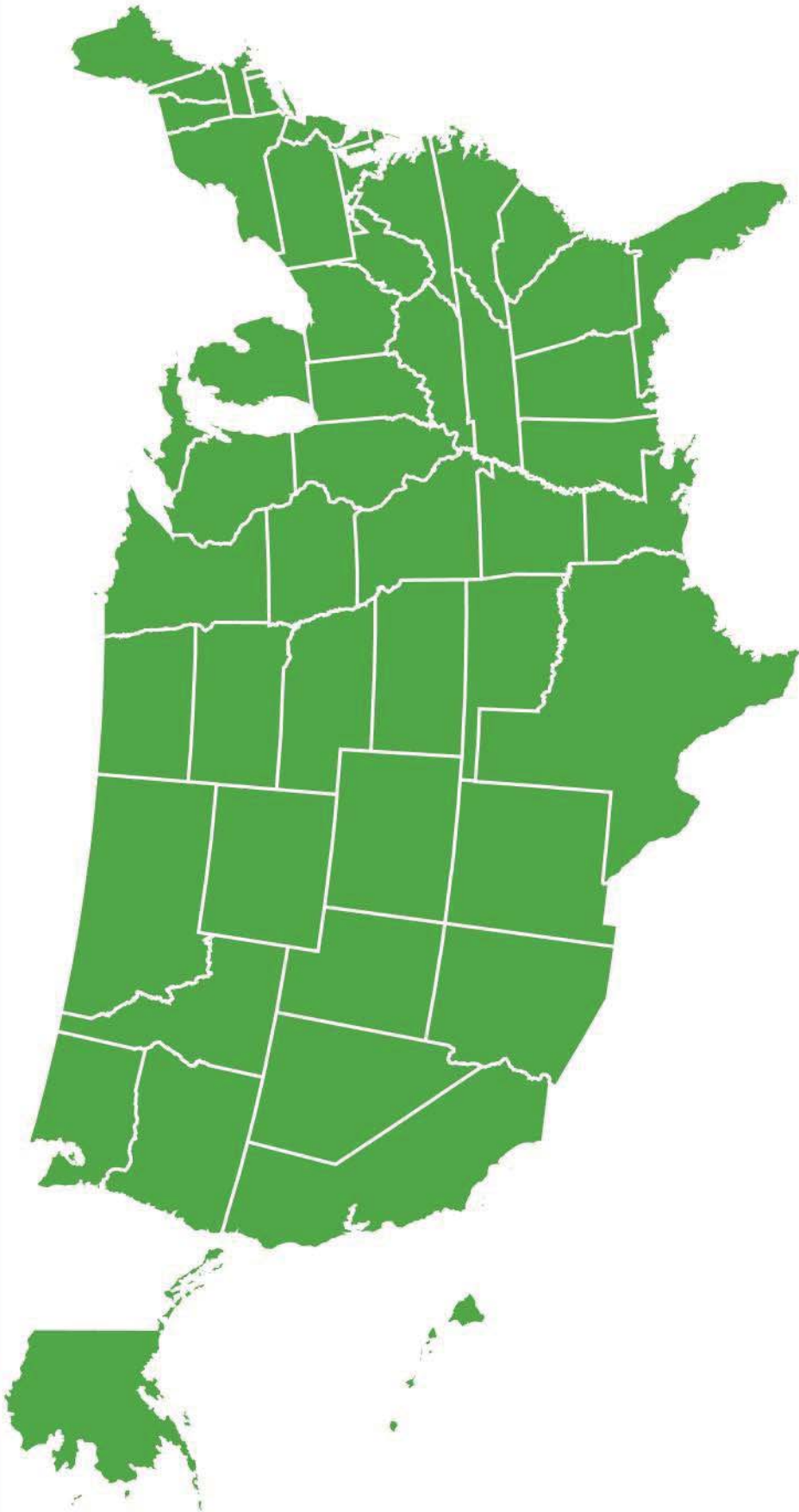
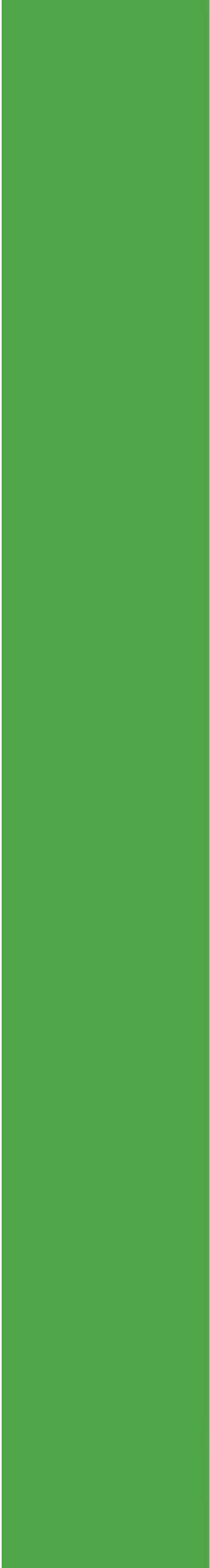
CORPORATE PARTNERSHIP



START BY

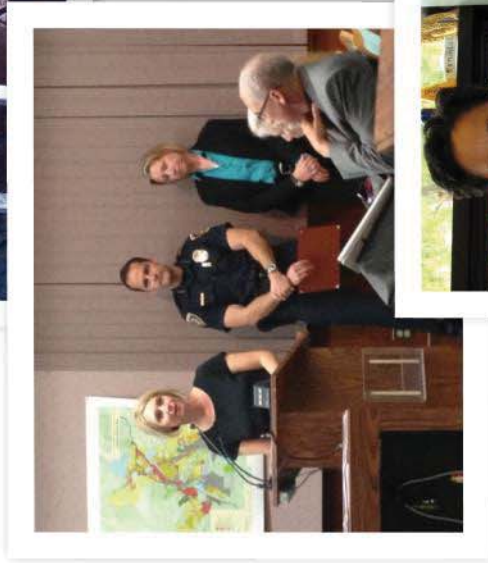
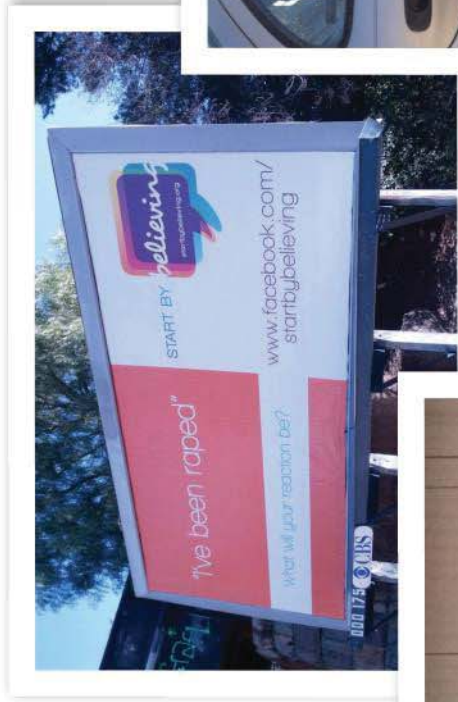


The Mountain Pacific Region of the **State Associations of Chiefs of Police** works to partner with Sprint to support *Start by Believing* campaigns **across 13 states**.



Chief Monahan leads the way for a
*“Start by **Believing** nation.”*

Launch a campaign
in **your community**.



The possibilities are endless

The impact is **real**.

“

I saw the Start by Believing campaign and got a bracelet.

*A week [later] I was assigned a case that the responding officer didn't believe. I looked at my bracelet and decided I was going to **“Start by Believing.”***

During my interview with the victim every time there were things that were strange or didn't make sense I would look at my bracelet and BELIEVE!

*I **obtained an indictment** on the offender.*

”

Q

Where to start?

A

Make your own
personal commitment.

"My name is John. I am a prosecutor and a husband to the daughter of a survivor. When a victim comes to me with the courage to report a sex assault, I *Start by Believing.*"

"My name is Alma. I am a military Judge Advocate. I see firsthand the devastating effects on survivors who have suffered sexual assault and want to help each one any way I can."

"My name is Ken. I am a husband, father, family member, friend, and a police officer who tries to make a difference in society; both personally and professionally."

"My name is Sheryl. I am an ER/CCU Nurse. I promise to *Start by Believing* with each victim I come in contact with in the hospital setting."



"When someone says **'I've been raped'** the most important words in the world to say are **'I believe you.'** If a survivor doesn't hear that from anyone else, **she or he is going to hear it from me."**

—Karen Carroll

The Voices and Faces Project
voicesandfaces.org

START BY



Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	DNA Database: CODIS and Rapid DNA

FROM: Arizona Department of Public Safety

PRESENTER(S): Vince Figarelli, Crime Laboratory Superintendent

DISCUSSION & TIME ESTIMATE: (20 min) Review of DNA Databases including CODIS and Rapid DNA and impact to victims.

RECOMMENDED MOTION (IF ANY):

CODIS and Rapid DNA Overview



Commission on Victims of the Courts

June 20, 2014

Vince Figarelli, Superintendent
Arizona Department of Public Safety

Crime Laboratory

vfigarelli@azdps.gov


CODIS



CODIS

- **C**ombined **D**N**A** Index **S**ystem
 - NDIS – National DNA Index System
 - SDIS – State DNA Index System
 - LDIS – Local DNA Index System
- Database of DNA profiles of offenders, forensic samples from crime scenes, and missing person related samples.

CODIS

- 
- DNA Database
 - Arizona has entered STR profiles since 1999
- CODIS is useful for:
- Linking unsolved cases
 - Providing investigative leads in unsolved cases
 - Providing investigative information in missing person cases

CODIS

- 
- Samples searched
 - Relatives of Missing Person
 - Missing person
 - Unidentified Human Remains
 - Convicted Offender / Arrestees
 - All convicted felons, people arrested of qualifying offenses in Arizona, and adjudicated juveniles
 - Forensic Unknown
 - Non suspect cases and cases with suspects
 - Samples NOT searched
 - Victims
 - Investigative leads
 - Consensual Sex Partners
 - Knowns

CODIS




- Samples must meet minimum criteria in order to be placed into database
 - Known references must be a full profile
 - Forensic/missing person profiles may be partial, but still have to meet the minimum requirements for the sample type

CODIS

- Arizona began collecting database samples from Convicted Sex Offenders in 1993.
- Since 2004 Arizona has been collecting DNA samples from all convicted felons pursuant to ARS code §13-610.
- Since 2008, in addition to collecting from all convicted felons, Arizona has been collecting DNA samples from certain violent arrestees as well.



CODIS

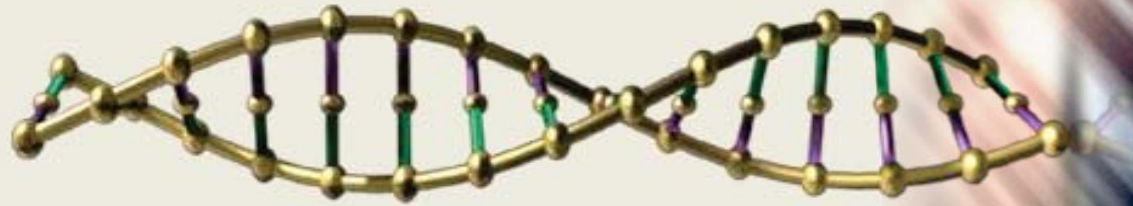
- 
- Number of Samples in CODIS
 - Convicted Offender/Arrestees = ~300,000
 - Forensic = ~16,600
 - Missing Person = ~900

CODIS

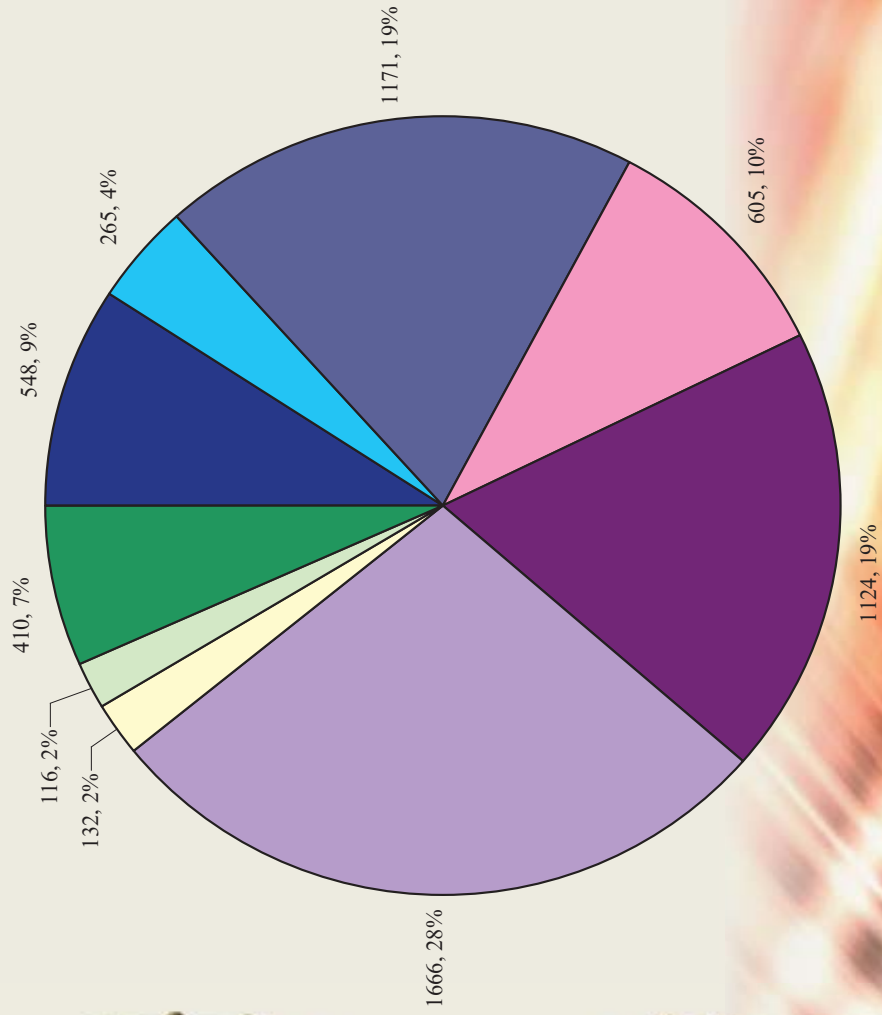


- Statistics
 - Aided ~6700 investigations
 - Have had ~1000 forensic hits (case to case)
 - Have had ~4850 offender hits within the state (offender to case)
 - Have had ~1250 offender hits with other states (offender to case)
 - Have had ~15 missing person hits

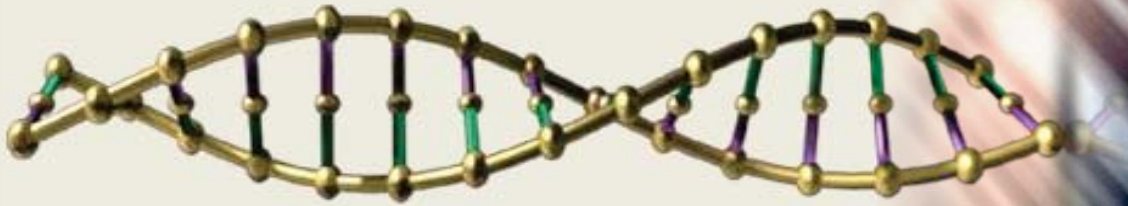
CODIS



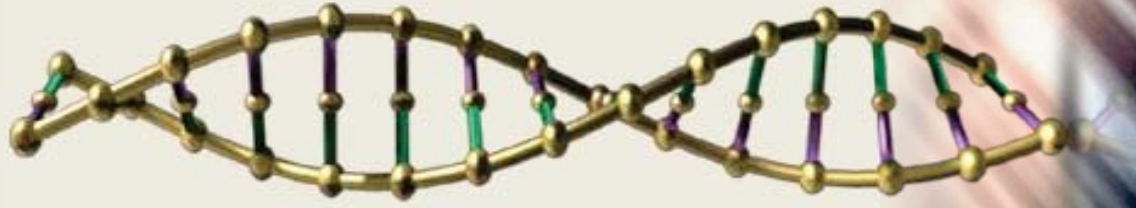
Case Type Linked to Offender Type



The Arizona DPS Rapid DNA Program



The Arizona DPS Rapid DNA Program



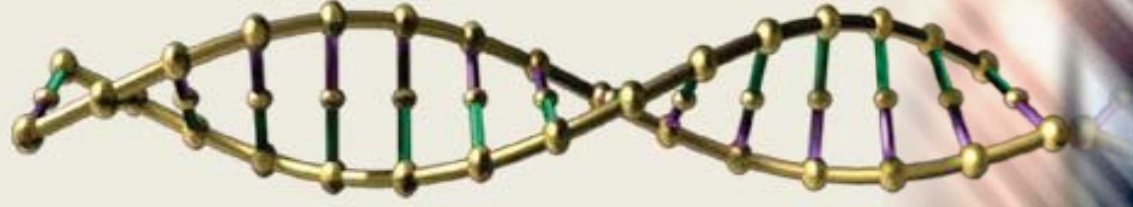
- Lots of questions....
 - What the \$*#! are you doing ?!?!

The Arizona DPS Rapid DNA Program



- Lots of questions....
 - What the \$*#! Are you doing?!?!
 - Does the FBI know about this?

Two Phases of AZ Rapid DNA Program



External

- Officers Trained to operate the RapidHit 200
- Officers Analyze samples for direct comparison or search against AZ DNA Database (AZ DB)

Internal

- Database Unit Hit Confirmations
- Database analysis of Arrestee and Convicted Offender Samples
- Forensic Casework Knowns

Rapid DNA External Uses

- Upload of Arrestee and Convicted Offender profiles at intake to a database (CODIS or other database)
- Provide Investigative Leads to Law Enforcement from forensic samples
- Identification of Victims
- Identification of apprehended individuals (comparison to forensic unknowns)

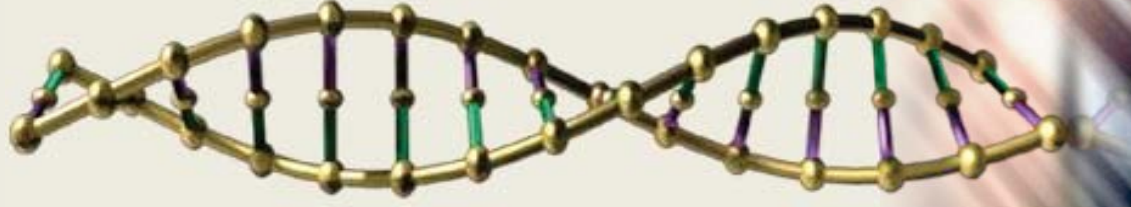


Rapid DNA External Uses



- ~~Upload of Arrestee and Convicted Offender profiles at intake to a database (CODIS or other database)~~
- Provide Investigative Leads to Law Enforcement from forensic samples
- Identification of Victims
- Identification of apprehended individuals (comparison to forensic unknowns)

Arizona DNA Database Network



Why?

- Quickly provide IL's to Law Enforcement
- Large number of backlogged DNA cases
 - >4,000 Property Crimes
- If we didn't do it, someone else (LEA's) would

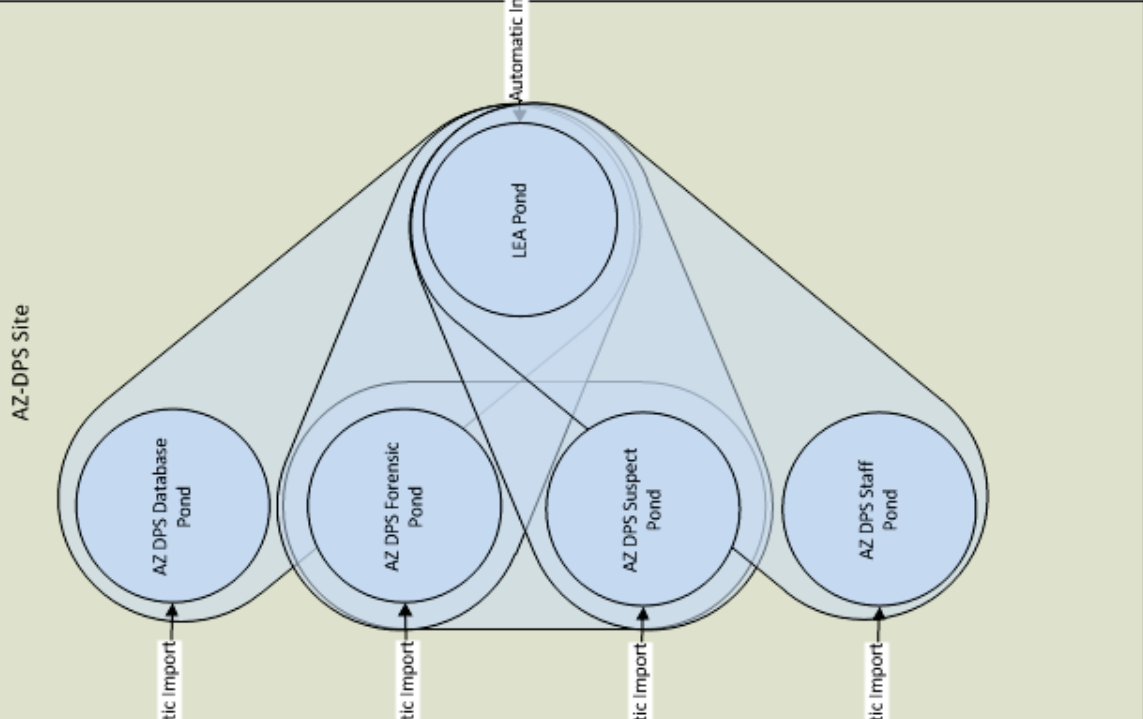
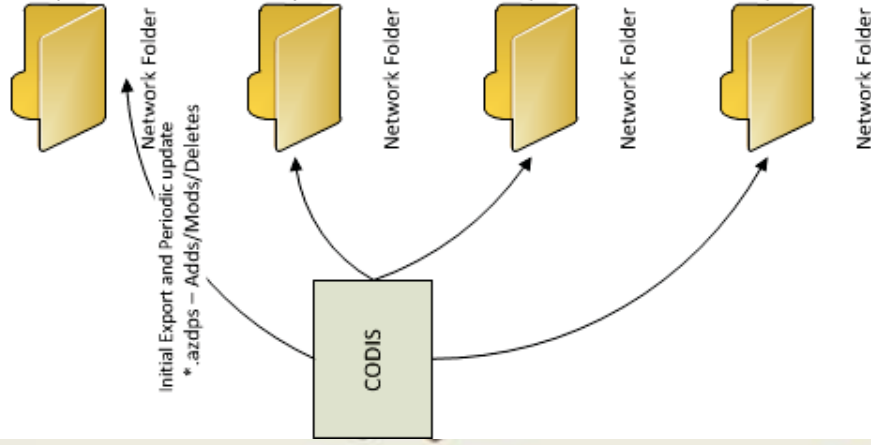
Arizona DNA Database Network

- IntegenX RapidHit 200's in three AZDPS locations
 - Colocated with Phoenix, Tucson, and Flagstaff Laboratories
 - Accessible to officers
- Connected to the AZ DB secure, closed network
- SmallPond software housing the AZ DB
- Synchronized with AZ SDIS

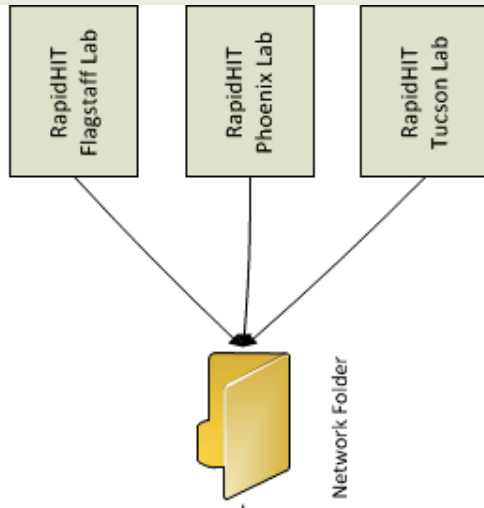


AZ-DPS SmallPond Profile Input Process Overview

DPS Lab Process



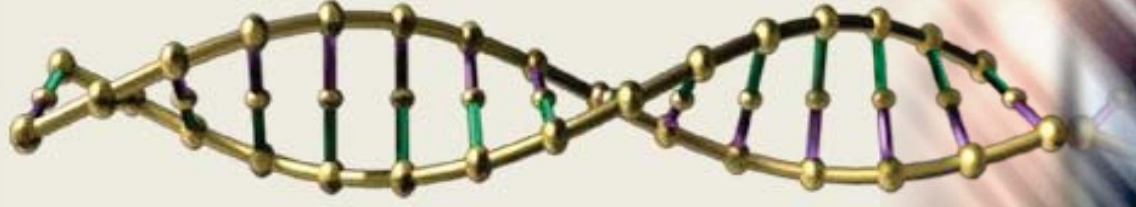
Law Enforcement Officers



1. AZDPS will be periodically export CODIS Offender, CODIS Evidence, Suspect and Staff profiles. These will be used to keep the SmallPond Ponds synchronized with the CODIS database.
2. The SmallPond Import Agent will be configured to monitor the 5 network folders and import profiles into their respective Ponds.
3. SmallPond automatically matches profiles within a Pond
4. SmallPond automatically cross-matches all Ponds in a Pool
5. SmallPond automatically generates match notifications.

Arizona DNA Database Network

- RH200 profiles are placed in the Law Enforcement Pond
- Samples in all “Pooled” ponds are searched against each other as profiles are added
- Profiles do not get copied or moved between ponds

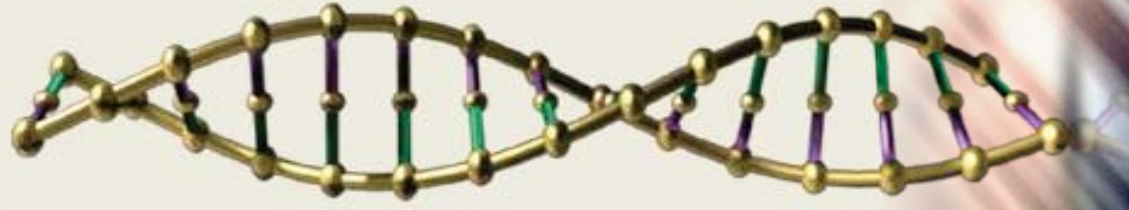


Arizona DNA Database Network

- Flexible search control
- Additional ponds can be added to the same pool or a different pool can be established
- Can Link to other external ponds
 - MOU required



Arizona DNA Database Network

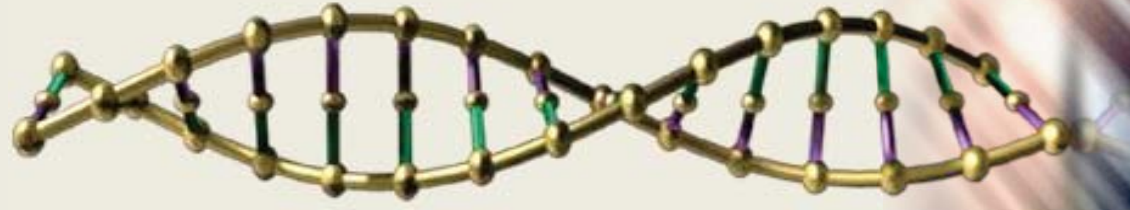


- Instrument & Software
 - IntegenX RapidHit 200
 - SmallPond Software
 - Custom search interface for IL information

RapidHit 200 Instrument

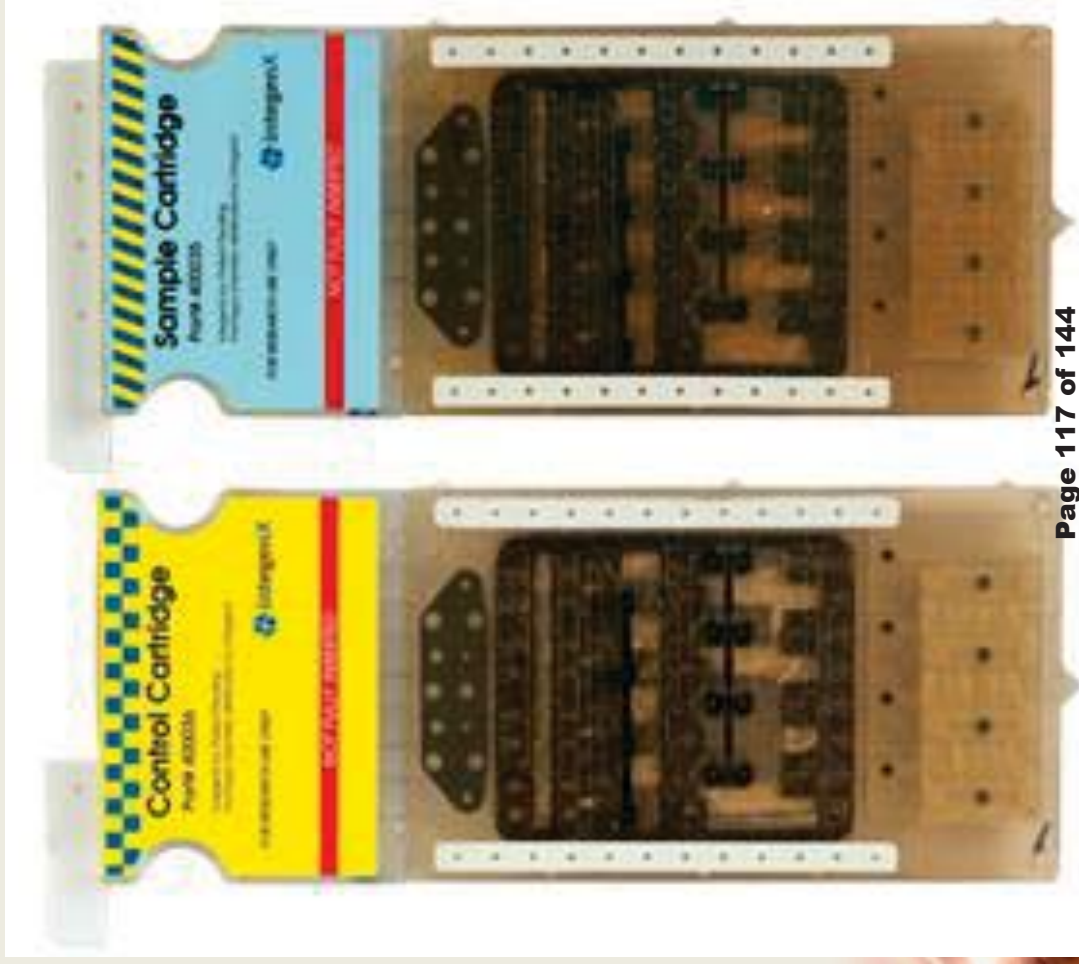
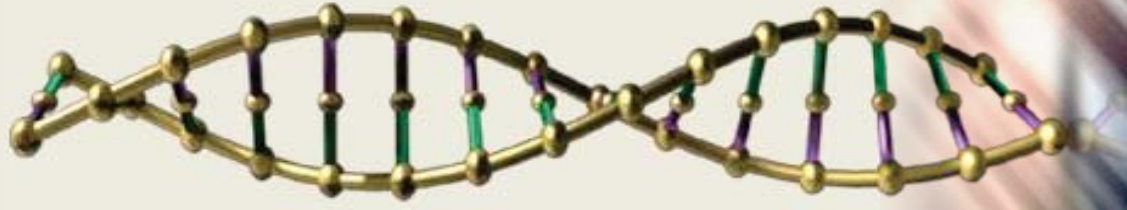


RapidHit 200 Instrument

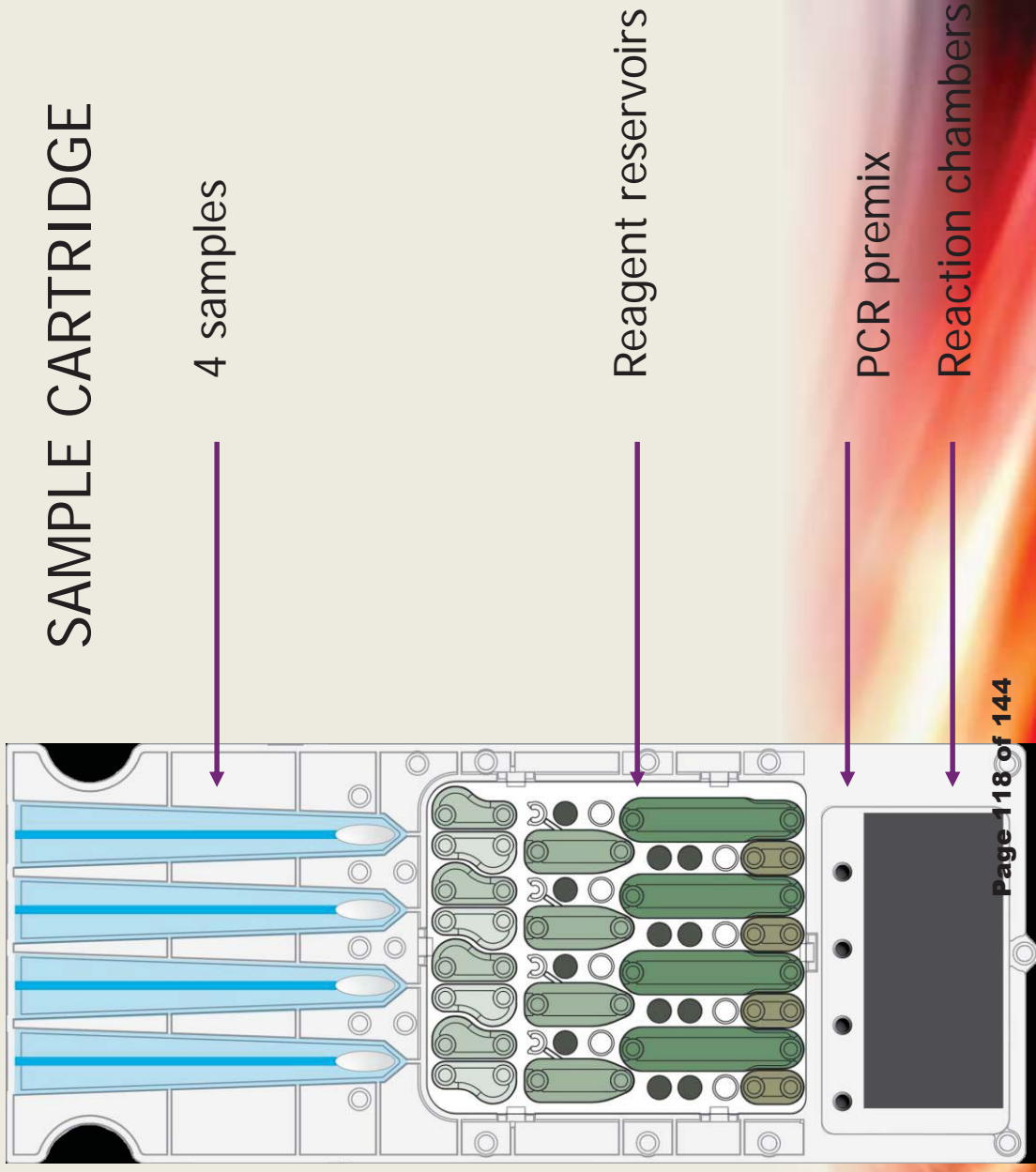
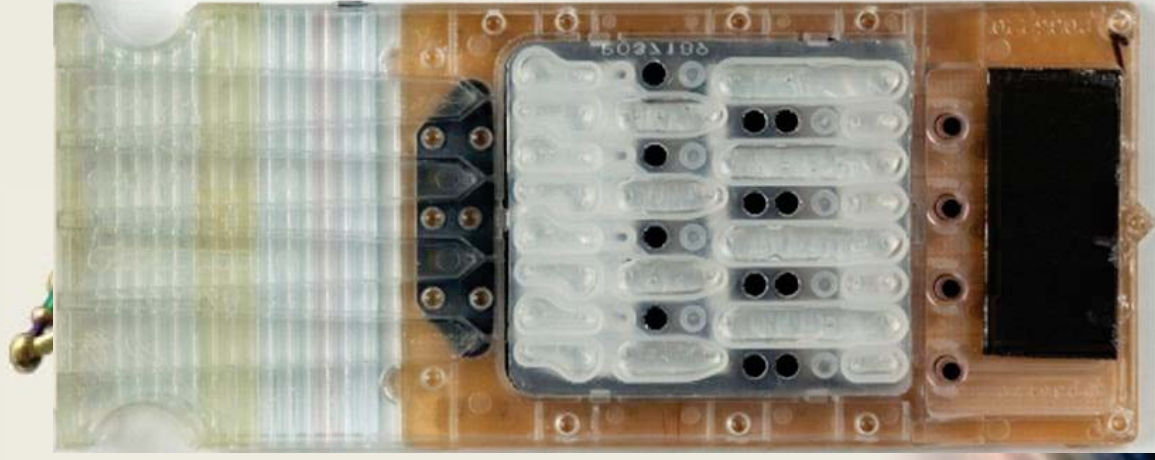


- Cost
 - \$270,000 for the RapidHit 200
 - \$1,750 for each set of cartridges
 - \$350 per sample for 5 samples

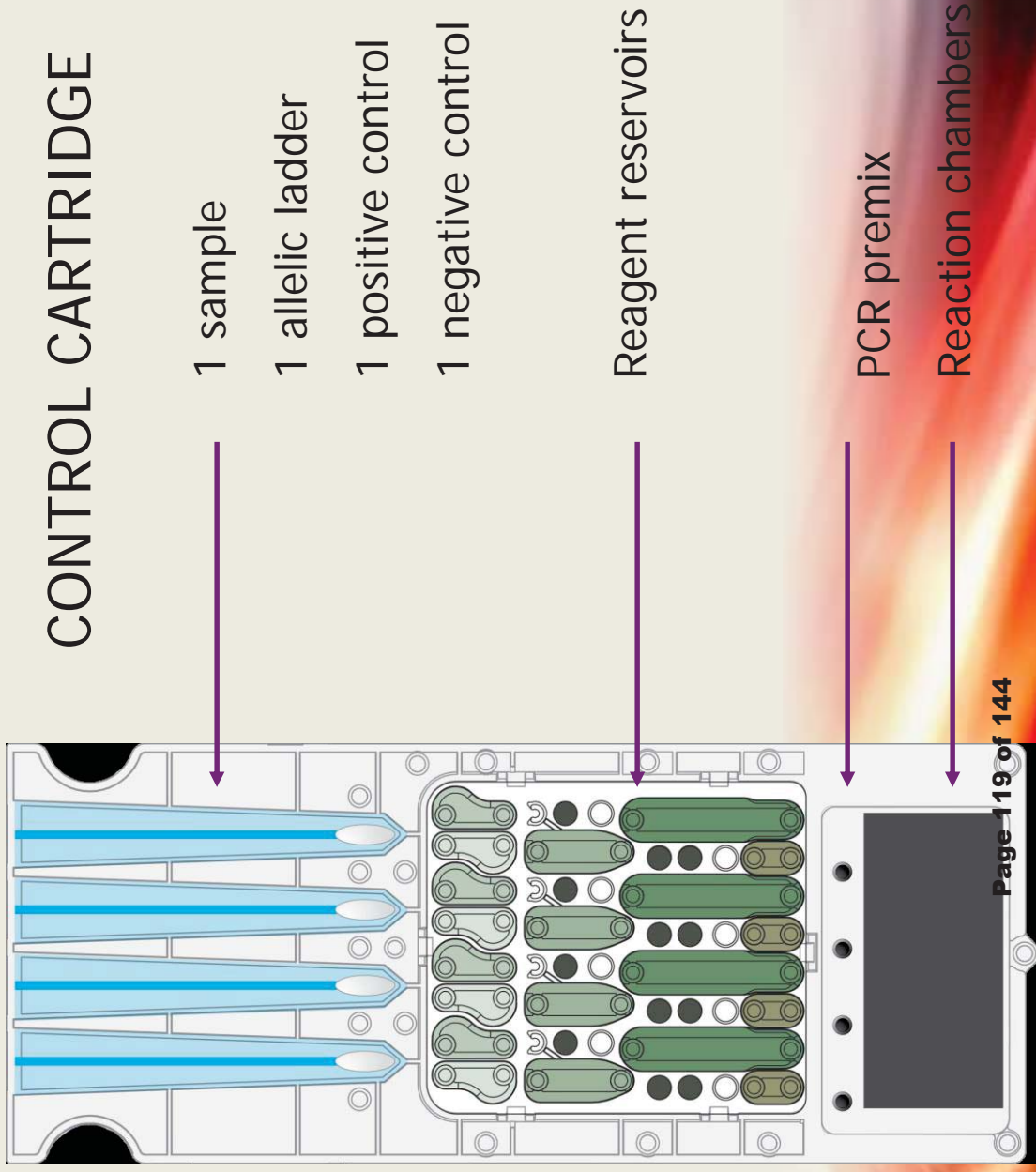
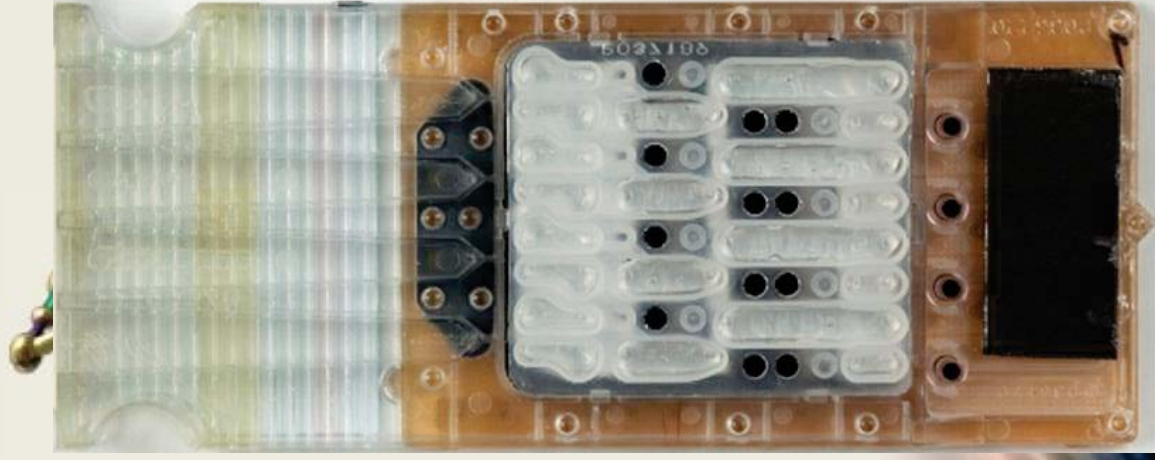
RapidHit 200 Instrument



RapidHit 200 Instrument



RapidHit 200 Instrument



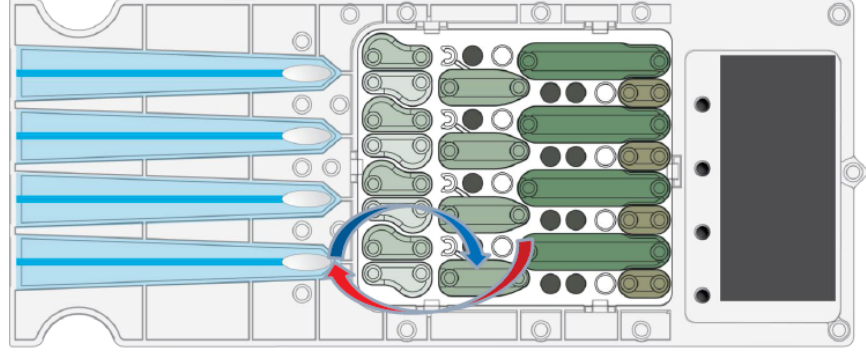
RapidHit 200 Instrument



DNA extraction processes

DNA Extraction from sample swabs

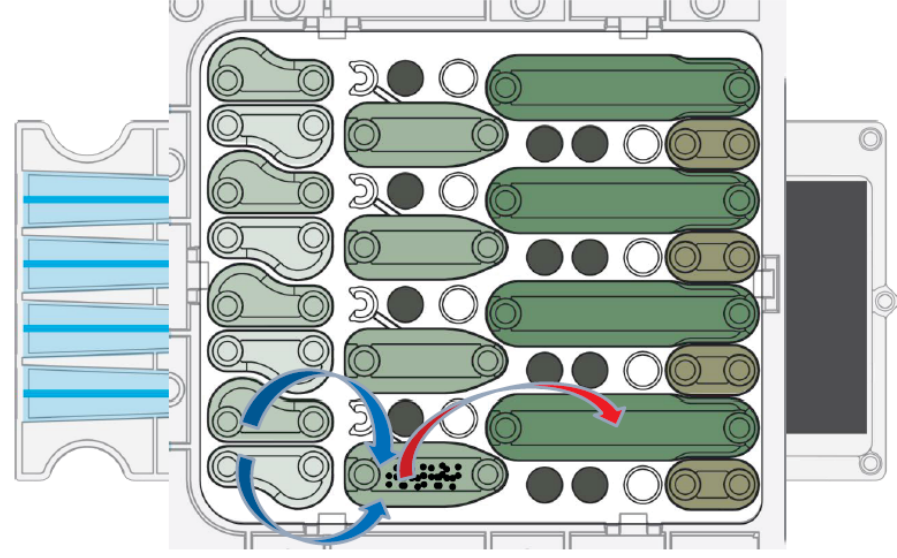
- Extraction solution in the reservoirs is MOVE'd to sample swabs and agitated with air
- Lysed cells are pumped from the sample wells through the chip to the bead chamber, which is pre-loaded with paramagnetic beads



RapidHit 200 Instrument



DNA extraction processes



DNA capture on magnetic beads

- **Bead chambers are pre-packed with beads**
- **Lysis solution is mixed with the beads**
- **Beads/DNA are engaged by magnets**
- **Lysis solution is transferred to waste receptacle**

Two bead washes with ethanol

- **Ethanol pumped into bead chamber from each of two reservoirs**
- **Agitation by air**
- **Wash solution dumped to waste receptacle**

SmallPond™

DNA Profile Matching System



AZ Department of Public Safety

Welcome, Vince Figarelli ▾

[Home](#)

[Cases](#)

[Profiles](#)

[Matching](#)

Ponds

Knowns

This pond holds statewide knowns.

Processed Profiles:	522,041
Unprocessed Profiles:	0
Comparisons:	136,263,141,820
Matches:	0

Suspects

This pond holds statewide suspect profiles.

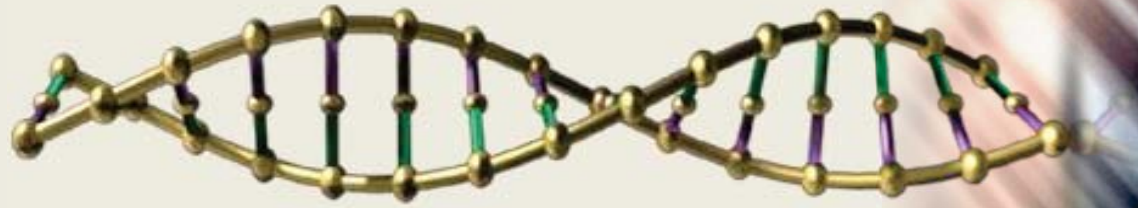
Processed Profiles:	10,028
Unprocessed Profiles:	0
Comparisons:	50,275,378
Matches:	0

Rapid DNA

This pond holds Rapid DNA samples.

Processed Profiles:	0
Unprocessed Profiles:	0
Comparisons:	0
Matches:	0





SmallPond™
DNA Profile Matching System

Department of Public Safety

Welcome, Vince

Home **Cases** **Profiles** **Matching**

Cases

Show Close

Case Id	Status	Entry Date	Criminal Offense	Total	Not Yet Sent	In Lab	No Hit
Church Breaking and Entering	Open	05/02/2014	14-54. Breaking or entering buildings	1	1	0	0

Items per page: 20

Case Detail



Case

Name: Church Breaking and Entering

Description:

Criminal Offense: 14-54. Breaking or entering buildings

Is the case open? Yes No

Users

	Name	E-mail
<input checked="" type="checkbox"/>	Figarelli, Vince	vfigarelli@azdps.gov

Show: All | Checked | Unchecked

Save

Add Specimen

Specimen Id	Hit Status	Evidence Type	Description	Collection Date	Lab Entry Date	Match Date
2014-05-03	Collected	Blood, Evidence (Drop)	Unknown	05/02/2014		

Items per page: 20

Matches

You can review all matches that have been found for your Pond on this page.

The system will automatically search for a match whenever a new DNA Profile is added. It uses the Pond's Match Stringency parameters when performing the match. Notifications are automatically sent when new matches are made.

Pond

Searched Profile

Start Date **End Date**

Match Date/Time	Searched Profile	Found Pond	Found Profile	Exact Match?	RMP
4/24/2014 4:33:51 PM	da961a8a-6fe7-4b93-878f-2b899916fde5	AZ Department of Public Safety: Rapid DNA	70503356-64f3-4a46-addb-98787d4aa5d9	Yes	1.08e-04
4/24/2014 4:33:51 PM	6aa0f023-020f-48ca-89bb-1bd0720ccac6	AZ Department of Public Safety: Rapid DNA	f815842b-fb2b-4796-a315-ee70185ade9a	Yes	7.69e-06
4/24/2014 4:33:51 PM	76b6a19b-3fb3-4bf7-bc15-2e7cb39fe1a3	AZ Department of Public Safety: Rapid DNA	8dc75fc0-8e35-4ed0-9e db-0cf05b6e4583	Yes	3.34e-05
4/24/2014 4:33:51 PM	0e795d77-c56e-4d0b-ab90-9d16d39a7499	AZ Department of Public Safety: Rapid DNA	7ca141d2-79bb-4cce-875d-ef499958c1ba	Yes	3.44e-06
4/24/2014 4:33:51 PM	246c24f8-cc52-4d49-ab82-c2e36a3639a5	AZ Department of Public Safety: Rapid DNA	b5e07b02-6822-4bdf-8d89-dbd3220c61a6	Yes	4.41e-06



SmallPond™

DNA Profile Matching System



AZ Department of Public Safety

Welcome, Vince Figarelli

- Home
- Cases
- Profiles
- Matching

Match Detail

Match Statistics

Random Match Probability: 1 in 1,539,608,203,632,830,000,000,000

	Searched Profile	Matched Profile
Pond Name:	Rapid DNA	Rapid DNA
Profile ID:	3065967	3064828
Specimen ID:	2014-05-02-0001	97f2fe2f-0399-4df7-a2db-8ca93a822b7d
Category:	Unknown	Unknown
Specimen Source Known?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Locus Data Partial?	<input type="checkbox"/>	<input type="checkbox"/>
Is Mixture?	<input type="checkbox"/>	<input type="checkbox"/>
Locus Data:		
Penta E	13,17.4	13,17.4
D18S51	16,18	16,18
D21S11	28,34.2	28,34.2
TH01	7,8	7,8
D3S1358	16,17	16,17
FGA	22,25	22,25
TPOX	8,9	8,9
D8S1179	15	15
vWA	17,19	17,19
AMELOGENIN (AMEL)	X,Y	X,Y
Penta D	1.2,11.1	1.2,11.1
CSF1PO	7,12	7,12
D16S539	11,14	11,14
D7S820	8,11	8,11
D13S317	13	13
D5S818	11,13	11,13
D251338	23	23
D19S433	12,14	12,14





Arizona DNA Identification System Specimen Lookup

Specimen ID: [REDACTED]

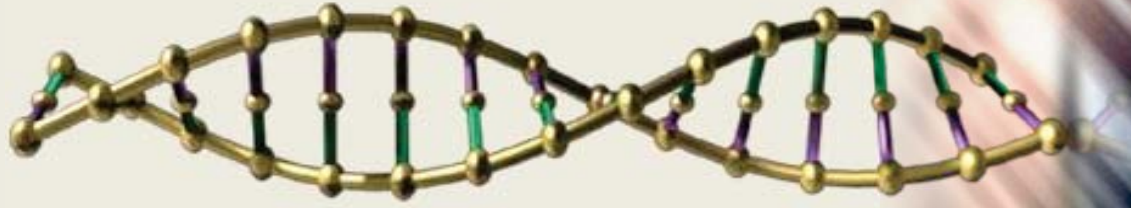
First Name	[REDACTED]	Middle	[REDACTED]	Last Name	[REDACTED]	Gender	[REDACTED]
------------	------------	--------	------------	-----------	------------	--------	------------

DOB	[REDACTED]	SSN	[REDACTED]	SID	[REDACTED]	Race	[REDACTED]
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Warning: The Arizona Department of Public Safety accepts no liability for the content of this webpage, or for the consequences of any actions taken on the basis of the information provided herein, unless that information is subsequently confirmed in writing. The information contained on this page may contain confidential and/or legally privileged information and is solely for the use of Law Enforcement Personnel. The Arizona Department of Public Safety updates this information regularly, however, you are cautioned that the information contained on this site may not reflect the current information regarding the individual listed above! This information is provided by the individual during the sample collection procedure and needs to be verified prior to executing any further Law Enforcement Activities. If you believe that any of the information found in these records is in error, please contact the DNA Database Supervisor at 602-223-2394.

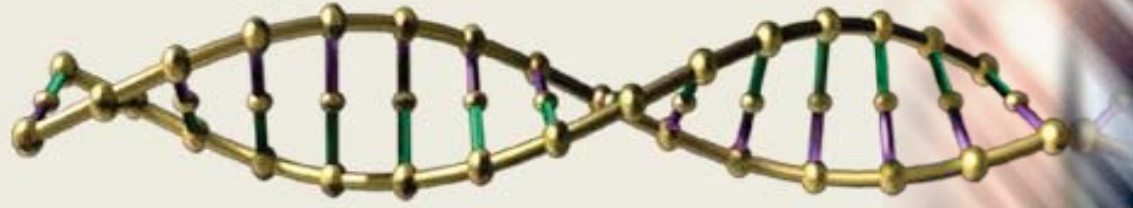
[Back to the Search Page](#)

Arizona DNA Database Network



Officer Training

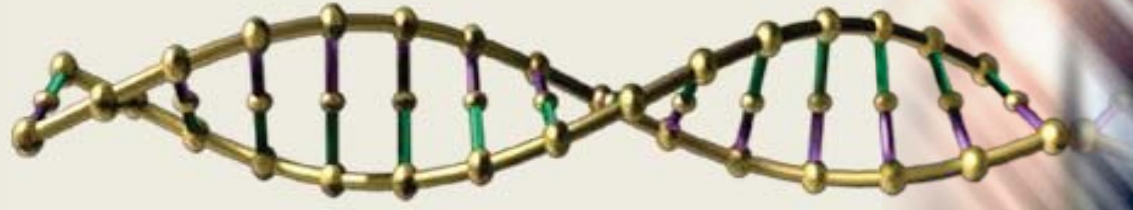
Arizona DNA Database Network



Officer Training

- 10 officers
- 3 RH200 Instruments
- Four day training class

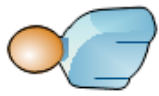
Arizona DNA Database Network



Officer Training

- Presumed single source samples
 - Blood
 - Saliva
- Must be enough sample for follow up analysis in the lab

AZ-DPS SmallPond Law Enforcement Officer Use Case Workflow



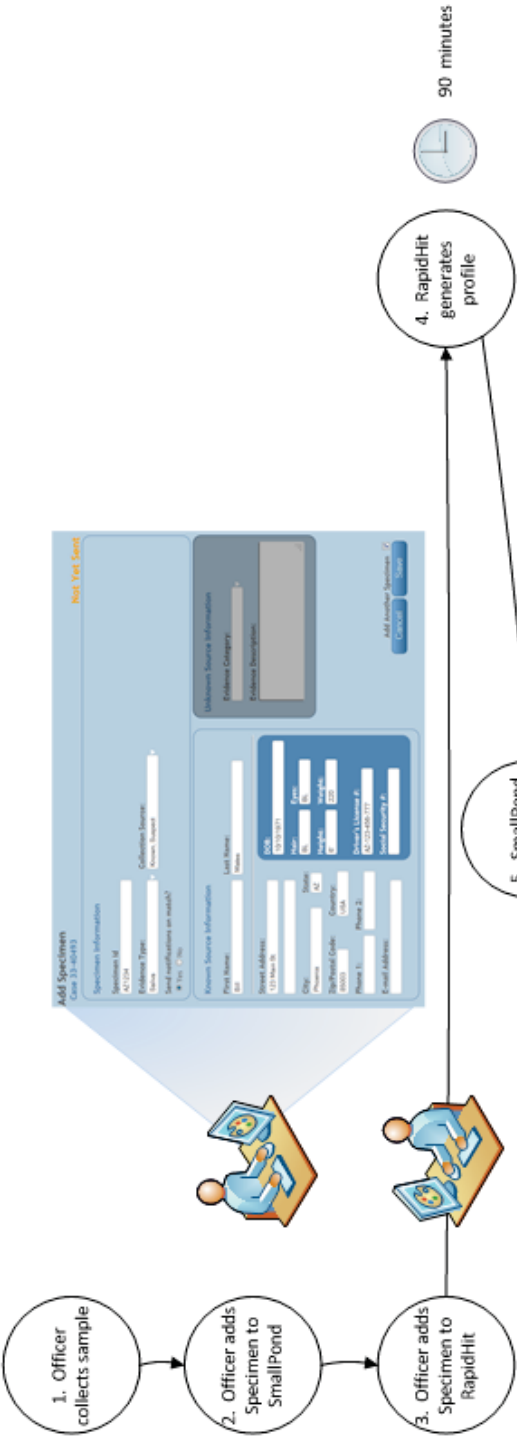
Law Enforcement Officer



SmallPond



RapidHit



90 minutes

1. Officer collects sample (saliva/blood from known or presumed known).
2. Officer adds Specimen (and Case) to SmallPond. Specimen ID must be unique.
3. Officer adds Specimen to RapidHit . Specimen ID must match used in step 2.
4. RapidHit processes Specimen and generates a Profile file in the output directory. (90 minutes)
5. SmallPond monitors RapidHit Profile generated by RapidHit and automatically adds the new profile to the SmallPond RapidHit Results Pond.
6. SmallPond matches the newly added profile against the profiles in the CODIS Offended, CODIS evidence and RapidHit Results Pond and generates match notifications if a match is found.
7. Officer reviews SmallPond My Cases page to see Hit/ No Hit status of Specimen.

Case #	Status	Entry Date	Criminal Offense	Specimens			
				Total	Hit	No Hit	Hit %
12-13-054	Open	07/20/2012	14-71, Processing of stolen goods	1	0	1	0.0
12-13-055	Open	02/18/2012	Burglary	2	0	2	0.0
12-13-056	Open	01/02/2012	Destruction/Obstruction	2	2	0	100.0
2012-05-28-001	Open	08/28/2012	Fraud	1	0	1	0.0
2012-10-23-03	Open	10/23/2012	14-19, Breaching of certain public buildings	2	0	2	0.0
2012-10-21-004	Open	10/21/2012	14-54, Breaching or entering buildings	2	0	2	0.0
2012-1-29	Open	01/29/2013	14-54, Breaching or entering buildings	1	0	1	0.0
13-40491	Open	08/24/2012	Burglary	2	0	2	0.0
13-40492	Open	05/12/2012	Drug-Narcotics	4	3	1	75.0
13-40493	Open	02/24/2012	Destruction/Obstruction	1	0	1	0.0
13-40497	Open	08/24/2012	Construction/Temporary	1	0	1	0.0
44-39384	Open	01/07/2012	Destruction/Obstruction	0	0	0	0.0

E-Mail/Text Notification

Performance Objectives



- At the completion of this course the student will demonstrate:
- An understanding of basic biology
 - An understanding of basic DNA analysis
 - An understanding of identification of appropriate samples for analysis on the RapidHit 200 instrument

Final Outcome of Course

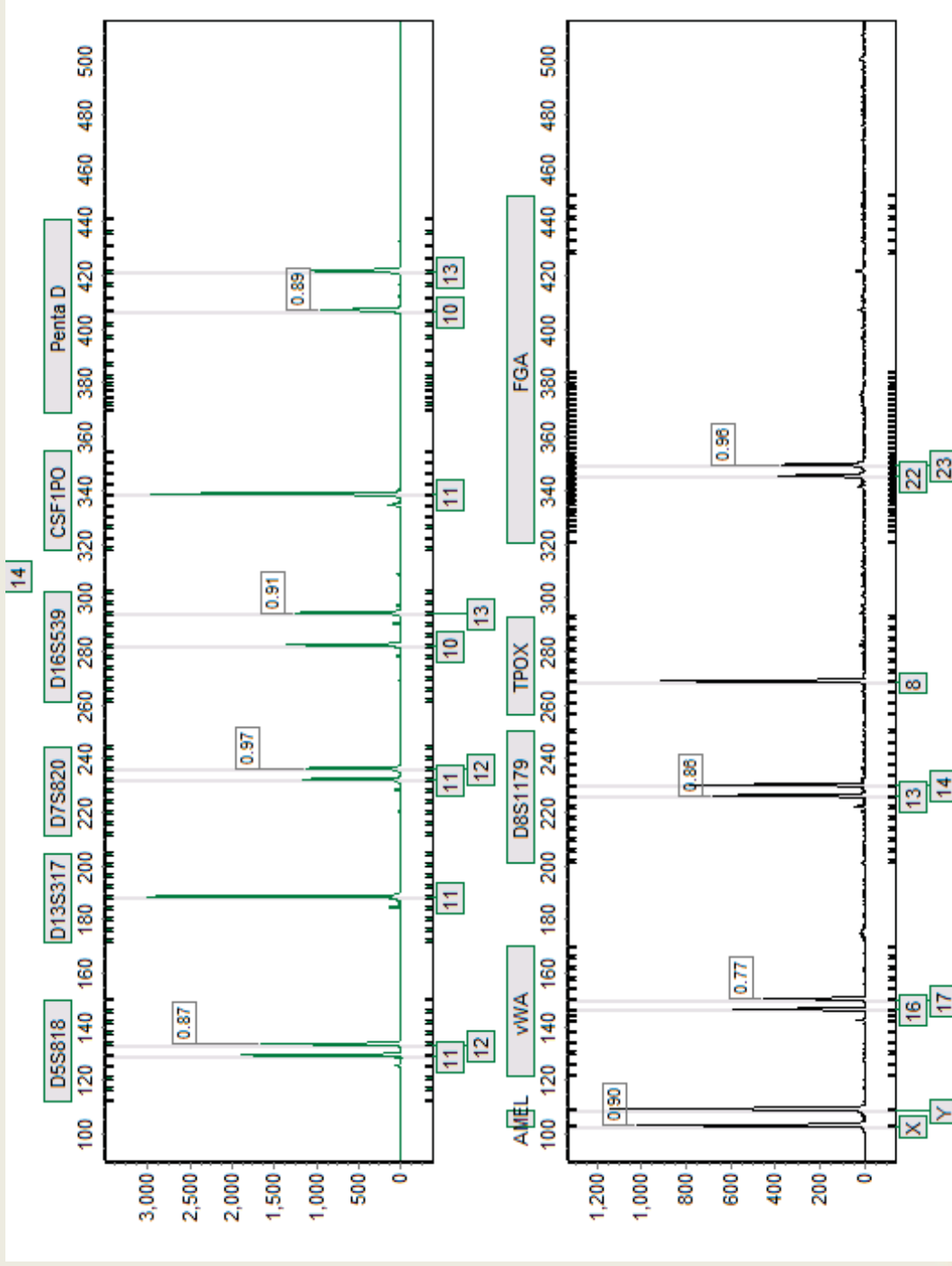
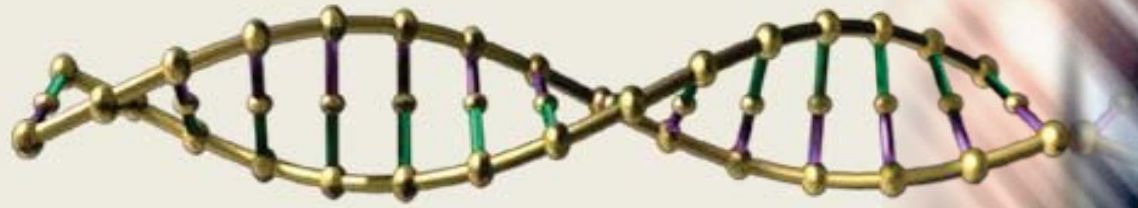


Students successfully completing the course will be qualified to use the RapidHit 200 instrument and SmallPond database as an investigative tool to develop potential ILs

The Arizona DPS Rapid DNA Program



- First Case
 - One vehicle accident with two unrestrained passengers
 - Blood on airbag



Suspect Known

The Arizona DPS Rapid DNA Program



- Future Plans....
 - Additional Training Classes
 - Test Case
 - Familial Searching (SmallPond)

AZDPS CODIS and Rapid DNA Program

Acknowledgements

- Debbie Kennedy, CODIS Administrator
- Dave Duplissa, DNA Database Supervisor/Tech Lead
- Randy Johnson, Assistant Superintendent
- Scott Rex, DNA Lab Manager
- Kathy Press, DNA Casework Technical Lead
- Jennifer Kochanski, DNA Property Crimes Supervisor
- Mark Smith, Lab Information Systems Administrator
- Lt. Col. Jeff Raynor, Assistant Director DPS (my boss)



Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Parent Representation

FROM: Committee on Juvenile Courts (COJC)

PRESENTER(S): William Owsley, Office of the Legal Advocate

DISCUSSION & TIME ESTIMATE: (15 min) Discussion about the proposed Attorney Standards for Parent Representation rule changes.

RECOMMENDED MOTION (IF ANY):



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Rebecca White Berch
Chief Justice

David K. Byers
Administrative Director
of the Courts

Memorandum

On behalf of the Committee on Juvenile Courts (COJC), we are providing you a copy of the proposed Attorney Standards for Parent Representation (the Standards). The Standards are the product of a statewide subcommittee of the Court Improvement Advisory Workgroup which included representation from juvenile judges, attorneys, the State Bar, and various other stakeholders and agencies. In developing the Standards, consideration was given to best practices within Arizona as well as accepted standards developed by nationally recognized organizations.

Standards for representation by attorneys for children have already been adopted. Of course, representation of parents is just as important. In severance cases, the Supreme Court will reverse an order of the trial court if parents did not receive effective representation at trial. COJC hopes that the adoption of Standards will not only avoid such a situation but will improve outcomes for families and children in our courts.

The Standards were approved at the May 22, 2014 COJC meeting and are now being disseminated for comment until 5:00pm on July 31, 2014. The COJC intends to consider recommending adoption of standards by the Arizona Judicial Council either through Court Rule or Supreme Court Administrative Order. If adopted, the Standards would apply to all attorneys and guardians ad litem appointed to represent parents in dependency cases in the State of Arizona. Feedback regarding the Standards should be provided through the Dependent Children's Services Division Court Improvement Program website at www.azcip.org; the comment icon is located on the front page of this site. The comment period will expire at the close of business on Thursday, July 31, 2014.

Carolina Sant-Ouons
FOR: HON. PETER CAHILL

Peter Cahill, Presiding Judge, Gila County
Committee on Juvenile Courts, Chair

Draft of Attorney Best Practice Guidelines for Parent Representation

Pursuant to Article VI, Section 3, of the Arizona Constitution, the following Best Practice Guidelines for Dependency Cases (the Guidelines) are issued under the authority of the Supreme Court of the State of Arizona. All attorneys who represent parents and all attorneys appointed as guardian ad litem for parents in dependency cases in the State of Arizona shall adhere to these Guidelines. Privately retained attorneys shall become familiar with these Guidelines. In developing the Guidelines, the Court considered input from system partners in attendance at the *Hearing Their Voices – A Discussion About Parent Representation Symposium*, that was held September 26, 2013, best practices within Arizona and well-accepted standards developed by nationally recognized organizations. In particular, the standards for representation outlined in the American Bar Association’s *Standards for Parent Representation*, and the *Resource Guidelines* published by the National Council for Juvenile and Family Court Judges were instructive in developing the Standards for Arizona. In addition to adhering to the Standards for Dependency, Arizona attorneys and guardians ad litem should be familiar with and consult these national standards and references to ensure the highest standard of practice in this important area of the law.

Arizona Courts shall have broad discretion in enforcing the Guidelines and to impose sanctions when appropriate. Attorneys providing representation in Arizona may also be subject to sanctions under the Arizona Rules of Professional Conduct for failure to adhere to the Standards. Sanctions may include the removal of the attorney or guardian ad litem from a particular case or from representation of parents for a period of time.

- A. The attorney shall promptly identify any potential and actual conflicts of interest that would impair his or her ability to represent the parent. The attorney shall, if necessary, move to withdraw.
- B. The attorney shall make clear to the parent the attorney’s role and ethical obligations, including the concept of privilege and confidentiality.
- C. The attorney shall review the allegations of the dependency petition and clearly explain to the parent the nature of the proceedings including terminology, timelines and courtroom protocol, his or her legal rights regarding the dependency action, various parties and participants associated with the action, ways that the parent can affect case outcomes, consequences of the parent not attending hearings, and possible consequences of being placed on the DES Central Registry.
- D. The attorney shall clearly explain all requirements outlined in the case plan and court orders.
- E. The attorney shall participate in discovery, file pleadings when appropriate, subpoena witnesses, provide the parent with disclosure and court documents and develop the parent’s position for each hearing. The attorney shall ensure the court is notified when an interpreter is needed. If a parent is incarcerated, the attorney shall ensure that the proper notice or motion is filed with the court in order for the parent to participate in the hearing. The duties of the attorney include advocating for appropriate services for the parent.

- F. The attorney shall meet with the parent and have meaningful communication with the parent before the preliminary protective hearing, or as soon thereafter as possible. Prior to every substantive hearing, the attorney shall have meaningful communication with the parent, including the procedural and substantive status of the case. The attorney should reply to communication from a client in a timely manner. The attorney shall establish regular and understandable procedures for communication with a client.
- G. The attorney may use appropriately trained support staff to assist in the performance of the duties listed herein unless otherwise required by law. The support staff performing these duties must adhere to these standards. Attorneys shall examine whether they can ethically handle the number of cases they have.
- H. Attorneys shall be familiar with the child and public welfare systems, and community-based organizations serving parents and how services are accessed. Examples of such services are behavioral health, substance abuse treatment, domestic violence services, developmental disability, health care, education, financial assistance, counseling support, family preservation, reunification and permanency services.
- ~~I.~~ Attorneys shall be familiar with the substantive juvenile law. Attorneys shall stay abreast of changes and developments in relevant federal and state law and regulations, Rules of Procedure for the Juvenile Court, and case law. Attorneys shall complete an introductory six (6) hours of court approved training prior to their first appointment unless otherwise determined by the presiding judge of the juvenile court for good cause shown and an additional two (2) hours within the first year of practice in juvenile court. All attorneys shall complete at least eight (8) hours each year of education and training specifically on juvenile law and related topics such as child welfare policy and procedures, substance abuse and addiction, mental illness and treatment options, psychological evaluations (how to read), domestic violence, the effects of trauma, cultural awareness, social issues surrounding families involved in the dependency process, motivational interviewing, child and adolescent development, (including infant/toddler mental health), the effects of parental incarceration, the Indian Child Welfare Act, parent and child immigration issues, the need for timely permanency, and other training concerning abuse and/or neglect of children. Some or all of this training and continuing education may qualify as mandatory Continuing Legal Education under State Bar of Arizona requirements.

Attorneys shall provide the presiding judge of the juvenile court with an affidavit of completion of the six (6) hour court approved training requirement prior to or upon their first appointment as attorney or guardian ad litem for a parent after the adoption of these standards unless a waiver of this requirement has been obtained from the presiding judge of the juvenile court in which the appointment is to be made. The affidavit of completion shall include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

All attorneys shall file annually an affidavit with the presiding judge of the juvenile court certifying their compliance with this section. Such affidavit shall be filed concurrently with the affidavit of compliance with State Bar MCLE and shall include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

Present at 5/9/14 meeting:

Brenda Oldham, Eileen Bond, Brooke Gaunt, Laura Giaquinto (phone), Maria Hoffman, Caroline Lutt-Owens, Joanne MacDonnell, Bill Owsley, Rob Shelley, Richard Weiss (phone)

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
June 20, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Identification Rule Update

FROM:

PRESENTER(S): Honorable Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: Review of how rule changes to protect victim identification are being applied during this implementation year.

RECOMMENDED MOTION (IF ANY):

**Arizona Supreme Court
Commission on Victims in the Courts**

October 3, 2014 Meeting Agenda
1501 W. Washington St. Phoenix, AZ 85007
State Courts Building, Conference Room 119 A/B
(602) 452-3288 or (520) 388-4330 / Access Code: 3302

Call to Order

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Approval of June 2014 Meeting Minutes**</i>	
	<i>Approve 2015 meeting dates</i>	

Presentations

10:05 a.m.	Victims and the Media	Michael Kiefer, E. J. Montini and Laurie Roberts
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New Business

11:05 a.m.	Superior Court Record Retention & Disposition**	Hon. Pamela Gates
11:20 a.m.	Legislative Review**	Hon. Ron Reinstein

Old Business

11:40 a.m.	Criminal Rule 41, Form 4(a) Proposed Revision**	Kirstin Flores
11:50 a.m.	Victim Identification Rule Update	Hon. Ron Reinstein
12:00 p.m.	Call to the Public	Hon. Ron Reinstein

Adjourn

*****Important Voting Items***

COMMISSION ON VICTIMS IN THE COURTS

Friday, June 20, 2014

10:00 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

Present: Judge Ronald Reinstein, Chair; Timothy Agan, Michael Breeze, , Shelly Corzo-Schafer, Sydney Davis, Judge Timothy Dickerson-*telephonically*, Karen Duffy-*telephonically*, Kirstin Flores, Leslie James, Dan Levey, Keli Luther, Judge Evelyn Marez, Jim Markey, Chief Jerald Monahan, Pam Moreton, William Owsley, Karyn Rasile, Judge Sally Simmons-*telephonically*, Dimple Ann Smith, Judge Richard Weiss, Judge Joseph Welty- *by proxy Joseph Kreamer*, Chief Cindy Winn-*telephonically*

Absent/Excused: Judge Peter Cahill, Judge Elizabeth Finn, Michael Lessler, and Elizabeth Ortiz

Presenters/Guests: Vince Figarelli, Crime Laboratory Superintendent

Staff: Carol Mitchell, AOC; Kelly Gray, AOC

I. Regular Business

A. Welcome and Opening Remarks

The June 20, 2014 meeting of the Commission on Victims in the Courts was called to order by the Chair, the Honorable Ronald Reinstein, at 10:04 a.m.

The Chair asked for member roll call and introductions of staff and guests. The Chair introduced the members recently appointed to this commission; Mr. Tim Agan and Mr. William W. Owsley from the Office of the Legal Advocate, and Chief Jerald Monahan of the Prescott Police Department. He congratulated members reappointed to additional terms; Judge Joseph Welty, Mr. Michael Breeze, Ms. Karen Duffy, Judge Evelyn Marez, and Ms. Sydney Davis.

B. Emergency Evacuation Procedures

Ms. Carol Mitchell explained the emergency procedures for the building including where to exit the AOC Building, procedures for evacuation, where to regroup, and if assistance is needed in the event of an emergency.

If you know you will need assistance evacuating in the event of an emergency, please contact Carol Mitchell at cmitchell@courts.az.gov or by telephone at (602) 452-3965.

C. Approval of February 21, 2014 Minutes

The draft minutes from the February 21, 2014, meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes; there were none.

- Motion was called by Judge Sally Simmons for the approval of minutes; Ms. Sydney Davis seconded; motion passed unanimously.

II. New Business

A. Criminal Rule 41, Form 4(a)

Ms. Kirstin Flores from the Arizona Attorney General's Office discussed a proposed change to Ariz. R. Crim. P. 41, Form 4(a), the "Release Questionnaire." Form 4(a) is to be completed by law enforcement and is used in the initial appearance for the purposes described in Ariz. R. Crim. P. 4.1 – 4.2.

The Attorney General's Victims' Rights Advisory Committee (VRAC) recently discussed the victims' rights of child victims who are in the custody of the Department of Child Safety (DCS). It was proposed that further protection of child victims' rights could be served by adding a question/checkbox to Form 4(a) which indicates if DCS is involved in the case, as law enforcement may not be present at the initial appearance. This proposed question/checkbox will be filled out by law enforcement as part of the "Release Questionnaire," limiting the possibility that the non-offending parent/guardian will answer this question incorrectly when prompted by the judge at the hearing. It was argued that by knowing that DCS is involved in the case gives more information for the initial appearance judicial officer, and further protects child victims by bringing the seriousness of the offense to the attention of the judge.

It was pointed out that there would be implications for law enforcement, and that this proposed change/addition to Form 4(a) must be assessed by various AOC committees and other law enforcement committees/groups to ensure all considerations are discussed. Further, there was discussion about where this proposed question/checkbox would be on the form, if all counties used this form currently, if this proposed question/checkbox would be related to the charge at hand only, and potential issues with contradictory court orders between various courts. It was suggested that this change/addition to Form 4(a) be proposed with the unrelated changes to Ariz. R. Crim. P. 41, Form 4(b), which may be submitted as a rule change through the AOC.

- Motion was called by Ms. Kristin Flores to approve the concept of adding a question/check to Ariz. R. Crim. P. 41, Form 4(a). The details of proposed

question/checkbox will be presented to COVIC at the October 3, 2014 meeting after Ms. Flores meets with VRAC. An additional motion approving/denying the addition of the question/checkbox is required at the October 2014 meeting. Mr. Michael Breeze seconded; motion passed unanimously.

B. Sexual Assault Awareness

Chief Jerald Monahan discussed “Start by Believing” campaign and presented additional information.

The *Start by Believing* campaign is a public awareness campaign that focuses on the public response to sexual assault. *Start by Believing* encourages the public to respond to a victim of sexual assault in a more positive way that can aid victims in the path toward justice and healing. The campaign features unique messaging and campaign materials, web and social media outreach, and opportunities for corporate partnership and support. Chief Monahan presented a slide show that powerfully illustrated the issue of sexual assault and highlighted a few of the initiatives that have been launched.

Though *Start by Believing* is a national campaign, Arizona is a leading supporter of the program. In Chinle, Arizona the Hopi, Zuni, Apache, and Navajo Coalitions rented billboard space to spread the word about *Start by Believing*. Apache Junction became the first Arizona city to issue a proclamation to *Start by Believing*. Many other cities followed Apache Junction, and Arizona State University Police Chief and President also launched the campaign. Additionally, in April 2014, in honor of Victims’ Rights Week, Governor Jan Brewer recognized the *Start by Believing* campaign, and the Arizona House of Representatives proclaimed Arizona to be a *Start by Believing* state. The campaign has recently even reached into Sonora, Mexico through a partnership with Nogales, Arizona.

There was discussion regarding the defendants’ rights and point of view. It was pointed out that this initiative does not impact the defendants’ rights as the standards of probable cause, proof beyond a reasonable doubt, and presumption of innocence are still intact. Many cases will still not be prosecuted as there is a lack of evidence, but there is benefit in encouraging a climate of reporting and speeding the recovery of a victim.

Additionally, there was discussion about the Forensic Nurse independent sexual assault exam. It was pointed out that an Arizona county has a process which delays the commencement of an exam. This county is the only participating county that has this process, leading to a higher rate of examination request denials.

Further, Mr. Jim Markey discussed a free training opportunity in Flagstaff for law enforcement. On August 19, 2014 through August 22, 2014, there will be a multidisciplinary sexual assault investigation class at which he and Karyn Rasile will be presenting. There will be discussions about human trafficking, forensics, prosecution, etc. Please contact an Arizona Peace Officer Standards and Training

(POST) representative for additional information at (602) 223-2514 or <https://post.az.gov/>.

C. DNA Databases: CODIS and Rapid DNA

Mr. Vince Figarelli, Superintendent with the Arizona Department of Public Safety, discussed CODIS and Rapid DNA.

The Combined DNA Index System (CODIS) is a database of DNA profiles of offenders, forensic samples from crime scenes, and missing person related samples that is useful for linking unsolved cases, providing investigative leads in unsolved cases, and providing investigative information in missing person cases. CODIS is a combination of several databases including National DNA Index System (NDIS), State DNA Index System (SDIS), and Local DNA Index System (LDIS). CODIS searches samples collected from relatives of missing persons, missing persons, unidentified human remains, convicted offenders/arrestees (all convicted felons, people arrested of qualifying offenses in Arizona and adjudicated juveniles), and forensic unknowns (non-suspect cases and cases with suspects). Samples NOT searched include victims, investigative leads, consensual sex partners, and known samples.

Arizona began collecting database samples from Convicted Sex Offenders in 1993. Since 2004 Arizona has been collecting DNA samples from all convicted felons pursuant to ARS code §13-610. Since 2008, in addition to collecting from all convicted felons, Arizona has been collecting DNA samples from certain violent arrestees as well. The possibility of solving unsolved crimes increases due to evolving technology can help victims of crime receive justice. As technology evolves, smaller and smaller samples are required to develop DNA profiles, and the length of time it takes to develop that profile is shortened.

The Arizona DPS Rapid DNA Program (“the Program”) is an initiative developed by the Department of Public Safety (DPS) that will dramatically decrease the length of time required to develop a DNA profile for police investigatory purposes.

The Program has three (3) primary uses including providing investigative leads to law enforcement from forensic samples, identification of victims, and identification of apprehended individuals (comparison to forensic unknowns). The Program will not allow upload of arrestee and convicted offender profiles into CODIS or other databases.

The IntegenX RapidHit 200 machines will be located in three (3) DPS laboratories in Phoenix, Tucson, and Flagstaff. The rapid DNA machine generates a DNA profile in about 90 minutes. To begin with, only single source sampling will be available (blood or saliva).

Issues were raised regarding the collection, storage, and searching of victim DNA in the investigative process. Questions were raised about any release statements/documents signed by a victim for collection of DNA during the

investigation of a crime, and if the permission granted allows for storage and searching of the DNA collected in the future. It was pointed out that some Arizona police departments collect and store victim DNA for the purpose of identifying suspects in future cases (“victim today, offender tomorrow” type scenarios). Members of this Commission raised concerns about the legality of this procedure in relation to Fourth Amendment rights. Ms. Dimple Smith agreed to further investigate this issue with the police department(s) in question using this practice.

D. Parent Representation

Mr. William Owsley, from the Office of the Legal Advocate, discussed the proposed Attorney Standards for Parent Representation rule changes.

The Attorney Standards for Parent Representation (the Standards) is a set of proposed guidelines developed through a statewide subcommittee of the Court Improvement Program Advisory Workgroup that all attorneys who represent parents and attorneys appointed as guardian ad litem for parents in dependency cases in Arizona must adhere to. In developing the Standards, the workgroup considered input from system partners in attendance at the *Hearing Their Voices – A Discussion About Parent Representation Symposium* that was held September 26, 2013, best practices within Arizona, and well-accepted standards developed by nationally recognized organizations.

The Committee on Juvenile Courts (COJC) approved the Standards in late May 2014, and the Standards are being disseminated for comment until 5:00 p.m. on Thursday, July 31, 2014. Mr. Owsley invited this Commission to make comments at www.azcip.org before the comment period deadline.

After the comment period expires the COJC will bring the Standards to the Arizona Judicial Council (AJC) in October 2014 for final approval.

E. Legislative Review

The Chair reviewed the documentation provided by Ms. Amy Love, Legislative Liaison for the AOC and highlighted a few pieces of legislation impacting victims. Please click [here](#) to review the legislative materials.

F. Victim Identification Rule Update

The Chair discussed amendments to Ariz. R. Crim. P. 39(b) which will be implemented in the near future.

Recently the Arizona Legislature passed House Bill 2454 (affecting A.R.S. § 13-4434) which further defined what identifying information and locating information a victim has the right not to disclose during testimony unless he/she consents, or the court

orders disclosure. This legislation defines “identifying information” as a victim’s date of birth, social security number and official state or government issued driver license or identification number, and defines “locating information” as the victim’s address, telephone number, e-mail address, and place of employment. These changes are to become effective July 24, 2014.

Ariz. R. Crim. P. 39 substantively mirrors A.R.S. §13-4434, and an amendment to the Arizona Rules of Criminal Procedure is required. The Arizona Supreme Court amended Ariz. R. Crim. P. 39(b)(10) on an expedited basis to include the newly protected pieces of victim information. The Arizona Supreme Court also ordered that this matter be open for comment until September 26, 2014.

Various legal groups/organizations disagree with the amendment to Ariz. R. Crim. P. 39. Concerns were raised about necessity of having the date of birth of a victim for identification purposes in the event of a conflict of interest and/or prior knowledge situations arise (information gained about a victim in a previous privileged context). In response, the county attorney offices indicated that they could perform the required checks; however, the defense bar is opposed to this solution. Defense groups in particular were uncertain about the ability of the county attorney to properly perform these checks as the county attorney offices have limited information. The Chair indicated that the comment period is still open, so additional developments may be forthcoming.

III. Call to Public/Adjournment

A. Good of the Order/Call to the Public

The Chair made a Call to the Public; there were no comments or questions by the public.

B. Adjournment

The June 20, 2014 meeting of the Commission on Victims in the Courts was called adjourned by the Chair, the Honorable Ronald Reinstein, at 11:48 a.m.

C. Next Committee Meeting Date:

Friday, October 3, 2014
10:00 a.m. to 12:00 p.m.
State Courts Building, Room 119 A/B
1501 W. Washington St., Phoenix, AZ 85007

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	2015 Meeting dates

FROM: Commission on Victims in the Courts

PRESENTER(S):

DISCUSSION & TIME ESTIMATE: The following Fridays are tentatively proposed for future meeting dates and will be finalized and distributed to the membership by December 2014, once the Arizona Judicial Commission sets its meeting schedule:

- *February 20, 2015*
- *June 12, 2015*
- *October 2, 2015*

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Victims and the Media

FROM:

PRESENTER(S): Michael Kiefer, E. J. Montini, and Laurie Roberts

DISCUSSION & TIME ESTIMATE: (60 min) Three of the Arizona Republic's top reporters will share their insight on victims' perception of the justice system and how the media strikes a balance between telling a victim's story and inappropriate media coverage.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	REVISION OF ACJA § 3-402: SUPERIOR COURT RECORDS RETENTION AND DISPOSITION SCHEDULE

FROM: Committee to Revise Arizona Code of Judicial Administration § 3-402: Superior Court Records Retention and Disposition Schedule

PRESENTER(S): Judge Pamela S. Gates (Chair), Superior Court in Maricopa County

DISCUSSION & TIME ESTIMATE:

The strategic agenda of the Arizona Judiciary, *Advancing Justice Together*, calls for review of Arizona's court rules so that they are restyled, simplified, and clarified.

This past January, the chief justice established the Committee to Revise Arizona Code of Judicial Administration §3-402: Superior Court Records Retention and Disposition to make the schedule simple, clear, and easy to understand. The committee expects to present its final product to the Arizona Judicial Council (AJC) in October. If the AJC approves the new schedule, and the chief justice adopts it, the Administrative Office of the Court's (AOC's) Internet Technology Division will then program the automatic destruction of electronic case records into statewide electronic document and data systems, while courts will continue to individually destroy paper records.

Some significant revisions proposed by the committee include:

- In the current GJC records retention schedule, order of protection case files and injunction against harassment and injunctions against workplace harassment case files all appear together in the same category, with a 5-year retention period. Furthermore, under the current schedule, these case files are not transferred to Arizona State Library, Archives, and Public Records (LAPR). In the new, proposed schedule, the Clerks of Court requested that order of protection case files be separated out into their own category, with a 50-year retention period, while injunctions against harassment and injunctions against workplace harassment be treated as *civil* case files, also with a 50-year retention period. Also, the committee believes that injunctions against harassment and injunctions against workplace harassment case files are not as sensitive as order of protection case files, and can be transferred to LAPR for permanent safe-keeping.

- Removing probation records from the schedule, both adult and juvenile, with the agreement that those records will be set out in a new probation records retention schedule.
- Adding a new column to the schedule, on the recommendation of LAPR, to identify whether a particular record will be retained permanently at LAPR – or on rare occasion, permanently at the court.
- Avoiding confusion in the courts and maintaining consistency across court levels by providing parallel definitions, requirements, and general provisions between the general jurisdiction and the concurrently revised limited jurisdiction court records retention schedule, wherever possible.

RECOMMENDED MOTION (IF ANY): To recommend approval to AJC of ACJA § 3-4302: Superior Court Records Retention and Disposition Schedule, as proposed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 3: Superior Court
Chapter 4: Administration
Section 3-402: Superior Court Records Retention and Disposition Schedule

A. Definitions. In this section the following definitions apply:

“Case data” means the electronic information about a case, but not images of documents, maintained by the clerk or the court, generally found in a case management system, and often posted to the or the court’s website.

“Case file” means ~~the original~~ all documents or and other material, regardless of physical form filed with the clerk of the court in an action or proceeding ~~in a court~~, either in paper or electronic format, and includes items such as CDs, DVDs, or other material requiring the use of a computer to read, as well as oversized items that do not fit within a typical paper case file or that exceed the size permitted to be filed through the e-filing system, depositions and transcripts. *Case file* includes case management system data but does not include exhibits submitted at a hearing or a trial.

“Clerk of Superior Court” or “Clerk” means the person who is appointed or elected in each county for the purpose of keeping and disposing of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the superior court.

“Closed” means that the case is no longer subject to modification pursuant to Rule 94(h), Rules of the Supreme Court.

“Date received,” means the date records are received by the clerk or court.

“Destruction” or “destroyed” means to discard by burning, shredding, recycling, or by depositing in a public landfill.

“Dispose” means to destroy a record or transfer a record to archives, depending upon the context.

“File” or “filed” means the record was delivered to and file stamped by the Clerk of Court.

“Historically significant case” means a case involving a unique legal issue or controversy, prominent party, or other high profile or newsworthy aspects, and that has been so designated pursuant to the process established in subsection (F) of this section.

“Landmark case” means a case that meets the requirements of Rule 111(b), Rules of the Supreme Court, has been the subject of a published appellate court opinion as that

~~term is defined by Rule 111(a)(1), and has been so designated pursuant to the process established in subsection (F) of this section.~~

~~“Microfilming” means the reproduction on microfilm of the original record in accordance with the minimum standards for microfilming as established by nationally accepted records and information management process standards.~~

~~“Purge” means to remove and destroy records in a case file pursuant to subsection (D) of this section.~~

“Records manager” means the person or persons responsible for keeping and disposing of any records held by the superior court or any department of the superior court, other than the records held by the clerk of superior court.

~~“Retention period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event, such as entry of judgment or after reference value served.~~

“State Library, Archives, and Public Records (LAPR)” means the division of the Arizona Secretary of State that is the archives for Arizona state government, which is mandated by law to collect, preserve and make available to the public and all branches of government, permanent public records, historical manuscripts, photographs and other materials that contribute to the understanding of Arizona history.

B. General Provisions.

1. Permanent records. At the end of the Retention Period with Court, set forth in the table in section D below, the clerk or the records manager must transfer to LAPR all records, regardless of format, that have a retention period designated as *permanent*, unless otherwise instructed by LAPR. The clerk and the records manager must work with LAPR to follow LAPR’s established requirements for transfer.
2. Early transfer of records to LAPR. Clerks and records managers at courts with insufficient records storage areas may transfer records to LAPR that are within 5 years of the end of their Retention Period with Court.
3. Electronic case files and case data. At the end of the Retention Period with Court, set forth in section D below, the clerk and the records manager must destroy electronic case files and case data not designated as having a retention period of *permanent*. Electronic case files designated as having a retention period of *permanent* must be transferred to LAPR at a time when LAPR has the capacity to accept electronic records.

4. Paper case files and administrative records. At the end of the Retention Period with Court, set forth in section D below, the clerk may destroy case files that are primarily in paper format, and the clerk and the records manager may destroy other records, regardless of format, not designated as having a retention period of permanent. Paper case files and other records designated as having a retention period of permanent must be transferred to LAPR.
5. Microfilm. Until national standards for the long-term preservation of electronic records are in place, records transferred to LAPR pursuant to the provisions of this schedule shall be in either paper or microfilm format. For any records that are microfilmed, the film negative shall also be sent to LAPR.
6. No duty to migrate to new technology. The clerk and the records manager are not responsible for migrating to new technology any material filed in an action or proceeding that is recorded in a format, such as CD and DVD that must be read by a computer.
7. Conflicting authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in statute or the schedule, applies.
8. Sealed files. A case file or portions of a case file sealed by order of the court must remain sealed in perpetuity, unless otherwise ordered by the court that issued the order sealing the case file or portions of the case file.
9. Completeness of schedule. This records retention and disposition schedule is intended to cover all superior court records. If a record cannot be located in this schedule, the clerk or the records manager should use his or her best judgment to place a record within a category that is already identified.
10. LAPR Retention. The column titled LAPR Retention, set forth in the table in section D below, is intended to inform courts about what occurs with court records once the records leave the judicial branch. This code section does not set policy for the executive branch of the State of Arizona.
11. Destruction of non-permanent records. When a paper case file or other paper record is eligible for destruction, the clerk and the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents, data, or other records shall be deleted from all electronic repositories in which they reside, including servers and hard drives. The court may keep a list, containing minimal information, such as case number, case type, party name, and date of destruction, capturing any case files or other records destroyed, so that the court will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

BC. Authority. Az. Const. Art. 6, §§ 3 and 23 authorize the supreme court to administer the courts of this state and to establish duties for the clerk of the superior court in each county by rule. A.R.S. § 41-1339~~151.09~~ requires superior court clerks to transfer all permanent files to ~~the Director of the Arizona State Library Archives and Public Records (ASLAPR) LAPR~~ at the end of their prescribed retention period, pursuant to court rules. Rule 29, Rules of the Supreme Court, requires the court to adopt retention and disposition schedules ~~and purge lists~~ for court records.

CD. Retention and disposition schedule. The clerks of superior court or the records manager shall retain and dispose of superior court records according to the following schedule:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule FOR USE BY SUPERIOR COURT		
Type of Record	Retain (Yrs)	Remarks
1. COURT CASE FILES	-	<p>Case records designated for retention for a period of “50 years (for cases filed after 1959)” must be transferred to the state archivist for permanent storage and not destroyed at the end of the 50 year retention period. For example, in the year 2011, a civil malpractice case record filed in 1960 must be transferred to the state archivist.</p> <p style="text-align: center;">-</p> <p>Case records designated for retention for a period of “Permanent (for cases filed prior to 1960)” may be either retained in the custody of the clerk of court or transferred to the state archivist and not destroyed. For example in the year 2011, a civil malpractice case record filed in 1959 may be transferred to the state archivist or retained by the clerk at the clerk’s discretion.</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — Domestic violence — Reciprocal divorce — Support enforcement 	<hr/> Permanent (for cases filed prior to 1960)	Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention. - These files shall not be purged. Microfilming is allowed at any point after the case is closed. (See subsection D). <hr/> These files shall not be purged. Microfilming is allowed at any point after the case is closed. (See subsection D).
<ul style="list-style-type: none"> (3) Domestic Relations Cases without children — Dissolutions — All other unspecified domestic relations case categories 	50 (for cases filed after 1959) - <hr/> Permanent (for cases filed prior to 1960)	Retention period begins following the year filed. - As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention. - These files shall not be purged. - Microfilming is allowed at any point after the case is closed. (See subsection D). <hr/> These files shall not be purged. Microfilming is allowed at any point after the case is closed. (See subsection D).
<ul style="list-style-type: none"> (4) Dismissed Domestic Relations Cases with or without children - 	50 (for cases filed after 1959)	Retention period begins following the year filed. - As provided by Rule 29, Rules of the Supreme Court, at the end of the retention

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
	<hr/> Permanent (for cases filed prior to 1960)	<p>period required by this section, transfer these court records to ASLAPR for permanent retention.</p> <p>-</p> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p> <hr/> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p>
(5) Orders of Protection/Injunctions Against Harassment	5	<p>Retention period begins following the year filed.</p> <p>-</p> <p>Case file may be destroyed.</p> <p>-</p> <p>Microfilming and/or transfer to ASLAPR not required.</p>
(6) Demand for Notice (including non case specific filings, i.e. Arizona Health Care Cost Containment System (AHCCCS) clients who have died)	2	<p>After date received.</p> <p>-</p> <p>Document may be destroyed.</p>
(7) Mental Health	50 (for cases filed after 1959) <p>-</p>	<p>Retention period begins following year filed.</p> <p>-</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention.</p> <p>Not authorized for purging.</p> <p>-</p> <p>Microfilming is allowed at any point after the case is closed. (See Subsection D).</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — statement of claimant — exhibits — written hearing transcripts 		<p>These records are to be permanently maintained by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming. Microfilming is allowed five years after the year filed.</p> <p>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</p>
(b) Office of the Special Master		<p>The office of the special master shall classify, label, and purge the following records before transferring them to the clerk.</p>
<ul style="list-style-type: none"> — Historical materials — Public information materials — Case management and procedures — Non Rule 53 Special Master's reports 	Permanent	<p>Not authorized for purging by the clerk.</p> <p>These records are to be permanently maintained by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming. Microfilming is allowed five years after the date they are received by the clerk.</p> <p>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</p>
<ul style="list-style-type: none"> — Appellate proceedings — Legislative materials — Legal research materials — Special Master's rules - 	25	<p>After the date they are received by the clerk.</p> <p>The records may be microfilmed five years after they are received by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming.</p> <p>Transfer to ASLAPR not required.</p>
<ul style="list-style-type: none"> — Administrative, financial, — human resource records 	-	<p>Retain and dispose in accordance with the applicable sections of this schedule.</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
(11) Transcripts and Depositions (all case categories)	-	These materials are part of the case file and accordingly follow the retention period established for the civil case type in which they were prepared.
b. Criminal (1) General (excluding capital felony cases) - -	50 (for cases filed after 1959) - <hr/> Permanent (for cases filed prior to 1960)	Retention period begins following the year filed. As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. Criminal history records produced by DPS and filed with the Superior Court may be destroyed without microfilming 30 days after sentencing provided no appeal filed, or 30 days following appellate court ruling. Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D). <hr/> Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D).
(2) Capital Felony Cases	Permanent	Not authorized for purging. - As provided by Rule 29, Rules of the Supreme Court, clerks shall transfer these records to ASLAPR for permanent retention 100 years after the date of conviction. Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
(3) Transcripts and depositions (all case categories)	-	These are part of the case file and accordingly follow the criminal case type retention time frame.
e. Juvenile (confidential, A.R.S. Title 8, Chapter 1)	-	-
(1) Adoptions, including pre-adoption certifications, motions for birth parent expenses and sealed adoption materials -	100 -	Following the granting, denial, dismissal or expiration of the matter as to all children. - The juvenile court may authorize the microfilming of these cases. - At end of retention period, all files, records, reports and other documents in possession of the court relating to the adoption must be transferred to ASLAPR. Reference A.R.S. §§ 8-116 and 121.
(2) Abortions	-	Microfilm and dispose in accordance with court order.
(3) Delinquencies (includes citations, juvenile orders of protection, injunctions against harassment, incorrigibility and sealed delinquency materials)	-	After satisfaction of A.R.S. § 8-349 or following juvenile's 30 th birthday, A.R.S. § 13-912. - Microfilm and dispose in accordance with court order. The juvenile court may authorize the microfilming or destruction of these cases or orders of protection /injunctions against harassment issued pursuant to A.R.S. § 13-3602.
(4) Dependency (includes Indian Child Welfare Act Cases. Also includes sealed dependency materials)	100 (for cases filed after 1959)	From date of dismissal as to all children. - As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention. Microfilm and dispose in accordance with court order.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
	Permanent (for cases filed prior to 1960)	Microfilm and dispose in accordance with court order.
(5) Severance (includes relinquishments and sealed severance materials)	100 (for cases filed after 1959) - Permanent (for cases filed prior to 1960)	From date of granting, denial, dismissal or expiration of the matter as to all children. - As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention. The juvenile court may authorize the microfilming or destruction of these cases. - The juvenile court may authorize the microfilming or destruction of these cases.
(6) Juvenile traffic and other violations	-	After child reaches age nineteen. Microfilming and/or transfer to ASLAPR not required. - Violation document may be destroyed.
(7) Juvenile case exhibits (applies to all juvenile case categories)	-	May be disposed following dismissal, disposition or final appellate ruling, or the Juvenile Court may otherwise authorize release or destruction of these exhibits in accordance with applicable provisions of the code of judicial administration, administrative order, court rule, or statute.
(8) Juvenile case transcripts and depositions (all juvenile case categories)	-	These are part of the case file and accordingly follow the juvenile case type retention time frame.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
		- The Juvenile Court may authorize earlier destruction.
d. Lower Court Appeals Civil or Criminal	-	-
(1) Remanded civil cases	-	After satisfaction of Rule 12(e), Superior Court Rules of Appellate Procedure Civil.
(2) Remanded criminal cases	-	After satisfaction of Rule 12, Superior Court Rules of Appellate Procedure Criminal.
(3) Remanded case transfer index (and associated remand minute orders)	5	Following the date of the remand order. - Case file may be destroyed.
(4) All other categories (including city court cases)	-	Refer to Rule 12, Superior Court Rules of Appellate Procedure Civil and Criminal for disposition.
(5) Photocopies of remanded cases	-	After reference value served. Copies may be destroyed.
(6) Trial De Nove	-	See Rule 30, Rules of Criminal Procedure.
Criminal traffic and eriminal non traffic, civil traffic and civil non traffic	5	After dismissal, final order, judgment or stipulation.
e. Grand Jury Records	-	-
(1) Empanelment documents	5	After panel dismissed. Retention period starts at end of empanelment term. - Empanelment documents may be destroyed.
(2) Minutes of grand jury votes	1	From date of minutes. - Minutes may be destroyed.
(3) Court reporter notes (a) Where a no true bill issued	10	From date of proceeding. These notes normally will not have been transcribed, since in these matters no indictment is issued.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
—(b) Where a true bill is issued	-	See section 2, Official Court Records (below). Court reporter notes must be transcribed in any grand jury proceeding from which an indictment is issued pursuant to A.R.S. § 21-411 and Rule 12.8(e), Rules of Criminal Procedure.
(4) No true bill/admonitions/readings/dismissed/miscellaneous documents	±	From date of document or dismissal. - Document may be destroyed.
f. Miscellaneous Filings	-	-
(1) Administrative orders	10	From date of issue. Provide copy to the current presiding judge for evaluation and re-issue, if contents of order are still valid. Transfer original or microfilm of these records to ASLAPR for permanent retention. (See section 6.d. Presiding Judge business papers, below)
(2) Landmark cases	Permanent	See subsection F, Historically Significant and Landmark Cases. - Case file shall be maintained intact, if not already purged at time of designation. - Microfilming is allowed, but original paper file shall be transferred to ASLAPR, if available, at end of retention period applicable to the case type.
(3) Historically Significant Cases	Permanent	See subsection F, Historically Significant and Landmark Cases. - Case file shall be maintained intact, if not already purged at time of designation. - Microfilming is allowed, but original paper file should be transferred to ASLAPR if available, at end of retention period

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
		applicable to the case type.
(4) "Sealed by Order of the Court" records	-	Retain and dispose in accordance with applicable case type.
(5) Special Warrants	-	-
— Confidential Wire Taps	±	Retention period begins following year filed. Return to prosecutor. Confidential. See A.R.S. § 13-3918.
— Pen Registers	±	Retention period begins following year filed. Return to prosecutor or other responsible agency.
(6) Other (Search Warrants, Trap and Trace, Handwriting Exemplars)	±	Retention period begins following year filed. See A.R.S. § 13-3918. -
2. OFFICIAL COURT RECORD (including electronic recordings of proceedings)	-	-
a. Criminal non-capital cases. These records include all verbatim records of proceedings held in a non-capital criminal case including grand jury, writs of habeas corpus and all other criminal matters.	-	In cases where defendant is tried in absentia or where defendant fails to appear for sentencing, court reporter notes must be transcribed.
(1) Court reporters' notes (paper or electronic)	10	The retention period begins after the date notes taken.
(2) Other electronic recordings of proceedings	10	After the date proceeding recorded.
b. Criminal capital cases. These records include all verbatim records of proceedings held in a capital case, including grand jury and writs of habeas corpus	-	-
(1) Court reporters' notes (paper or electronic)	50	The retention period begins after the date of sentencing.
(2) Other electronic recordings of	50	After the date of sentencing.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
proceedings		
e. Juvenile (confidential, A.R.S. § 8-120)	-	-
(1) Court reporters' notes (paper or electronic)	10	After the date notes taken.
(2) Other electronic recordings of proceedings	10	After the date proceeding recorded. -
d. Non-criminal	-	-
(1) Court reporters' notes (paper or electronic)	5	After the date notes taken.
(2) Other electronic recordings of proceedings	5	After the date proceeding recorded. Rule 43(k), Rules of Civil Procedure, or local rule, whichever retention period is shorter.
3. EXHIBITS	-	-
a. Civil (includes domestic relations, probate, mental health, arbitration and other civil case types)	-	Following dismissal, disposition or final appellate ruling. - Retain, return, or destroy in accordance with court order.
— With ordered disposition	-	After satisfaction of court order.
— Without ordered disposition	30 days	After mailing notice to responsible parties to claim evidence. (Case must be 30 days post-adjudication and not on appeal.) Rule 94(h), Rules of the Supreme Court.
b. Criminal	-	-
— With ordered disposition	-	After satisfaction of court order.
— Without ordered disposition	-	After satisfying Rule 28.1, Rules of Criminal Procedure.
4. RECORDS CREATED OR RECEIVED BY CLERK'S OFFICE	-	-
a. Bail Bondsmen affidavits	3	After termination of privileges pursuant to Rule 7.1(f), Rules of Criminal Procedure.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
b. Dockets and computerized records created in compliance with Rules 94(e) and 94(g), Rules of the Supreme Court	-	After reference value served.
—Indices or dockets and registers of action (if used as indices)	Permanent	-
e. Correspondence concerning copies of records and information	-	After reference value served.
d. Criminal or civil cash bonds	3	After exonerated. -
e. Fingerprint cards (administrative purposes)	-	Return to prosecutor or other responsible agency.
f. Marriage affidavits	Permanent	Destroy after microfilming.
g. Marriage licenses/certificates	Permanent	Destroy or mail to couple after microfilming.
h. Notary affidavit applications and bonds	-	After expired.
i. Powers of attorney to write bonds	-	After expired or revoked.
j. Process server applications	4	After expired or new application received.
k. Process server investigations/sanctions	4	After completion.
l. Public officials financial disclosure statements	3	After filed. Refer to A.R.S. §§ 38-541 through 545.
m. Wills filed in accordance with A.R.S. § 14-2901(Laws 1973); repealed 1984	90	From the date of the will's creation. -
5. COURT FINANCIAL RECORDS —(original and electronic records)		
a. Banking records—All	3	After fiscal year prepared or received.
b. Cash books and supporting records for non bond accounts (includes receipts and distribution recordings)	3	After fiscal year prepared or received.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
e. Cash books and receipts for bond trust accounts	5	After fiscal year prepared or received.
d. Child support payment records	5	After fiscal year of payment and satisfaction of arrearages.
e. Child support enforcement (including IV D cases)	-	-
— Computer program conversion data	3	After fiscal year conversion of hardware and software completed. 45 C.R.F. § 74.53
— Individual computerized files	3	After fiscal year of payment and satisfaction of arrearages. 45 C.F.R. § 74.53 -
f. Court payment orders (visiting judges, court reporters, law library, attorney fees, etc.)	3	After fiscal year paid.
g. Expense accounting records	3	After fiscal year paid.
h. Financial summary reports	-	-
— Budget — operational	3	After fiscal year prepared.
— Monthly budget reports	3	After fiscal year prepared.
— Quarterly or annual reports	5	After fiscal year prepared. Evaluate for further retention.
— Other financial reports	3	After fiscal year prepared.
i. Journal entries for restitutions, fines and reimbursements	3	After fiscal year of payment and satisfaction.
j. Juror vouchers	3	After fiscal year prepared.
k. Minimum accounting standards reports	3	After prepared.
6. COURT ADMINISTRATION	-	-
a. Calendars	-	After reference value served.
b. Records of visiting judges	3	After fiscal year prepared.
e. Court visitor (investigator) files	10	After prepared. Reference A.R.S. § 14-5303
d. Former Chief Presiding Judge	-	After satisfaction of term. Arrange transfer to

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
business papers. This records series consists of records generated by presiding judges to provide guidance, direction and/or general information related to the administration or non case related business operations of the court. Business papers include general correspondence and administrative orders.		ASLAPR. - These records may be sent to ASLAPR at the discretion of the presiding judge, clerk of court, or court administrator.
7. ADMINISTRATIVE RECORDS	-	-
a. General correspondence	-	After reference value served.
b. Employee time sheets (official copies at county finance)	-	After reference value served. -
e. Statistical reports	5	After prepared. Evaluate for further retention.
8. JURY COMMISSIONER RECORDS	-	Lists generated in accordance with A. R. S. Title 21, Chapters 3 and 4.
a. Master jury list	-	Destroy after new list created in accordance A.R.S. § 21 301.
b. Master jury file	-	Destroy after new list created. Reference A.R.S. § 21 312.
e. Juror questionnaires	90 days	After receipt. Ref. A.R.S. § 21 314(B).
d. Other juror lists (panels, pools, and other records)	-	-
— Juror records containing financial information	3 years	After fiscal year prepared. -
— Non financial juror records	-	After reference value served.
9. COJET RECORDS	As required by COJET	Reference Administrative Guidelines for Judicial Education in Arizona.
10. HUMAN RESOURCE RECORDS	-	-
a. Applicant medical certification form	5 -	After termination for employees, or 2 years from date of application for non employees.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
b. Background investigations	5	After termination.
e. Classification/re-class of positions	3	After request is acted on.
d. Criminal history background checks	-	-
— No finding	6 mos.	After fiscal year prepared.
— Finding	1	After fiscal year prepared.
e. EEOC 4 including background information	2	After prepared.
f. Employee medical files/ exposure records and pre-employment physicals	30 -	After termination (20 C.F.R. § 1910.20). These records must be retained separately from the employee personnel file.
g. Official employee personnel files	5	After termination. -
h. Employee supervisor files	6 mos.	After termination/transfer.
i. Employment eligibility verification form I-9 (proof of legal residency in U.S.A.)	3	After employee termination but not less than 3 yrs after date of hire (8 C.F.R. § 274a.2).
j. Grievance/appeals and supporting documentation	3	After resolution.
k. Hiring documents, including application, selection promotion and interview records	2	After calendar year received or prepared (29 C.F.R. § 1602.31).
l. Judicial certifications	3	After filed.
m. Layoff/reduction in force (RIF) documents, including computation documents and recap summary)	5	After layoff or RIF is complete. -
n. Occupational safety and health records, including workers' compensation accident reports and annual summaries	5	After calendar year reported. (29 C.F.R. § 1952.4).
o. Payroll deduction records	3	After fiscal year created.
p. Position descriptions	3	After superseded or abolished.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
q.—Psychological evaluations for applicants	5	After termination for employees, or 2 years from date of application for non-employees.
r.—Psychological evaluations for employees who are applying to carry firearms	5	After termination of employment.
11. PRETRIAL SERVICES RECORDS	-	-
—Case supervision files	1	After case disposition.
12. ADULT PROBATION RECORDS	-	-
a.—Case files	3	After expiration or termination of probation.
b.—Intensive Probation Supervision (IPS) financial records	3	After program completion or termination.
c.—Progress and activity reports	2	After fiscal year prepared.
d.—Work furlough records	-	-
—Case management files	1	After program completion or termination.
—Financial records	3	After program completion or termination.
13. JUVENILE PROBATION RECORDS	-	-
a.—Juvenile social files	18 th birthday	Rule 19(A)(2), Rules of Procedure for the Juvenile Court.
b.—Juvenile dependency files	18 th birthday	A.R.S. § 8-349 (For court case files see section (1)(c) of this schedule.)
c.—Reports and studies	-	-
—Detention	5	After fiscal year prepared.
—Program Services	5	After fiscal year prepared.
—Probation	5	After fiscal year prepared.
—Admin. Services	5	After fiscal year prepared.
—Intake	5	After fiscal year prepared.
—Caseload Printout	5	After calendar year prepared.

**ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT**

Type of Record	Retain (Yrs)	Remarks
d. Juvenile Treatment Services Fund (JTSF) records (checking account with original copy retained by supreme court)	5	After fiscal year prepared.
e. Probation records (working files including psychiatric/psychological evaluations and probation officer reports)	-	After fiscal year prepared.
— Non adjudicated juveniles	45 days	After 18th birthday.
— Remanded juveniles	45 days	After 25th birthday.
— Adjudicated juveniles (without — criminal records)	45 days	After 25th birthday.
— Adjudicated juveniles (with criminal records)	45 days	After ordered by the court per A.R.S. § 8-349.

~~**D. Case File Purge Procedures.** This list identifies records that can be removed and destroyed from civil, domestic relations, and criminal case files before microfilming. For other types of case files, the determination of what to retain and what to purge after microfilming is left to the discretion of the local court. Destruction of original records is subject to notification requirements of ASLAPR. The method used to destroy records is at local court discretion, however, confidential and sealed records shall be destroyed by shredding, burning, or other means that will obliterate the records.~~

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
<p>For the purposes of this purge list, civil cases are defined as case files that are not domestic relations, probate, mental health, tax appeals, criminal, or juvenile.</p> <p>When a civil case is closed, whether by judgment, dismissal or settlement, and all appeals deadlines have passed, the case is “no longer subject to modification,” pursuant to Arizona Supreme Court Rule 94(h), and is eligible for purging. The documents listed herein can be purged (removed) from the file and destroyed before microfilming the file content.</p>	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
All tagged exhibits must be processed in accordance with the Rules of Civil Procedure.	
AFFIDAVIT	COMPLAINT
◆ Relating to discovery matters	◆ Initial
NOTICE OF:	◆ amended
◆ Appointment of auditor/receiver	SUMMONS
◆ Appearance	ACCEPTANCE AND RETURN OF SERVICE
◆ Appointment of special process server	CROSS CLAIMS
◆ Association of counsel	COUNTER CLAIMS
◆ Change of judge	INTERVENORS
◆ Delinquent briefs	JOINDER OF ADDITIONAL PARTIES
◆ Deposition	INTERPLEADER
◆ Disclosure	AFFIDAVITS
◆ Filing foreign judgment and affidavit	◆ Keep all affidavits except those relating to discovery matters
◆ Filing of reporter=s transcript of evidence	NOTICES
◆ List of witnesses and exhibits	◆ Of appeal
◆ Sheriff=s sale	◆ Of voluntary discovery
◆ Trial date	◆ Of filing of bankruptcy
◆ Witnesses	◆ Of publication
◆ Receipts (unless return of service of process is indicated)	◆ Of seizure of vehicles
◆ Acceptance of offer of judgment	REQUEST/PETITIONS/DEMANDS
◆ Offer of judgment	◆ for writ of assistance and order
◆ Settlement	◆ intervenor
◆ Withdrawal of answer	ANSWERS/RESPONSES
◆ Appointment of guardian ad litem	◆ to complaint, initiating action
◆ Dismissal	REPLIES TO COUNTER CLAIMS
MOTIONS FOR:	THIRD PARTY ACTIONS
◆ Accelerated hearing/trial date	STIPULATIONS/CONSENT

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Change of venue	◆ of dismissal
◆ Leave to exceed page limitation	◆ keep all judgments and orders even if they are attached to documents that are on the discard list
◆ Pretrial discovery/disclosure	Some examples of judgments and orders follow
◆ Summary judgment	◆ declaratory judgment
◆ Directed verdict	◆ default judgments
◆ New trial	◆ dismissals
◆ Additional disclosure	◆ final order in condemnation
◆ Failure to join party	◆ release of judgment
◆ More definite statement	◆ relief from judgment or order
◆ Reargument	◆ special verdicts
◆ Voir dire examination	◆ findings of fact, conclusions of law
◆ Judgment	◆ judgments against garnishee
◆ Sanctions	◆ in forcible detainer
MOTIONS TO:	◆ arbitration award
◆ Dismiss (i.e., for lack of jurisdiction, insufficiency of process, failure to state claim, etc.)	◆ order for name change
◆ File delayed appeal	◆ judgments
◆ Quash/prevent issuance of subpoena	◆ verdicts
◆ Stay proceedings	◆ order for joinder
◆ Transfer	◆ minute entries that contain the words "ORDER" or "IT IS ORDERED" or similar statements
◆ Waive applicable time limits	WRITS
◆ In limine	RETURN OF
◆ Consolidate	◆ receipts for exhibits or evidence
◆ Enlarge time for answer	◆ registered mail receipt cards or letters
◆ Quash warrant/writ	SATISFACTION OF
◆ Withdraw default/default judgment	◆ judgment
◆ Compel discovery	◆ judgment against garnishee

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Extended time limits within which to file pre trial motions	◆ partial satisfaction of amended judgment
◆ Release bond	BOND/DEPOSITS
◆ Set trial	◆ except if there is an indication that the bond is exonerated
◆ Suppress	APPELLATE MANDATE
◆ Vacate conference/hearing	ACCEPTANCE OF SERVICE
◆ Demurrer to complaint	SUPREME COURT MANDATES
◆ Amend complaint	MINUTE ENTRIES THAT INCLUDE COURT ORDERS
◆ Continue	EXHIBITS DISPOSAL PROCEDURES
◆ Exonerate bond	
◆ Strike	
◆ Withdraw counsel	
REQUEST/PETITIONS FOR:	
◆ Jury trial	
◆ Production	
◆ Trial	
◆ Intervenor	
◆ Writ of assistance and order	
◆ Leave to file cross claim	
◆ Appointment of private process server	
◆ Pre trial conference	
◆ Transcript	
◆ Admit	
◆ Admission	
◆ Relief for judgment or order	
APPLICATIONS FOR:	
◆ Attorney fees	
◆ Certification of interlocutory appeal	
◆ Confirmation of arbitration award	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Continuing lien on non exempt earning	
◆ Special juries	
◆ Supplemental proceeding and order	
◆ Garnishment	
ANSWERS/RESPONSES TO:	
◆ Demand for early trial date	
◆ Motion to continue	
◆ Motion to demand jury trial	
◆ Motion to extend time to file motions	
◆ Motion to file delayed appeal	
◆ Motion to preserve evidence	
◆ Motion to suppress	
◆ Notice of change of judge	
◆ Request for production	
◆ Motion for sanctions	
◆ Motion to dismiss	
◆ Application for certification of interlocutory — appeal	
◆ Garnishment	
◆ Interrogatories	
◆ Motion for new trial	
REPLIES TO:	
◆ Responses to demand early trial date	
◆ Responses to motion to demand jury trial	
CERTIFICATES:	
◆ Controverting certificates	
◆ Of appointment	
◆ Of readiness	
◆ Of discharge of notice of lis pendens	
STIPULATION/CONSENT:	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Settlement agreement	
◆ To extend time	
◆ For substitution of counsel	
◆ To substitution of parties	
JUDGMENTS/ORDERS:	
◆ Executed or quashed body attachments/civil arrest warrants	
RETURNS:	
◆ Sheriff=s return on execution	
◆ Of writs	
◆ Of sale of personal property under Special Execution and Order of Sale	
BONDS/DEPOSITS:	
◆ Bond attachment	
◆ Exonerated bond	
STATEMENTS OF FACT/BRIEFS:	
◆ Statement of Fact	
◆ Brief schedule	
◆ Briefs	
FINANCIAL RECORDS:	
◆ Bookkeeping record	
◆ Credit memo (e.g., paid answer, appellee fee, cost bond, etc.)	
CLERK OF COURT WORK SHEETS:	
(E.g., for arguments, office/pre trial conference, trials, evidentiary hearings, etc.)	
CORRESPONDENCE:	
(E.g., letters of transmittal, confirmation of dates, rescheduling problems, etc.)	
Depositions	
Disclaimer of Process Server	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
Documents	
Impeachment Envelopes and Contents	
Interrogatories	
Medical Records	
Letters/Memoranda	
Proposed Jury Instructions/Prayers	
Statement of Costs and Notice of Taxation of Costs	
Subpoenas	
Transcripts:	
–(Except default hearing transcripts)	
Justice Court Docket Page	
Superior Court Appeals Index	
Minute Entries That Are Not Orders:	
–(i.e., that do not contain wording that is ORDERED. :”)	
Satisfaction of Judgment for Jury Fees	

DOMESTIC RELATIONS CASE FILE PURGE LIST

Domestic Relations cases include Civil Paternity, Dissolutions, Divorce, Domestic Custody, Domestic Relations, Domestic Violence, Reciprocal Divorce, Support Enforcement, and other Unspecified Domestic Relations cases.

Case Disposition Type	Documents to be Retained
(a) Dismissed cases (of all documents except those listed here are eligible for purging)	–Initial petition –Final order of dismissal
(b) Domestic Relations cases that did not end in dismissal	Retain file contents intact, do not purge

CRIMINAL CASE FILE PURGE LIST

Case Disposition Type	Documents to be Retained
(a) Cases ending in acquittal of all defendants or dismissal of all defendants (all documents except those listed here are eligible for purging)	<ul style="list-style-type: none"> — Initiating document (i.e. initial indictment, complaint and information sheets) — Verdict (for acquittals) — Judgment/order or minute entry of dismissal/acquittal
(b) Cases not ending in acquittal or dismissal of all defendants	Retain file contents intact, do not purge

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
<u>CASE FILES HELD BY THE CLERK OF COURT</u>				
1.	<u>CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u>
2.	<u>CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
3.	<u>FAMILY LAW CASE FILES, including paternity, and all other matters arising out of Title 25, A.R.S., FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
4.	<u>FAMILY LAW CASE FILES, including paternity, and all other matters arising under Title 25, A.R.S., FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
5.	<u>ORDER OF PROTECTION CASE FILES</u>	<u>50 years from the year the case is filed</u>	<u>N/A</u>	<u>Clerks of court wish to separate order of protection case files from injunction against harassment and injunction against workplace harassment case files. Injunction against harassment and injunction against workplace harassment case files are to be treated as civil case files.</u>
6.	<u>MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u>
7.	<u>MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
8.	<u>PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>75 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u> <u>Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.</u>
9.	<u>PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>75 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 75 years.</u> <u>Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.</u>
10.	<u>GENERAL STREAM ADJUDICATION CASE FILES</u>	<u>25 years from the year the case is filed or 5 years from the date of the final non-appealable order, whichever is later</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 25 years.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
11.	<u>CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u>
12.	<u>CRIMINAL CASE FILES, except capital felony case files, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
13.	<u>CRIMINAL CAPITAL FELONY CASE FILES</u>	<u>On the death of the defendant</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR on the death of the defendant.</u>
14.	<u>JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES</u>	<u>100 years from the granting, denial, dismissal, or expiration of the matter as to all children</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 100 years.</u>
15.	<u>JUVENILE DELINQUENCY CASE FILES</u>	<u>After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed</u>	<u>N/A</u>	
16.	<u>JUVENILE ABORTION CASE FILES</u>	<u>7 years after the ruling on the petition, motion, or final appeal, or 5 years after the date of the minor's 18th birthday, whichever is later</u>	<u>N/A</u>	
17.	<u>JUVENILE TRAFFIC CASE FILES, when filed in the superior court</u>	<u>Until the minor reaches age 19</u>	<u>N/A</u>	
18.	<u>APPEAL FROM A LOWER COURT CASE FILES, both civil and criminal</u>	<u>5 years after the superior court issues its order disposing of the case</u>	<u>N/A</u>	

FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
19.	<u>CASE FINANCIAL RECORDS, not part of a case file</u>			<u>Any records of receipt and disbursement of child support, fines, fees, restitution, and reimbursement payments that are not part of a case file are working files of the clerk and are, therefore, not covered by this schedule. The clerk may destroy such files when the reference value has been served.</u>
	<u>a. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a case financial record</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	<u>This retention period is established to satisfy the requirements of a contract between the Fines/Fees and Restitution Enforcement (FARE) program and an outside vendor.</u>
	<u>b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	
	<u>c. Periodic financial reports to federal, state, and local agencies</u>	<u>5 years after the fiscal year prepared</u>	<u>N/A</u>	
	<u>d. Triennial, external review report required by the minimum accounting standards</u>	<u>Retain until subsequent audit received</u>	<u>N/A</u>	
	<u>e. Procurement records</u>			
	<u>i. Solicitation canceled before vendor responses are opened</u>	<u>1 year after cancelation</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	ii. <u>Solicitation canceled after vendor responses are opened</u>	<u>3 years after cancelation</u>	<u>N/A</u>	
	iii. <u>Documents related to successful vendor where contract executed</u>	<u>6 years after end of contract</u>	<u>N/A</u>	
	iv. <u>Documents related to unsuccessful vendor where contract executed</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
	v. <u>Documents related to award made yet contract cannot be executed</u>	<u>3 years after contract negotiations end</u>	<u>N/A</u>	
	vi. <u>Protests, protest records, and court response</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
20.	<u>WILLS FILED for SAFEKEEPING</u>	<u>75 years from date received</u>	<u>Permanent</u>	<u>Former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. The minimum age to prepare a will is 18 years, and an additional 75 years encompasses a typical life span. Clerks must transfer these wills to LAPR after 75 years.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
21.	<u>WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE, such as pen register, search warrant, trap and trace, handwriting exemplar, and nursing subpoena</u>	<u>1 year following the date served or issued, whichever is later</u>	<u>N/A</u>	<u>Confidential wiretap warrants and subpoenas are addressed separately in record series 22, since these warrants and subpoenas can involve lengthy periods of investigation and require a longer period of retention.</u>
22.	<u>CONFIDENTIAL WIRETAP WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE</u>	<u>5 years following the date served or issued, whichever is later</u>	<u>N/A</u>	
23.	<u>GRAND JURY RECORDS</u>			
	<u>a. Empanelment documents</u>	<u>5 years from the end of the term of empanelment</u>	<u>N/A</u>	
	<u>b. Minutes of grand jury votes</u>	<u>1 year from the date of the minutes</u>	<u>N/A</u>	
24.	<u>EXHIBITS SUBMITTED at TRIAL or HEARING in any case type, other than in historically significant and landmark cases, which are governed by section E, herein.</u>	<u>After mailing notice to the responsible parties to claim exhibits, retain unretrieved exhibits for the same period of time as the underlying case, unless otherwise ordered by the court</u>	<u>Permanent</u>	<u>LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials, so these exhibits should be destroyed.</u>
25.	<u>CASE DOCKET OR REGISTER OF ACTIONS</u>	<u>Retain for the same period of time as the underlying case, pursuant to this schedule</u>	<u>Permanent</u>	<u>Clerks may transfer the case docket or register of actions to LAPR with the corresponding case file.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
26.	<u>BAIL BONDSMEN ANNUAL, WRITTEN CERTIFICATION REQUIRED BY RULE 7.1(f), RULES OF CRIM PRO.</u>	<u>3 years from the date filed</u>	<u>N/A</u>	
27.	<u>CORRESPONDENCE OR EMAIL SENT OR RECEIVED CONCERNING REQUESTED RECORDS OR INFORMATION</u>	<u>Until reference value served</u>	<u>N/A</u>	
28.	<u>MARRIAGE AFFIDAVITS</u>	<u>Permanent; however clerks may transfer these records to LAPR at any time.</u>	<u>Permanent</u>	<u>These records are permanent records regardless of where they are located.</u>
29.	<u>MARRIAGE CERTIFICATES OR LICENSES</u>	<u>Permanent; however clerks may transfer these records to LAPR at any time.</u>	<u>Permanent</u>	<u>These records are permanent records regardless of where they are located.</u>
30.	<u>NOTARY AFFIDAVIT APPLICATIONS AND BONDS</u>	<u>Until expired or revoked</u>	<u>N/A</u>	
31.	<u>POWER OF ATTORNEY TO WRITE BONDS</u>	<u>Until expired or revoked</u>	<u>N/A</u>	
32.	<u>PROCESS SERVER APPLICATIONS</u>	<u>4 years from the date filed</u>	<u>N/A</u>	
33.	<u>PROCESS SERVER INVESTIGATION CASE FILE</u>	<u>4 years from the date closed</u>	<u>N/A</u>	
34.	<u>PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT</u>	<u>10 years from the date filed</u>	<u>N/A</u>	
35.	<u>RETURNED MAIL OR EMAIL, not associated with a particular case</u>	<u>1 year from the date returned</u>	<u>N/A</u>	
36.	<u>SPECIAL APPOINTMENT APPLICATIONS</u>	<u>Until reference value served</u>	<u>N/A</u>	
37.	<u>ADMINISTRATIVE ORDERS</u>	<u>10 years from the year filed</u>	<u>Permanent</u>	
<u>MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION</u>				

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
38.	<u>THE VERBATIM RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL</u>			
	<u>a. Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, sentencing, and all other proceedings</u>	<u>20 years from the date of sentencing or other final order of the court, unless a transcript is prepared</u>	<u>N/A</u>	<u>Court reporter notes must be retained for 20 years from the date of sentencing or other order of the court, unless a transcript is prepared.</u>
	<u>b. Criminal capital cases, including grand jury, writs of habeas corpus, trial, sentencing and all other proceedings</u>	<u>50 years from the date of sentencing</u>	<u>N/A</u>	
	<u>c. Non-criminal</u>	<u>5 years from the date of the proceeding</u>	<u>N/A</u>	
	<u>d. Juvenile</u>	<u>10 years from the date of the proceeding</u>	<u>N/A</u>	
39.	<u>ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records</u>	<u>Until reference value served</u>	<u>N/A</u>	
40.	<u>CONCILIATION COURT RECORDS</u>	<u>5 years or until reference value served, whichever is later</u>	<u>N/A</u>	
<u>RECORDS HELD BY COURT ADMINISTRATION</u>				
41.	<u>COURT ADMINISTRATION FINANCIAL RECORDS</u>			

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	
	b. <u>Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	
	c. <u>Periodic summary budget reports</u>	<u>5 years after the fiscal year prepared</u>	<u>N/A</u>	
	d. <u>Periodic financial reports to state and local agencies</u>	<u>5 years after the fiscal year prepared</u>	<u>N/A</u>	
	e. <u>Triennial, external review report required by the minimum accounting standards</u>	<u>Until subsequent audit received</u>	<u>N/A</u>	
	f. <u>Applications, records, and reports for grants received</u>	<u>5 years after submission of final grant report, unless otherwise required by the granting authority</u>	<u>N/A</u>	
	g. <u>Procurement records</u>			
	i. <u>Solicitation canceled before vendor responses are opened</u>	<u>1 year after cancelation</u>	<u>N/A</u>	
	ii. <u>Solicitation canceled after vendor responses are opened</u>	<u>3 years after cancelation</u>	<u>N/A</u>	
	iii. <u>Documents related to successful vendor where contract executed</u>	<u>6 years after end of contract</u>	<u>N/A</u>	
	iv. <u>Documents related to unsuccessful vendor where contract executed</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	v. <u>Documents related to award made yet contract cannot be executed</u>	<u>3 years after contract negotiations end</u>	<u>N/A</u>	
	vi. <u>Protests, protest records, and court response</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
42.	<u>CONTRACTS AND OTHER AGREEMENTS</u>	<u>6 years after performance under the contract is completed or the contract is terminated</u>	<u>N/A</u>	
43.	<u>COURT CALENDAR</u>	<u>Until reference value served</u>	<u>N/A</u>	
44.	<u>FORMER PRESIDING JUDGE BUSINESS PAPERS</u> <u>This records series consists of records generated by presiding judges to provide guidance, direction, or general information related to the administration or non-case related business operations of the court.</u>	<u>Until term is completed</u>	<u>Permanent</u>	<u>The court administrator, if any, shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.</u>
45.	<u>STATISTICAL REPORTS REQUIRED BY THE AOC</u>	<u>5 years from the year prepared</u>	<u>N/A</u>	

RECORDS HELD BY THE JURY COMMISSIONER

46.	<u>MASTER JURY LIST</u>	<u>Until new list created</u>	<u>N/A</u>	
47.	<u>MASTER JURY FILE</u>	<u>Until new list created</u>	<u>N/A</u>	
48.	<u>COMPLETED TRIAL JUROR QUESTIONNAIRES</u>			
	a. <u>When jury commissioners include the juror questionnaire with the summons</u>	<u>90 days from the date received, unless otherwise ordered by the court</u>	<u>N/A</u>	
	b. <u>When jury commissioners send the juror questionnaire separate from the summons</u>	<u>1 year from the date received, unless otherwise ordered by the court</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
49.	<u>COMPLETED GRAND JUROR QUESTIONNAIRES</u>	<u>Until reference value served or 1 year from date received, whichever occurs first</u>	<u>N/A</u>	
50.	<u>JUROR DATA, being the electronic information about a juror maintained in the jury management software</u>	<u>3 years from the date entered</u>	<u>N/A</u>	
51.	<u>COMPLETED JUROR BIOGRAPHICAL FORMS</u>	<u>Until completion of trial or completion of jury service, whichever occurs later</u>	<u>N/A</u>	
52.	<u>OTHER NON-FINANCIAL JUROR RECORDS</u>	<u>Until reference value served</u>	<u>N/A</u>	
53.	<u>FINANCIAL JUROR RECORDS NOT HELD BY ANOTHER RECORDS CUSTODIAN</u>	<u>3 years after fiscal year prepared</u>	<u>N/A</u>	

RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT

54.	<u>ALCOHOL and DRUG TESTING PROGRAM RECORDS</u>			
	<u>a. Canceled or negative results</u>	<u>5 years after results received or until reference value served, whichever occurs first</u>	<u>N/A</u>	
	<u>b. Positive results</u>	<u>5 years after action taken in response to results is resolved or until reference value served, whichever occurs first</u>	<u>N/A</u>	
	<u>c. Records related to specimen collection</u>	<u>5 years after test given or until reference value served, whichever occurs first</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	<u>d. Records received from previous employers</u>	<u>3 years after received or until reference value served, whichever occurs first</u>	<u>N/A</u>	
<u>55.</u>	<u>EMPLOYEE, PERSONNEL RECORDS FOR FULL-TIME, PART-TIME, CONTRACT, SEASONAL, INTERN, VOLUNTEER, APPOINTED, OR ELECTED POSITIONS, including applications, resumes, performance reviews, disciplinary records, records documenting employee pay decisions, loyalty oaths and oaths of office, conflict of interest and personal interest disclosure records, confidentiality agreements, policy acknowledgements, exit interviews, drivers' qualifications, and pre-employment background investigation records</u>	<u>5 years after employment terminated, term of office ended, or contract expired, canceled, or revoked</u>	<u>N/A</u>	
<u>56.</u>	<u>REQUEST FOR CLASSIFICATION OF NEW POSITION OR RECLASSIFICATION OF EXISTING POSITION, including records of salary advancement</u>	<u>1 year after request acted upon</u>	<u>N/A</u>	
<u>57.</u>	<u>EEO-4 Survey report of workforce composition</u>	<u>1 year after subsequent report submitted</u>	<u>N/A</u>	
<u>58.</u>	<u>EMPLOYEE MEDICAL AND EXPOSURE RECORDS, including exposure reports and waivers, pre-employment physicals, results of exams, medical opinions, diagnoses, employee medical complaints and other related records</u>	<u>30 years after employment terminated</u>	<u>N/A</u>	<u>These records must be filed separately from the employee personnel file. (20 CFR § 1910.20)</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
59.	<u>EMPLOYMENT ELIGIBILITY VERIFICATION RECORDS, including I-9 proof of legal residency in U.S.A., and Social Security verification</u>	<u>1 year after employment terminated but not less than 3 years after date of hire</u>	<u>N/A</u>	<u>(8 C.F.R. § 274a.2)</u>
60.	<u>GRIEVANCE and COMPLAINT RECORDS</u>	<u>3 years after resolved</u>	<u>N/A</u>	<u>These records are for matters that do not require formal investigation.</u>
61.	<u>INVESTIGATIONS OF PERSONNEL MATTERS</u>	<u>5 years after employment terminated or investigation resolved or closed, whichever is later</u>	<u>N/A</u>	
62.	<u>HIRING and SELECTION RECORDS, including job announcements, applications, selection, test scores, interview records, pre-employment background check records, affirmative action questionnaires and other related records for individuals not hired</u>	<u>3 years after position filled or abandoned</u>	<u>N/A</u>	<u>(29 C.F.R. § 1602.31)</u>
63.	<u>INDIVIDUAL EMPLOYEE TRAINING RECORDS</u>	<u>5 years after training received</u>	<u>N/A</u>	<u>(ACJA § 1-302(E)(1)(h))</u>
64.	<u>LAYOFF and REDUCTION IN FORCE RECORDS</u>	<u>5 years after reduction in force completed or abandoned</u>	<u>N/A</u>	
65.	<u>WORKERS COMPENSATION RECORDS</u>			<u>(29 C.F.R. § 1952.4)</u>
	<u>a. Denied claims</u>	<u>3 years after denied</u>	<u>N/A</u>	
	<u>b. Reports of industrial injury</u>	<u>5 years after created or received</u>	<u>N/A</u>	
	<u>c. Case records</u>	<u>75 years after case closed</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
66.	<u>BENEFIT ENROLLMENT RECORDS, including employee enrollment in medical, dental, life insurance, prepaid legal, beneficiary designation, and other benefit options</u>	<u>5 years after employment terminated</u>	<u>N/A</u>	
67.	<u>RECORDS DESCRIBING ESTABLISHED POSITIONS, including information on title, series, grade, duties, and responsibilities</u>	<u>3 years after superseded or position abolished, whichever is first</u>	<u>N/A</u>	
68.	<u>AMERICANS with DISABILITIES ACT (ADA) RECORDS, including requests for accommodation</u>	<u>3 years after completion of accommodation</u>	<u>N/A</u>	
69.	<u>INDIVIDUAL DISABILITY CLAIM RECORDS, both short-term and long-term</u>	<u>6 years after claim closed</u>	<u>N/A</u>	
70.	<u>EMPLOYEE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) RECORDS</u>			
	a. <u>Decline Notice Records, including returned undeliverable notices</u>	<u>2 years after employment terminated</u>	<u>N/A</u>	
	b. <u>All others</u>	<u>3 years after benefits terminated or coverage rejected</u>	<u>N/A</u>	
71.	<u>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, including employee leave request forms, supporting documentation, and other non-medical related records</u>	<u>3 years after created, received or leave expired, whichever is later</u>	<u>N/A</u>	<u>Employee certification and health records must be retained separately from the personnel file with the employee health and exposure records.</u>
72.	<u>FINGERPRINT CARDS</u>	<u>6 months after created or received</u>	<u>N/A</u>	
73.	<u>LEAVE RECORDS</u>	<u>3 years after fiscal year created or received</u>	<u>N/A</u>	
74.	<u>MERIT-BASED FUNDING RECORDS</u>	<u>2 years after created or received</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
75.	UNEMPLOYMENT CLAIMS AND APPEALS RECORDS	2 years after action taken	N/A	
<u>CASE FILES HELD BY PRETRIAL SERVICES</u>				
76.	CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the clerk	N/A	

E. Purge Lists. Pursuant to Rule 29(A), Rules of the Supreme Court, purge lists have been set forth in prior versions of this records retention and disposition schedule. Historically, purge lists identified documents to be removed from case files before storage or replication of the case file. The clerks now indicate that the process of purging case files is resource intensive and is no longer optimal practice. Additionally, LAPR indicates that it does not object to receiving permanent case files that are not purged of certain documents. Therefore, purge lists no longer appear in this records retention and disposition schedule, and purging need no longer be carried out.

~~E. Transfer of Records to Arizona State Library, Archives and Public Records.~~ Clerks shall comply with the following procedures for transfer of records to ASLAPR:

- ~~1. Records to be archived. For purposes of this schedule, all superior court records that have a retention period of fifty or more years shall be transferred from the clerk of court to the Archives Division of the Arizona State Library, Archives, and Public Records (ASLAPR) for permanent storage at the end of the retention period. To assist courts with inadequate file storage facilities, ASLAPR will accept records for archiving that are within five years of the end of their retention period.~~
- ~~2. Format of records. Until national standards for the long term preservation of electronic records are in place, records transferred shall be in either paper or microfilm format. The film negatives of microfilmed records, if available, shall be sent to ASLAPR. If not available, ASLAPR will accept the use/diazo copy. If a film negative is transferred, the clerk may request a copy from ASLAPR in the event the clerk has retained a use/diazo copy that has become unusable due to physical deterioration. Prior to microfilming and purging paper records, the clerk shall notify the ASLAPR as required by Rule 29(E), Rules of the Supreme Court (“destruction notice”).~~

- ~~3. Indexing and packaging. Each record transfer shall be accompanied by a master index that identifies the cases being transferred by case number, initial caption, filing date, case type, and county. Identification of any historic or landmark cases shall also be noted on the index. The recommended means of packaging records for transfer to ASLAPR is:
 - ~~an acid free cardboard carton with the following dimensions: 18x15x12, although other types and sizes of cartons will be accepted.~~
 - ~~records boxed in an upright position with file tabs easily visible.~~~~
- ~~4. Transfer notice and scheduling delivery. Each time records are transferred for permanent archiving, the record custodian shall complete the "Agreement to Transfer Records" form available on the ASLAPR website. Delivery and transfer of legal custody of records to the ASLAPR shall be done in accordance with processes established by ASLAPR. ASLAPR will charge no fees in connection with pickup, delivery and maintenance of permanently archived court records.~~
- ~~5. Frequency of transfer ASLAPR will accept records from the same county up to four times a year.~~

F. Historically Significant and Landmark Cases. Clerks shall comply with the following procedures for designating and ~~archiving~~ transferring cases to be historically significant ~~and or~~ landmark cases:

1. Designation of a case as historically significant ~~eases~~
 - a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high-profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed ~~observed to ensure these records are maintained for historical purposes, rather than destroyed under the term found in the records retention schedule.~~
 - b. Procedure for designating an case as historically significant ~~ease~~. A motion to request that a case be designated ~~a case as~~ historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be for ~~designating~~ the ease as historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.
 - c. Processing and ~~archiving~~ transferring. If ~~T~~the motion is granted, the clerk shall, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits

~~not previously retrieved or destroyed, and any requesting historical case designation shall be filed prior to the transfer of the case file to ASLAPR. The clerk shall file the original order granting or denying the motion for historical case designation in the case file. The presiding judge or justice of the peace shall decide the motion. If the motion is granted, the clerk shall transfer the original intact case file, if any, and the microfilm, if any, to ASLAPR for permanent retention in accordance with the applicable schedule. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system master index transferred along with the case file to the ASLAPR.~~

2. Designation of a case as landmark cases

a. ~~Identifying landmark cases~~

~~(1) The following factors shall be considered in deciding whether a case is a landmark case:~~

a. The following factors shall be considered in deciding whether a case is a landmark case:

- ~~(a1)~~ The frequency with which the case has been cited;
- ~~(b2)~~ Whether the case has been designated as historically significant;
- ~~(c3)~~ Whether the case caused a change in policies or laws;
- ~~(d4)~~ Whether the case affected a large portion of the community ~~and~~ or was controversial;
- ~~(e5)~~ Whether the case is generally viewed by the community as important;
- ~~(f6)~~ Whether the case involved a famous or notorious individual or was the subject of a well-known book or ~~feature~~ film; and
- ~~(g7)~~ Any other ~~factor considered~~ relevant factor.
- (8) Any case that has been the subject of a published opinion of the United States Supreme Court and has statewide or national impact shall be designated as a landmark case.

~~(2) Any case that has been the subject of a published opinion of the United States Supreme Court shall be designated as a landmark case.~~

b. Procedure for designating a case as landmark case:

- (1) The Arizona Historical Records Advisory Board shall designate a case as landmark cases ~~eligible~~ under section ~~(F)(2)(a)(1)~~ (E)(2)(a)(1)-(8), above, in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court

judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no less than five years and no more than nine years after ~~they are~~ issued, to determine whether any of these ~~which~~ cases should be designated as landmark cases.

(2) No more than ten years after ~~the~~ an appellate opinion ~~was~~ is issued, and with the Board's approval, the ~~D~~director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the clerk of the superior court in the county of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for ~~landmark case file processing contained in retention and disposition schedules applicable to their respective courts~~ transferring the case to LAPR pursuant to (E)(2)(c).

(3) ~~Landmark designation under subsection (1)(B) herein shall be made by the clerk of the superior court in the county of origin.~~

c. ~~Processing and archiving transferring.~~ When a case has been designated as landmark, the clerk shall file notice of this designation in the case. ~~shall be made prior to the transfer of the case file to the Arizona State Library and Archives. The clerk shall file the original notice of designation in the case file. If the case file has not yet been purged, †The clerk shall immediately transfer the original intact case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, file and any microfilm, if any, to the Arizona State Library, Archives and Public Records to LAPR for permanent retention in accordance with the applicable schedule. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as a landmark case shall be prominently noted on the master index print-out of the register of actions or docket from the case management system transferred along with the case file to the ASLAPR.~~

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Review

FROM: Arizona Administrative Office of the Courts Legislative Office

PRESENTER(S): Honorable Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: (15 min) Review of proposed legislation.

RECOMMENDED MOTION (IF ANY):

2015-06

Community restitution (Judge Gerald Williams, North Valley Justice of the Peace Court)

Permits a justice of the peace to order community restitution in lieu of all or part of a criminal fine or civil penalty if in the best interest of justice. The rate is determined by the presiding justice of the peace of the county. Does not apply to criminal restitution (by its wording does not apply to surcharges or assessments either).

Title 22

Fines; civil penalties; community restitution

Section 1. 13-824. Uncollectible monetary obligations; community restitution

1 A. A COURT MAY ORDER A DEFENDANT TO PERFORM COMMUNITY RESTITUTION IN
2 LIEU OF ALL OR A PORTION OF A FINE, CIVIL PENALTY OR OTHER MONETARY
3 OBLIGATION IMPOSED IF BOTH OF THE FOLOWING APPLY:

4 1. THE DEFENDNAT HAS BEEEN SENTENCED TO PAY A FINE OR CIVIL PENALTY, AND
5 2. THE COURT FINDS THE DEFENDANT IS INDIGENT AND UNABLE TO PAY ALL OR A
6 PORTION THE FINE, CIVIL PENALTY OR OTHER MONETARY OBLIGATION RESULTING
7 IN THE MONIES OWED BEING UNCOLLECTIBLE.

8 B. SUBSECTION A DOES NOT APPLY TO A FINE, CIVIL PENALTY OR OTHER MONETARY
9 OBLIGATION MANDATED BY LAW OR TO ANY FINANCIAL RESTITUTION.

10 **Section 2. 13-824. Fines, civil penalties; community restitution**

11 A. A COURT MAY IN LIEU OF IMPOSING A FINE OR CIVIL PENALTY ORDER A
12 DEFEDNANT TO PERFORM COMMUNITY RESTITUTION.

13 B. SUBSECTION A DOES NOT APPLY TO A FINE OR CIVIL PENALTY MANDATED BY
14 LAW.

9/27/14@1:08PM

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Proposed revision to Criminal Rule 41 Form 4(a)

FROM: Arizona Attorney General's Office

PRESENTER(S): Kirstin Flores, Director of Victim Services Division,

DISCUSSION & TIME ESTIMATE: (10 min) The Attorney General's Victims' Rights Advisory Committee (VRAC) has been discussing the victims' rights of child victims who are in the custody of CPS. One issue we believe could be solved by a proposed change to Form IV. In the initial court appearance, the Judge will ask if CPS is involved in the case. By knowing that CPS was involved in the case, it gives the case a solid foundation from the start. If the law enforcement officer is not present, no one is there to answer that question. We believe that by adding the box to Form IV indicating that CSFS is involved, this will bring the seriousness of the offense to the attention of the judge so that he/she has the correct information when making decisions involving children.

RECOMMENDED MOTION (IF ANY): Support AG's office proposed amendment to Criminal Rule 41, Form 4(a)

STATE OF ARIZONA Plaintiff -vs- Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.] Booking No. _____

RELEASE QUESTIONNAIRE (To be completed by Law Enforcement)

Alias(es) _____

(Check and explain where applicable)

A. GENERAL INFORMATION

Charges: _____

Offense Date: _____ Offense Time: _____

Location: _____

Arrest Date: _____ Arrest Time: _____

Arrest Location: _____

B. PROBABLE CAUSE STATEMENT

1. Summarize and include the facts which establish **probable cause for the crime(s) charged**. Certain felonies may be non-bondable and require facts which establish **proof evident or presumption great** for the crime(s) charged. These include (1) felonies involving a capital offense, sexual assault, sexual conduct with a minor who was under fifteen years of age, or molestation of a child who is under fifteen years of age, (2) any class 1, 2, 3, or 4 felony or any violation of § 28-1383 if the person has entered or remained in the United States illegally, and (3) felony offenses committed when the person charged is already admitted to bail on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest):

2. The person entered or remained in the United States illegally. Explain in detail (e.g., admission of by the person, statements of co-defendants at the time of arrest, verification of illegal presence or proceeding establishes illegal presence):

3. The crime(s) occurred while the person was admitted to bail on any separate felony. Provide information on the separate felony:

C. OTHER INFORMATION

1. Defendant is presently on probation, parole or any other form of release involving other charges or convictions. Explain: __

2. List any prior:

Arrests: _____

Convictions: _____

Failures to Appear (FTA): _____

Protective Orders: _____

3. There is an indication of:

- Alcohol Abuse Other Substance Abuse
- Mental Health Issues Physical Illness

Developmental Disability
Explain: _____

4. Defendant is employed by: _____

Address: _____

Phone: _____
How long: _____

5. Defendant resides at: _____

With Whom: _____

How Long: _____
Alternate address for court notification: _____

6. Facts to indicate defendant will flee if released: _____

7. Reasons to oppose an unsecured release: _____

D. CIRCUMSTANCES OF THE OFFENSE

1. Defendant used firearm or other weapon
Type: _____

2. Defendant injured someone.
Explain: _____

3. Medical attention was necessary
Nature of injuries: _____

4. Defendant threatened someone
Nature of threats: _____

5. If property offense
a. Value of property taken/damaged: _____
b. Property was recovered

6. Names of co-defendant(s), if any: _____

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: _____

2. Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by Victim
 Third Party Officer observation

4. Previous incidents involving these same parties
Explain: _____

5. Defendant is currently the subject of:
 Order of Protection
 Injunction against Harassment
 Other court order: _____

6. Likelihood of inappropriate contact with victim(s)
Explain: _____

7. Victim(s) expressed an opinion on defendant's release.
Explain: _____

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- Access to or use of weapons
- Children/Vulnerable adults present
- Crime occurred in public
- Control/ownership/jealousy issues
- Depression
- Frequency/intensity of Domestic Violence increasing
- Kidnapping
- Potential for multiple violations of court orders
- Prior history of Domestic Violence
- Prior Protective Order
- Recent separations
- Stalking behavior
- Threats of homicide/suicide/bodily harm
- Violence against children, vulnerable adults or animals

Explain: _____

G. CIRCUMSTANCES OF ARREST

1. Did defendant attempt to:
 Avoid arrest Resist arrest Self Surrender

Explain: _____

2. Defendant was armed when arrested

Type of weapon: _____

3. Evidence of the offense was found in defendant's possession

Explain: _____

4. State whether defendant was under the influence of alcohol or drugs at the time of the offense

Yes No Unknown
 Type of substance: _____

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: _____

2. State quantities and types of illegal drugs directly involved with offense _____

- Methamphetamine was involved:
- Drug field test was positive
- Defendant admission of drug type: _____
- Approximate monetary value of drugs: _____

3. State whether money was seized

Yes No
 Amount: _____

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 et seq.)

I certify that the information presented is true to the best of my knowledge:

 Date

_____/_____/_____
 Arresting Officer/Agency/ Serial No.
 Duty Phone No. _____

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- Access to or use of weapons
 - Children/Vulnerable adults present
 - Crime occurred in public
 - Control/ownership/jealousy issues
 - Depression
 - Frequency/intensity of Domestic Violence increasing
 - Kidnapping
 - Potential for multiple violations of court orders
 - Prior history of Domestic Violence
 - Prior Protective Order
 - Recent separations
 - Stalking behavior
 - Threats of homicide/suicide/bodily harm
 - Violence against children, vulnerable adults or animals
- Explain: _____

G. CIRCUMSTANCES OF ARREST

1. Did defendant attempt to:
 - Avoid arrest Resist arrest Self Surrender
 Explain: _____

2. Defendant was armed when arrested
 Type of weapon: _____

3. Evidence of the offense was found in defendant's possession
 Explain: _____

4. State whether defendant was under the influence of alcohol or drugs at the time of the offense
 Yes No Unknown
 Type of substance: _____

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: _____

2. State quantities and types of illegal drugs directly involved with offense _____

 Methamphetamine was involved:
 Drug field test was positive
 Defendant admission of drug type: _____
 Approximate monetary value of drugs: _____

3. State whether money was seized
 Yes No
 Amount: _____

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 et seq.)

I other agency involvement:

1. Were children present during incident?
 yes
 no
2. I's DCS involved?
 yes
 no

I certify that the information presented is true to the best of my knowledge:

↓
Questions about veteran/homeless could go under there as well?

Date _____ Arresting Officer/Agency/ Serial No. _____
 Duty Phone No. _____

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
October 3, 2014	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Identification Rule Update

FROM:

PRESENTER(S): Honorable Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: Review of how rule changes to protect victim identification are being applied during this implementation year.

RECOMMENDED MOTION (IF ANY):

**Commission on
Victims in the Courts
10/3/14**

**Additional
In-Meeting
Handout(s)**

[REDACTED]

From: [REDACTED]@courts.az.gov
Sent: Friday, September 12, 2014 10:43 AM
To: [REDACTED]
Subject: Case Information: Sep 12 2014 10:43AM

You have received this e-mail because you have subscribed to the Public Access Case Update through the Arizona Supreme Court.

Case Number	Case Title	Change(s) Made	Change Date
S-0700-CR- 2002019595	St of AZ Vs. Clarence Dixon	Charge(s)	9/12/2014 10:41:46 AM

Contents of this e-mail are intended for the addressee only.