

Arizona Supreme Court
Commission on Victims in the Courts
March 3, 2017
10:00 a.m. to 12:00 p.m.
State Courts Building
1501 W. Washington, Phoenix, AZ 85007
Conference Room 345 A/B

Present: Judge Ronald Reinstein (Ret.); Mr. Timothy J. Agan; Mr. Michael Breeze; Judge Maria Elena Cruz; Ms. Kirstin Flores; Ms. Kim Hedrick; Ms. Christine Kelly; Captain John Leavitt; Mr. Dan Levey; Ms. Keli Luther; Judge Evelyn Marez; Sgt. Jim Markey (Ret.); Chief Rod McKone; Judge Sam Myers; Ms. Jane Nicoletti-Jones; Ms. Debra Olsen; Ms. Laura Penny; Ms. Karyn Rasile; Judge Richard Weiss; Ms. Erin Yabu (*proxy for Ms. Elizabeth Ortiz*)

Telephonic: Ms. Colleen Clase; Ms. Shelly Corzo-Shaffer; Ms. Sydney Davis; Ms. Leslie James; Judge Elizabeth Finn; Mr. William Owsley; Judge Sarah (Sally) Simmons; Ms. Leesa Berens Weisz

Absent/Excused: None

Presenters/Guests: Judge James Beene; Justice Clint Bolick; Judge Kent Cattani; Ms. Colette Chapman; Ms. Amelia Cramer; Mr. Jon Eliason; Ms. Tierra Fairman; Ms. Debbie Lee; Justice John R. Lopez; Judge Paul McMurdie; Judge Samuel Thumma; Judge Joseph Welty

Administrative Office of the Courts: Ms. Catherine Clarich; Ms. Lynn Golden; Ms. Amy Love; Ms. Denise Lundin; Mr. Mark Meltzer

1. REGULAR BUSINESS

a) Call to Order, Welcome, and Introductions

The March 2017 meeting of the Commission on Victims in the Courts was called to order by the Honorable Ronald Reinstein, Chair, at 10:01 a.m. The Chair asked for Commission member roll call and introductions of staff and guests.

b) Announcements

The Chair congratulated Ms. Kim Hedrick on her recent presentation to the military at the Presidio for the Pentagon on behalf of victims.

COVIC appointments and reappointments are coming up. Members whose terms are expiring have expressed an interest in staying on the committee, but we need the names of alternates for the Chief Justice to consider as well, so if anyone has someone in mind, please contact Ms. Denise Lundin as soon as possible.

Ronald Reinstein, COVIC Chair, Kirstin Flores, COVIC Member and Denise Lundin, AOC Staff, have been selected by the National Crime Victim Law Institute's Annual Conference in Portland in May to present on behalf of COVIC, sharing background and work that COVIC has done.

c) Approval of the October 21, 2016 Minutes

The draft minutes from the October 21, 2016 meeting were presented for approval. The chair called for any omissions or corrections to the minutes.

- Motion was made by Mr. Michael Breeze to approve the October 21, 2016 meeting minutes. Seconded by Ms. Kirstin Flores. Motion passed unanimously.

2. PRESENTATIONS

a) Taskforce on Court Management of Digital Evidence

Judge Samuel Thumma, Chair, shared an update on this taskforce. They have met twice. The five main issues they are addressing are:

- 1) Should court digital evidence be stored locally, offsite, or using cloud services and how long and in what manner should such evidence be retained?
- 2) Should management of court digital evidence be centralized or decentralized considering technology costs, expertise, and infrastructure necessary to manage it?
- 3) Should court rules governing public records be revised to address access and privacy concerns, including for victims, non-victim witnesses, and other identifying information often included in video evidence?
- 4) Should new or amended rules on chain of custody evidence be developed for handling court digital evidence?
- 5) Should standardized acceptable formats, viewing, storage, preservation, and conversion formats or technical protocols for digital evidence be adopted for all courts?

The three sub-workgroups are: Storage and Management, Court Rules, and Formats. The next meeting is March 17, 2017, with a report to the Arizona Judicial Council on October 1, 2017. Materials and Minutes are posted on the Azcourts.gov website, and they welcome input.

More information about the taskforce can be found on the Azcourts.gov website: <http://www.azcourts.gov/cscommittees/Digital-Evidence-Task-Force>

b) **Legislative Overview**

Amy Love, AOC Government Affairs, gave an update on proposed legislation pertaining to victims' rights. One-thousand and fifty-five bills were heard so far this session. Highlighted were:

- HB2241 – VICTIMS' RIGHTS; PLEADING ENDORSEMENTS (counsel for victims)
- HB2269 – VICTIM'S RIGHTS; REQUIREMENTS; MONETARY JUDGEMENTS (monetary judgements for previously incarcerated person must fulfill restitution and incarceration costs first)
- HB2444 – SEXUAL ASSAULT; VICTIM ADVOCATES; PRIVILEGE (advocate prohibited from being examined at trial with some exceptions)
- H2290 & SB1071 – PROVISIONAL LICENSES; CRIMINAL CONVICTIONS (provisional to regular licenses with good record)
- SB1107 – CHILD FAMILY ADVOCACY CENTER; FUND (permanent guardianship and central registry listings) and part of SB1360 – DEPENDENCY PROCEEDINGS; PERMANENT GUARDIANSHIPS; REUNIFICATION
- SB1069 – SETTING ASIDE CONVICTION; EMPLOYMENT (when conviction set aside, response on applications affected) – Ms. Kirstin Flores asked if victims would be notified in this case. Certain counties do this at this time.

More information about the bills presented can be found on the Arizona State Legislature's website, <http://www.azleg.gov/Bills/>.

c) **Arizona Attorney General's Office of Victims Services (OVS) Compliance Program**

Ms. Flores, OVS Director, Ms. Colette Chapman, AG Victims' Rights Compliance Administrator and Judge Ronald Reinstein (Ret.), COVIC Chair gave background information and an explanation of the compliance and victim complaint resolution program within the OVS and Judge Reinstein's role when the judiciary is found in violation of victims' rights. Judge Reinstein gave more detail about the types of violations that have been presented to date and how they are being addressed.

d) **APAAC Lethality Assessment Working Group**

Ms. Amelia Cramer, Pima County Attorney's Office, and Mr. Jon Eliason, Maricopa County Attorney's Office gave a report from the Lethality Assessment Working Group and an update on action taken by the Arizona Prosecuting Attorney's Advisory Council (APAAC). Judge Finn mentioned issues related to non-uniform reports being accepted in I.A. courts. Mr. Eliason said that there will be training on the Lethality Assessment as well. APAAC has asked that COVIC post a comment in support of its petition on the *Court Rules Forum* to Amend the Appendix to Arizona

Rules of Criminal Procedure with an Addendum to Form 4 “Release Questionnaire Addendum – Intimate Partner Risk Assessment.” The issue of name redaction was brought up – quadruplicate forms that allow for pre-redaction are used in Pima County. Victim name is not accessible to the public, but available for the defense part of the training packet. Possibly using initials vs. full names should be considered. Motion was made for this request by Judge Maria Elena Cruz. Seconded by Judge Sally Simmons. Vote passed unanimously to approve. Judge Reinstein asked Kay Radwanski and Denise Lundin, AOC Staff, to form a small working group from COVIC, COSC and CIDVIC to look at the redaction issue.

e) Task Force on Fair Justice for All Update

Judge Reinstein shared the final Commission on Victims in the Courts response to the recommendations of the Task Force on Fair Justice for All. It included a summation of the information presented at the last meeting, current legislative status of the rule changes that have been presented to the legislature, and the ensuing discussion on how the recommendations might affect victims. Judge Maria Elena Cruz, Task Force Member, started a pilot program regarding fine reductions in limited jurisdiction courts in Yuma County for non-criminal matters. Comments to the Task Force, which is still meeting, are encouraged.

f) SAFER Grant Update

Mr. Jim Markey, SAFER member and COVIC Committee member, gave a brief history of the SAFER Act and an update on the status of the report produced by the National Sexual Assault Forensic Evidence Reporting Workgroup. One big concern was victim notification and participation. Mr. Eliason reported on the process to ship kits to be tested and the statistics presented upon their return to the crime labs. There is a strong emphasis on timelines. The group is now working on sexual assault protocol for Maricopa County and following up on leads and prosecutions.

Judge Ronald Reinstein reviewed two recently reported cold cases and commented on “Genetic Informants” and “Familial DNA”. A handout of recent media accounts of DNA being used to assist in investigating and solving crimes was shared with the group.

g) Criminal Rules Task Force

Judge Joseph Welty, Task Force Chair and Mr. Mark Meltzer, AOC Staff, presented an update on the status of R-17-0002, which is a rule petition the Criminal Rules Task Force filed in January 2017 that restyles the criminal rules. He specifically focused on the Rule 39 workgroup’s draft and explained why some substantive changes need to be made. Judge Welty asked COVIC to take formal action to support this rule petition and comment on it on the Court Rules Forum. Motion was made to support the re-styling efforts of the task force by Judge Sam Myers. Seconded by Judge Weiss. Unanimously approved. A second motion was

made by Judge Myers approving re-styling efforts on Criminal Rule 31.14.
Seconded by Ms. Sydney Davis. Unanimously approved.

h) Caselaw and Current Trends

Judge Reinstein shared information on a film that will be shown on March 17, 2017 locally "I Am Jane Doe", which details human trafficking. He also shared a case, *Simpson v. Miller*, a Supreme Court decision from February 2017 that impacts the court system. The Arizona Constitution states that if a person is charged with sexual conduct with a minor, capital murder, sexual assault or child molestation or abuse, they are non-bondable. This opinion states as to sexual conduct with a minor or child molestation or abuse this is a violation of the United States Constitution under the 14th Amendment and cites *United States v. Salerno*. Case examples were shared.

3. CALL TO PUBLIC

a) Good of the Order / Call to the Public

There was nothing reported.

4. ADJOURNMENT

a) Adjourn

Motion was made by Mr. Timothy Agan at 12:35 p.m. to adjourn. Seconded by Judge Finn. Motion passed unanimously

5. NEXT COMMITTEE DATE

Friday, June 9, 2017
10:00 a.m. to 2:00 p.m.
State Courts Building, Room 345 A/B
1501 W. Washington St., Phoenix, AZ 85007

Arizona Supreme Court Commission on Victims in the Courts

June 9, 2017

10:00 a.m. to 2:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

Present: Judge Ronald Reinstein; Mr. Timothy J. Agan; Ms. Colleen Clase; Ms. Shelly Corzo Shaffer; Ms. Sydney Davis; Judge Elizabeth Finn; Ms. Kirstin Flores; Ms. Kim Hedrick; Ms. Leslie James; Ms. Christine Kelly; Captain John Leavitt; Mr. Dan Levey; Chief Rod McKone; Ms. Jane Nicoletti-Jones; Ms. Elizabeth Ortiz; Ms. Laura Penny; Judge Richard Weiss; and Ms. Leesa Berens Weisz.

Telephonic: Mr. Michael Breeze; Judge Maria Elena Cruz; Judge Sam Myers; Judge Sarah (Sally) Simmons

Absent/Excused: Ms. Keli Luther; Judge Evelyn Marez; Sgt. Jim Markey (Ret.); Ms. Debra Olsen; Mr. William Owsley; Ms. Karyn Rasile

Presenters/Guests: Mr. Jerry Landau, AOC; Ms. Melody Lenhardt, MAVS; Mr. Jon Eliason, MCAO; Mr. Mark Meltzer, AOC; Mr. Jeffrey Ong, AZ Senate; Ms. Kay Radwanski, AOC/CIDVIC

Administrative Office of the Courts: Ms. Denise Lundin; Ms. Lynn Golden

I. REGULAR BUSINESS

A. Call to Order / Welcome / Introductions / Announcements

The June 2017 meeting of the Commission on Victims in the Courts was called to order by the Honorable Ronald Reinstein, Chair, at 10:07 a.m. The Chair asked for Commission member roll call and introductions of staff and guests.

B. Announcements

Congratulations to Judge Maria Elena Cruz on being appointed to the Arizona Court of Appeals Division I. On June 21-23, 2017 Judge Cruz, Mr. Dan Levey, Ms. Kim Hedrick, and Judge Wendy Million will be presenting at the Judicial Conference on "Victims in Court", covering statutes and rules, and focusing on what a judge can do while a victim is being heard, providing an atmosphere where a victim can feel empowered, and interaction in a courtroom during a victim statement. On June 19, 2017, Ms. Denise Lundin and Judge Reinstein will be presenting to the Judicial Council an update on COVIC accomplishments over the past few years. Ms. Shelly Shaffer will be leaving COVIC, as she is moving to Florida. Judge Reinstein shared personal thanks and thoughts on the contributions Ms. Shaffer has made with judges and working with COVIC. Ms. Lundin shared that Judge Reinstein received the Chief Justice's "Distinguished Services Award 2017" recently.

C. Approval of the March 3, 2017 Minutes

The draft minutes from the March 3, 2017 meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes.

Motion was made by Ms. Sydney Davis to approve the March 3, 2017 meeting minutes. Seconded by Mr. Dan Levey. Motion passed unanimously.

II. UPDATES

A. Legislative Updates

Jerry Landau, AOC Staff, shared information on the following bills that affected victims that were passed this Legislative session:

- Chapter 14/SB1157: competency hearings; jurisdiction; referral - allows courts to transfer jurisdiction on Rule 11 hearings to Limited Jurisdiction courts.
- Chapter 36/ HB2241 victims' rights; pleading endorsements - requires counsel for a crime victim to be endorsed on all pleadings after a notice of appearance has been filed.
- Chapter 64/HB2444 sexual assault; victim advocates; privilege - adds victim advocates to privileged communications with victims under certain circumstances.
- Chapter 87/SB1422: vacating conviction; trafficking; local offenses - This amendment now includes local ordinances regarding persons who were convicted of prostitution prior to July 24, 2014 who can request the conviction be vacated if they can show they were victims of sex trafficking. Section amended: § 13-907.01.
- Chapter 125/HB2375 victims; medical bills; prohibited acts - licensed healthcare providers who provide services through the Victim Compensation and Assistance Fund (VCAF) agree that funds received are considered as payment in full.
- Chapter 229/HB2269: victims' rights' requirements; monetary judgements - regarding victim information and electronic correspondence, redaction of a minor's name, a person incarcerated by department of corrections receiving monetary judgments against certain parties, and jurisdiction for restitution orders in favor of a victim. Also includes pre-conviction liens after filing complaint, victim notification, obligates county treasurer to transfer unclaimed victim restitution monies to victim compensation and assistance fund.

B. Restitution Workgroup Update (taken out of order)

Ms. Kirstin Flores, Chair, gave an update on the future of the Restitution Workgroup. General goals involved addressing issues with the current system. The workgroup will meet next Friday, June 16, 2017, focusing on Legislation, Victim

Locate Fund, Website and Forms, and Restitution Court Guidelines subcommittees. The workgroup is comprised of COVIC and non-COVIC members who have expertise in their fields that relate to restitution.

C. Cold Cases – New Developments

Judge Reinstein and Mr. Jon Eliason, MCAO shared information on some recent local cold cases where DNA and scientific study is being utilized to find perpetrator(s) and solve these cases.

D. Criminal Rules Task Force – Petition to Amend the Arizona Rules of Criminal Procedure Rule 17-0002

Ms. Lundin shared an update on the last meeting of the Criminal Rules Task Force on March 3, 2017 which included approving Rule 39, changes were made and noted on the Court Rules Forum. In late August/early September, the Supreme Court will make the final vote on the rules. Please see Appendix A and B in the Meeting Materials packet for detailed information. Ms. Colleen Clase, Arizona Voice for Crime Victims, shared information on the comment filed by her group, regarding challenges they have faced regarding victims' rights.

E. Lethality Assessment Reports – Petition to Amend Form 4 (a) Appendix to Arizona Rules of Criminal Procedure Rule 46-0046

Ms. Kay Radwanski, AOC Court Programs Staff, and Ms. Lundin reported on the Petition for Rule Change timeline regarding these assessments. Various groups have made suggestions and comments regarding the assessment and its requirements and wording, and Ms. Radwanski shared that CIDVC approved the use of the Lethality Assessments, but also wanted training protocols to be closely adhered to, especially the protection of victim confidentiality and who uses the assessment and shares the information in it. Continued provision of victim services is also very important.

F. NCVLI Presentation (taken out of order)

Judge Reinstein, Ms. Flores and Ms. Lundin shared the video presented at the April 2017 NCVLI Conference in Portland, OR, on behalf of COVIC, featuring video clips of current and former court justices and current COVIC members. Several representatives from other states expressed interest in creating COVICs in their own states, and that they were very impressed with what COVIC has done and plans to do on behalf of victims. Judge Reinstein also took this opportunity to mention that in April the Arizona Attorney General's Office of Victim Services received a national award presented in Washington, DC, honoring them with the United States Attorney General's Office of Victims' Services Award for Victims' Rights.

III. NEW BUSINESS

A. CIDVC/AZDOC Workgroup re: serving OPs on Prison Inmates

Ms. Radwanski shared information on the challenges encountered serving Orders of Protection on inmates in custody. This service is provided by the Arizona Department of Corrections Office of Victims' Services. A workgroup to develop tools, best practices and the marketing of this service met June 5, 2017.

B. Victims' Bill of Rights Lawsuit

Judge Reinstein spoke regarding a recently filed lawsuit by the Arizona Attorneys for Criminal Justice and other entities regarding the Arizona law that states victims cannot be interviewed by the defense in a case unless contact is initiated through the prosecutor's office, and the victim has a right to refusal (ARS 44-33B). This subject was discussed at length. Some COVIC members shared personal stories regarding their experiences regarding this issue. The question of a pro se defendant cross-examining a victim was discussed.

IV. LUNCH BREAK

V. MINI-STRATEGIC SESSION

The members in attendance were asked to brainstorm and share the top 3 subjects they would like to see COVIC address in the coming year, and then choose from ideas listed as to the top three suggestions that they feel are most important. The results from this session will be shared at the October 2017 COVIC Quarterly Meeting.

VI. CALL TO PUBLIC

A. Call to the Public

Judge Finn and Ms. Elizabeth Ortiz from APAAC have been team teaching the professionalism course for the State Bar, and they stress attorney ethics and dealing with victims.

VII. ADJOURNMENT

A. Adjourn

Motion was made by Ms. Leesa Berens Weisz at 1:18 p.m. to adjourn. Seconded by Ms. Davis. Motion passed unanimously.

VIII. NEXT COMMITTEE MEETING DATE

October 27, 2017
10:00 a.m. to 12:00 p.m.
State Courts Building, Room 345 A/B
1501 W. Washington St., Phoenix, AZ 85007

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

October 27, 2017
10:00 a.m. to 2:00 p.m.
State Courts Building
1501 W. Washington, Phoenix, AZ 85007
Conference Room 119 A/B

Present: Judge Ronald Reinstein; Mr. Timothy J. Agan; Mr. Michael Breeze; Ms. Colleen Clase; Ms. Shelly Corzo Shaffer; Judge Maria Elena Cruz; Ms. Sydney Davis; Ms. Kirstin Flores; Ms. Kim Hedrick; Ms. Leslie James; Ms. Christine Kelly; Captain John Leavitt; Sgt. Jim Markey (Ret.); Chief Rod McKone; Judge Sam Myers; Ms. Jane Nicoletti-Jones; Ms. Elizabeth Ortiz; Ms. Laura Penny; Ms. Karyn Rasile; Judge Richard Weiss; and Ms. Leesa Berens Weisz.

Telephonic: Ms. Debra Olsen; Judge Antonio Riojas, Jr.

Absent/Excused: Mr. Dan Levey; Ms. Keli Luther; Judge Evelyn Marez; Mr. William Owsley; Judge Sarah Simmons

Presenters/Guests: Mr. Bill Burke; Ms. Collette Chapman, Attorney General's Office of Victim Services; Ms. Emily Su, Attorney General's Office; Judge Sam Thumma, COA Division I

Administrative Office of the Courts: Ms. Cathy Clarich; Ms. Lynn Golden; Mr. Mark Meltzer; Ms. Denise Lundin; Ms. Kay Radwanski

I. REGULAR BUSINESS

A. Call to Order / Welcome

The October 2017 meeting of the Commission on Victims in the Courts was called to order by the Honorable Ronald Reinstein, Chair, at 10:04 a.m. The Chair asked for Commission member roll call and introductions of staff and guests.

B. Introductions and Announcements

Judge Reinstein stated that Judge Elizabeth Finn's term on the commission expired and her replacement is returning COVIC founding member, Judge Antonio Riojas, Jr. The COVIC photo taken at the last meeting is now available and will be sent to the members. We hope to update it annually. Finally, a message about long-time COVIC member Keli Luther was shared. Ms. Luther has asked to resign from the committee for health reasons. She will be missed tremendously.

C. Approval of the June 9, 2017 Minutes

The draft minutes from the June 9, 2017 meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes.

Motion was made by Mr. Tim Agan to approve the June 9, 2017 meeting minutes. Seconded by Mr. Michael Breeze. Motion passed unanimously.

II. UPDATES

A. Legislative Updates

Ms. Amy Love, AOC Legislative Affairs Office, was scheduled to appear with an update. Due to a scheduling conflict, there will be a presentation from AOC Legislative Unit at the next scheduled COVIC meeting. The Chair mentioned that the legislative recommendations from the Fair Justice Task Force presented in the March 2017 will be reintroduced in 2018. They passed the Senate 20-1, but the Chairman of the House Committee decided not to hear the Bill this year.

B. Digital Evidence Committee Update

Judge Samuel Thumma, Committee Chair and Chief Judge of Court of Appeals, Division One, gave an update on the Digital Evidence Committee. Judge Thumma stated this Task Force's Report and Recommendations was issued in October. Highlights of the recommendations were shared. Its Report and Recommendations can be accessed at: www.azcourts.gov/cscommittees/Digital-Evidence-Task-Force.

Judge Richard Weiss asked what happens when digital evidence goes to the Jury and if they can access and use it? Judge Thumma stated options and scenarios for this situation, especially the concern about someone in a courtroom utilizing their own devices for access. Mr. Breeze asked about statewide financial support for these resources.

C. Noticing Victims' Attorneys re: hearings

Judge Reinstein mentioned he had been advised that some victims' attorneys are not being endorsed on minute entries from some courts. Judge Sam Myers from Maricopa Superior Court, and Chris Kelly of Maricopa Superior Court Clerk's Office, along with Mr. Aaron Nash from that same office, met and Judge Myers and Ms. Kelly shared information on the resolution. The problem was that current software only allows for endorsement from the state and defense, not victims' attorneys. The Clerks' Office is working to rectify this issue and programming to reflect this change should be accomplished in two weeks. She will also bring this issue to the attention of the clerks statewide. Ms. Colleen Clase, AVCV, noted that when hearings are set by email sometimes there are not follow-up minutes entries which leads to the county attorney not notifying unrepresented victims of the next court hearing. Ms. Kelly indicated that these are done through notices and she can work with Ms. Clase to get that resolved. Notification letters to non-represented victims are not being issued. Clarification on how to deal with this issue was discussed. Ms. Kelly will also address this topic at the next Arizona Association of Superior Court Clerks meeting.

III. NEW BUSINESS

A. Victims' Rights Advisory Committee (VRAC) IA Workgroup

Ms. Kirstin Flores, Director of the Attorney General's Office of Victim Services, Ms. Colette Chapman, State Victims' Rights Compliance Administrator, and Mr. Bill Burke, City of Tempe and VRAC Committee Member, shared survey results from the VRAC IA Workgroup. Survey results were distributed in a hand-out. Victim notification was discussed. Ms. Flores asked if there could be a Best Practices Manual included with the Bench Book and training utilizing the VRAC findings. Judge Reinstein directed her to contact the AOC Training Division about this.

B. Arizona Voice for Crime Victims (AVCV) Proposed Petition to Amend Criminal Rule 39

Ms. Colleen Clase, Senior Attorney for AVCV, stated that her organization plans to file a petition to fully integrate the victims' bill of rights throughout the Arizona Rules of Criminal Procedure and requested COVIC's support. She distributed a draft petition and asked members to let her know of any concerns or issues they may have. The Chair asked that a vote be held off until COVIC's March meeting after revisions are made and it is filed. Mr. Mark Meltzer, AOC Staff, gave more insight into the approach the Task Force took toward accommodating some of the AVCV requests and the challenges of integrating the changes as proposed. There are some provisions of Rule 39 that are not specific to a proceeding.

Judge Cruz stated that at the last Judicial Conference she led a presentation which included COVIC members Ms. Kim Hedrick and Mr. Dan Levey on Victims in the Courts, focusing on victims' perspectives. She stated it would be effective if every judge were required to attend this training. Ms. Leslie James shared her thoughts on the benefits of incorporating these changes.

C. Nordstrom vs. Arizona DOC Settlement Agreement

Judge Reinstein shared information on a recent settlement agreement involving reclassification of capital death row inmates. It changes status for these inmates to earn the right to change maximum custody (solitary) to close custody (with other death row inmates), visitation and job options within their units, and recreation expansion, and how death row inmates can be housed differently between the two options. Ms. James commented that she believes there is a gap in victim notification; that victims should be notified when inmates are reclassified and are on different status. Judge Reinstein stated that he will be bringing this issue up at the upcoming Capital Oversight Committee meeting.

D. Restitution Workgroup Report and Recommendations (Out of order)

Ms. Kirstin Flores, Restitution Workgroup Chair, gave an update. She asked the representative of each of the Subcommittees (Legislation, Limited Jurisdiction, Restitution Court Guidelines, Statistics, Victim Locate Fund, and Website and Forms) to update COVIC on project statuses. Overall, the workgroup is finding a need to educate and train judicial officers and staff.

E. Results of Mini-Strategic Planning Session on June 9, 2017

The members in attendance at the June 9, 2017 meeting were asked to

brainstorm and share the top three subjects they would like to see COVIC address in the coming year, and then choose from ideas listed as to the top three suggestions that they feel are most important. Ms. Denise Lundin, COVIC/AOC Staff, shared the results from this session. They can be found in the materials packet. The group might want to also consider extending the regular meeting time or adding an extra meeting to accommodate the subjects under consideration, as well as the heavy meeting agendas.

F. DV Lethality Assessment Update

Judge Reinstein shared that the Supreme Court Rules Conference in August 2017 has deferred any decision on utilizing the proposed assessment to answer some questions raised by the assigned staff attorney. Dr. Websdale and Dr. Messing will be included in this continued discussion to iron out the issues. COVIC will be updated on the outcome.

IV. CALL TO PUBLIC

A. Call to the Public

1. The Chair reported that in June of 2016, the director of the FBI sent out a letter to every state governor regarding concerns with the FBI microscopic hair analysis methodology. Testimony of experts in some of these cases may not be supported by science. Some cases in Arizona could be impacted by this federal finding. A Justice Department grant was awarded to conduct a review to determine what cases need to be retried. The grant includes the Arizona Justice Project and state Attorney General's Office.
2. Ms. Sydney Davis shared that Ms. Lynn Golden, AOC Staff, is performing in a local theatrical production through mid-November, and that Ms. Davis and Ms. Golden will be performing together in a December show in Scottsdale. Please come see them if you can.
3. Meeting dates for next year have been set for:
 - March 2, 2018
 - June 8, 2018
 - October 19, 2018

V. ADJOURNMENT

A. Adjourn

Motion was made by Mr. Breeze at 12:20 p.m. to adjourn. Seconded by Ms. Davis. Motion passed unanimously. Meeting adjourned at 12:21 p.m.

VI. NEXT COMMITTEE MEETING DATE

March 2, 2018

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

State Courts Building, Room 345 A/B

1501 W. Washington St., Phoenix, AZ 85007