

Arizona Supreme Court
Commission on Victims in the Courts

March 2, 2018

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 345 A/B

APPROVED 6/8/18

Present: Hon. Ronald Reinstein; Mr. Timothy Agan; Mr. Michael Breeze; Ms. Colleen Clase; Hon. Maria Elena Cruz; Ms. Kirstin Flores; Hon. Pamela Frasher Gates (*proxy for Hon. Sam Myers*); Ms. Kim Hedrick; Ms. Leslie James; Asst. Chief John Leavitt; Mr. Dan Levey; Hon. Evelyn Marez; Sgt. Jim Markey (Ret.); Chief Rod McKone; Mr. Aaron Nash (*proxy for Ms. Christine Kelly*); Ms. Jane Nicoletti-Jones; Ms. Elizabeth Ortiz; Ms. Laura Penny; Ms. Karyn Rasile; Hon. Richard Weiss;

Telephonic: Ms. Sydney Davis; Ms. Debra Olsen; Mr. William Owsley; Hon. Antonio Riojas, Jr.; Hon. Sally Simmons

Absent/Excused: Ms. Leesa Berens Weisz

Presenters/Guests: Vice Chief Justice Robert Brutinel; Ms. Luna Diaz; Mr. Jerry Landau, AOC Legislative Officer; Ms. Summer Stevens

Administrative Office of the Courts: Ms. Jennifer Albright; Ms. Cathy Clarich; Ms. Denise Lundin; Ms. Lynn Golden

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The March 2018 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. Announcements –

Hon. Ronald Reinstein, Chair and Ms. Denise Lundin, COVIC Staff shared the following announcements –

Mr. Dan Levey has been appointed to the Taskforce on Rule 32 Revisions for Rules on Criminal Procedure. Ms. Leslie James recently presented at a national Cold Case Conference, honoring her sister and recently passed father. Ms. Keli Luther had resigned last year from the Commission and is fighting health issues with vigor.

Ms. Luther was recently honored by the Maricopa County Attorney's Office, AVCV and the Sandra Day O'Connor School of Law with a scholarship in her name, the "Keli Luther Victims' Rights Externship." Ms. Kim Hedrick was nominated by numerous entities for the Arizona Coalition to End Sexual and Domestic Violence's 2018 THRIVE Three-Heart Survivor Award and will be receiving it at a ceremony on May 19, 2018. Ms. Hedrick spoke at the Judicial Conference last year and was well received. We are beginning the reappointment process and seeking new members to replace members who have left. Members whose terms are ending were announced. They will be contacted by the AOC Staff about continuing service and the Chair requests members submit other names for consideration for Chief Justice appointment to the Commission.

C. Approval of the October 27, 2017 Minutes

The draft minutes from the October 27, 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.

- A correction was noted by Ms. Kirstin Flores. Correction will be made. Motion was made by Mr. Agan to approve the October 27, 2017 meeting minute as corrected. Seconded by Mr. Michael Breeze. Motion passed.

D. Presentation by Guest Speaker

Vice Chief Justice Robert Brutinel of the Arizona Supreme Court shared some insight on the court's strategic planning process and his thoughts for the next Strategic Agenda. Access to Justice, Juvenile Law, and Court Management are potential initiatives, in addition to previous ones, that he would like to focus on. He asked members to relay any initiatives that they'd like to add to the plan.

II. LEGISLATIVE UPDATE -

Mr. Jerry Landau, AOC Director of Public Affairs, presented an update on the following bills of interest to the crime victim community before the Arizona Legislature.

H2020: Nondisclosure Agreements; Sexual Assault; Harassment – limiting use of non-disclosures

H2245: Prohibited Bail; Sexual Conduct; Molestation – increases crimes subject to non-bailable offenses

H2249: Protective Orders; Filing Requirements – Service of Orders of Protection

H2312: Setting Aside Conviction: Requirements – Clerk of Court prohibited from charging filing fee to have judgment of guilt set aside and sets factors court must consider when determining to set aside a conviction

H2313: Sentencing; Monetary Obligations; Fine Mitigation – Courts can mitigate mandatory fines with monies going to Victims' assessment

S1041: Residency Restrictions: Sex Offenders: Victims – defendants required to register as sex offenders limited in residence proximity to victim

S1211: Sentence: Life Imprisonment; Parole Eligibility – post 1994 convictions of life with possibility of parole must be on lifetime parole, unless revoked.

S1503: Delinquent Restitution; Monthly Report; Hearing – Clerk of the Court must transmit monthly report to probation department any probationers delinquent in the payment of restitution

III. DIGITAL EVIDENCE TASKFORCE UPDATE -

Judge Reinstein gave a brief synopsis of the work done previously by the Digital Evidence Taskforce. Ms. Jennifer Albright, AOC Taskforce staff, gave a summary of the work accomplished to date, to include a Final Report. Recommendations were presented to the Arizona Judicial Council and the Chief Justice. In January, the Taskforce filed a petition for rule changes to several sets of rules. The petition can be found under the Rules of Evidence section as R-18-0008. The phrase, “electronically stored information” is used throughout the proposed rule changes.

IV. RESTITUTION WORKGROUP UPDATE -

Ms. Kirstin Flores, Workgroup Chair and COVIC Member, presented information from the most recent meeting in December of 2017. The focus of this meeting was training for judges, advocates, prosecutors and court staff. Restitution Webpage updates have been made including Pre-Conviction Restitution Lien information, Payment History and Order to Show Cause requests.

V. NOTICING VICTIMS’ ATTORNEYS RE: HEARINGS UPDATE (taken out of order)-

Mr. Aaron Nash of the Maricopa County Clerk of Superior Court’s Office of the Superior Court of Maricopa County attended as proxy for Ms. Christine Kelly, Chief Deputy. Mr. Nash presented information on victims’ attorneys receiving notices of hearing. Once an attorney files a notice of appearance the Clerk will add them into their system, so they will be endorsed on minute entries. If an attorney appears in court, the Clerk will capture information to endorse them on that specific hearing’s minute entry, but the attorney will still need to file a notice of appearance to get subsequent notice of minute entries in the system. Remote access is available in Maricopa County. Non-minute entries are not a clerk’s process, so other orders should have victims’ counsel copied. E-filing in Maricopa County is, however, included in their system, so those entries should appear. Maricopa County Clerk’s Office has been monitoring this since January 1, 2018. For Juvenile case counsel, the Clerks are checking for endorsement into the system.

VI. ARIZONA VOICE FOR CRIME VICTIMS’ (AVCV) PETITION TO AMEND AZ CRIMINAL RULES OF PROCEDURE (taken out of order) -

Ms. Colleen Clase, Sr. Attorney for AVCV and COVIC Member, presented information regarding AVCV's filing of a rule change petition in January, proposing amending the rules of Criminal Procedure, to include eliminating Rule 39, and integrating victims' rights throughout the rules, where the right would be applicable. Discussion ensued.

- Motion was made by Ms. Clase for COVIC to support AVCV's Petition No. 18-0001 and file a comment in support of said petition. Seconded by Judge Sally Simmons. Vote was: Aye: seven Nay: sixteen. Ms. Elizabeth Ortiz abstained due to APAAC members unable to convene and vote in time . One member was not present to vote. Motion failed.

VII. STRATEGIC AGENDA -

Ms. Denise Lundin presented information on the upcoming Strategic Agenda planning process and how COVIC relates to it. It was requested that COVIC convene a workgroup to discuss and submit ideas from COVIC to share with the AOC Directors for their end of March meeting, and the subsequent April Supreme Court Retreat. The following members of COVIC volunteered to serve on the COVIC Strategic Agenda Workgroup – Mr. Timothy Agan, Ms. Elizabeth Ortiz, Ms. Kim Hedrick, and Ms. Leslie James. This workgroup will work with Judge Reinstein and COVIC Staff on this project.

- Motion was made by Judge Reinstein to create a Strategic Agenda Workgroup to discuss and present possible COVIC ideas for the next Strategic Agenda. Seconded by Mr. Michael Breeze. Motion passed.

VIII. NEUROBIOLOGY OF TRAUMA TRAINING -

Ms. Lundin presented on DPS-sponsored and VOCA-funded recent two-day training on the Neurobiology of Trauma, which she attended. Ms. Lundin highly recommends this training to COVIC members.

IX. CALL TO PUBLIC -

Judge Reinstein mentioned that COVIC, in conjunction with CIDVC, did a lot of work on the Lethality Assessment (Form 4c). The Supreme Court adopted it in December 2017 and it will take effect on April 2nd. Training in its use will be provided by the AOC Education Services and Court Services Divisions, in association with other entities. A Bench card is also being developed. Ms. Amelia Cramer from the Pima County Attorney's Office, Mr. Jon Eliason from the Maricopa County Attorney's Office, and Ms. Elizabeth Ortiz and APAAC are to be commended for their work on this project.

Arizona Supreme Court
Commission on Victims in the Courts

March 2, 2018

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 345 A/B

APPROVED 6/8/18

Present: Hon. Ronald Reinstein; Mr. Timothy Agan; Mr. Michael Breeze; Ms. Colleen Clase; Hon. Maria Elena Cruz; Ms. Kirstin Flores; Hon. Pamela Frasher Gates (*proxy for Hon. Sam Myers*); Ms. Kim Hedrick; Ms. Leslie James; Asst. Chief John Leavitt; Mr. Dan Levey; Hon. Evelyn Marez; Sgt. Jim Markey (Ret.); Chief Rod McKone; Mr. Aaron Nash (*proxy for Ms. Christine Kelly*); Ms. Jane Nicoletti-Jones; Ms. Elizabeth Ortiz; Ms. Laura Penny; Ms. Karyn Rasile; Hon. Richard Weiss;

Telephonic: Ms. Sydney Davis; Ms. Debra Olsen; Mr. William Owsley; Hon. Antonio Riojas, Jr.; Hon. Sally Simmons

Absent/Excused: Ms. Leesa Berens Weisz

Presenters/Guests: Vice Chief Justice Robert Brutinel; Ms. Luna Diaz; Mr. Jerry Landau, AOC Legislative Officer; Ms. Summer Stevens

Administrative Office of the Courts: Ms. Jennifer Albright; Ms. Cathy Clarich; Ms. Denise Lundin; Ms. Lynn Golden

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The March 2018 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. Announcements –

Hon. Ronald Reinstein, Chair and Ms. Denise Lundin, COVIC Staff shared the following announcements –

Mr. Dan Levey has been appointed to the Taskforce on Rule 32 Revisions for Rules on Criminal Procedure. Ms. Leslie James recently presented at a national Cold Case Conference, honoring her sister and recently passed father. Ms. Keli Luther had resigned last year from the Commission and is fighting health issues with vigor.

Arizona Supreme Court
Commission on Victims in the Courts
Friday June 8, 2018
10:00 a.m. to 12:00 p.m.
State Courts Building
1501 W. Washington, Phoenix, AZ 85007
Conference Room 345 A/B

FINAL APPROVED 10/19/18

Present: Hon. Ronald Reinstein; Mr. Ammon Barker (*proxy for Ms. Jane Nicoletti-Jones*); Ms. Leesa Berens Weisz; Mr. Michael Breeze; Judge Maria Elena Cruz; Ms. Sydney Davis; Ms. Michelle Frisen (*proxy for Ms. Karyn Rasile*); Ms. Jessica Gattuso (*proxy for Ms. Colleen Clase*); Ms. Kim Hedrick; Ms. Lindsey Herf (*proxy for Mr. Timothy Agan*); Ms. Leslie James; Ms. Christine Kelly; Asst. Chief John Leavitt; Mr. Dan Levey; Sgt. Jim Markey (Ret.); Ms. Barbara Marshall (*proxy for Ms. Elizabeth Ortiz*); Chief Rod McKone; Hon. Sam Meyers; Ms. Debra Olsen; Mr. William Owsley; Hon. Antonio Riojas, Jr.; Hon. Sarah (Sally) Simmons; Hon. Richard Weiss

Telephonic: none

Absent/Excused: Ms. Laura Penny

Presenters/Guests: Ms. Lisa Petty Banen; Ms. Angelyn Bayless; Ms. Erin Bertino; Ms. Melissa Brickhouse-Thomas; Ms. Kim Cano; Mr. Vincent Figarelli; Ms. Teresa Fuller; Justice Andrew Gould; Ms. Donna Halloran; Ms. Latrice Jackson-Anderson; Mr. Thomas Lane; Judge Paul McMurdie; Assistant Chief Scott Popp; Ms. Judy Schaffert; Ms. Laurel Whisler; Mr. Austin Yost

Administrative Office of the Courts: Ms. Lynn Golden; Ms. Amy Love; Ms. Denise Lundin; Ms. Heather Murphy; Ms. Kay Radwanski; Mr. Marcus Reinkensmeyer

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The June 2018 meeting of the Commission on Victims in the Courts was called to order by the Honorable Ronald Reinstein, Chair, at 10:00 a.m. The Chair asked for Commission member roll call and introductions of staff, presenters and guests.

B. Announcements –

Hon. Ronald Reinstein, Chair and Ms. Denise Lundin, COVIC Staff shared the following announcements –

- 1) Judge Reinstein acknowledged some members who have recently received awards – First, recognition by the Attorney General’s Office Distinguished Service Award to Ms. Chris Kelly on behalf of the Maricopa County Clerk’s Office Victim Locate Program. Second, and by the Coalition Against Sexual Assault and Domestic Violence, the Three Heart Survivor Award was recently given to Ms. Kim Hedrick for her work as a survivor of sexual assault and victim advocate. Third, Amy Love, Deputy Director of Legislative Affairs, was also recognized by the Coalition, regarding recent events involving reporting abuse.
- 2) The Administrative Order regarding reappointments and new appointments has been signed by the Chief Justice. Congratulations to the following reappointed members: Ms. Colleen Clase, Ms. Sydney Davis, Ms. Chris Kelly, Captain John Leavitt, Sergeant James Markey, Judge Sam Myers, Ms. Jane Nicoletti-Jones, Judge Richard Weiss, as well as Judge Ron Reinstein as COVIC Chairperson. Congratulations as well to the following new members: Mr. Jon Eliason, Ms. Vanessa Helms, and Judge Kellie Johnson.

C. Approval of the March 2, 2018 Minutes

The draft minutes from the March 2, 2018 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. Michael Breeze to approve the March 2, 2018 meeting minutes. Seconded by Ms. Sydney Davis. Motion passed, and minutes approved.

II. LEGISLATIVE UPDATE -

Ms. Amy Love, AOC Legislative Affairs, presented an update on the following Legislative issues -

H2020: Nondisclosure Agreements; Sexual Assault; Harassment – limiting use of non-disclosures.

H2249: Protective Orders; Filing Requirements – Service of Orders of Protection.

H2312: Setting Aside Conviction: Requirements – Clerk of Court prohibited from charging filing fee to have judgment of guilt set aside and sets factors court must consider when determining whether to set aside a conviction.

H2313: Sentencing; Monetary Obligations; Fine Mitigation – Courts can mitigate mandatory fines with monies going to Victims' assistance.

S1041: Residency Restrictions: Sex Offenders: Victims – defendants required to register as sex offenders limited in residence proximity to victim.

S1211: Sentence: Life Imprisonment; Parole Eligibility – post-1994 convictions of life with possibility of parole must be on lifetime parole, unless revoked. Judge Reinstein shared additional information on this bill.

S1503: Delinquent Restitution; Monthly Report; Hearing – Doubles the number of months to four before probation office must notify the court of defendant's delinquency in the payment of restitution.

III. GUEST SPEAKERS

A. Solving Cold Cases - Familial DNA, Victim Involvement and Interaction

Director Kris Cano, Scottsdale Forensic Services, Superintendent Vincent Figarelli, AZ DPS Crime Lab, and Assistant Chief Scott Popp, Scottsdale PD, gave a presentation regarding using Familial DNA to solve cold cases, genealogical searching, and shared insight on a recent arrest in the Allison Feldman murder case.

IV. INTIMATE PARTNER ASSESSMENT UPDATE (taken out of order) –

Ms. Kay Radwanski, AOC Staff, gave an update on recent work finalizing the Intimate Partner Risk Assessment Form which took effect in April. CIDVC also developed a bench card to assist judges with release conditions.

Continuation of Guest Speakers -

B. Decoding Sex Buyers – The Work of CEASE, Arizona

Ms. Angelyn Bayless, Director of CEASE, Arizona and Executive Director of the Arizona Anti-Trafficking Network, presented on her work which focuses on the demand side of sex-trafficking in the state through innovative methods.

V. RESTITUTION WORKGROUP UPDATE -

Ms. Kirstin Flores, Workgroup Chair, gave an update on the workgroup's progress. It is presently focused on identifying best practices and bringing awareness around the state, with education being a top priority. A sub-committee will be working on revising training manuals for judicial officers. Chief Rod McKone reported that the work on gathering statistics is ongoing and challenging. Ms. Flores stated that next up will be "Big Ideas."

VI. ARIZONA CASELAW UPDATE -

Judge Reinstein gave an update on recent Arizona appellate court opinions impacting victims' rights.

VII. STRATEGIC AGENDA WORKGROUP REPORT -

Ms. Denise Lundin, COVIC Staff, shared the final recommendations made to the Chief Justice from COVIC for the upcoming Strategic Agenda. The two items the group focused on were tracking restitution and providing trauma training for court employees who deal with some very intense situations on a regular basis.

VIII. VICARIOUS TRAUMA TOOLKIT -

Ms. Lundin shared information on the Vicarious Trauma Toolkit, an online resource that provides many helpful tools to those agencies that regularly work with people experiencing traumatic events. Its website is www.ovc.gov/vtt.

IX. CALL TO PUBLIC -

Judge Reinstein made a Call to the Public. There was none.

X. ADJOURNMENT -

- Motion was made by Mr. Breeze to adjourn. Seconded by Chief Rod McKone. Motion passed. Meeting adjourned at 2:02 p.m.
-

XI. NEXT COMMITTEE MEETING DATE

**October 19, 2018
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
Friday October 19, 2018
10:00 a.m. to 12:00 p.m.
State Courts Building
1501 W. Washington, Phoenix, AZ 85007
Conference Room 345 A/B

Present: Hon. Ronald Reinstein, Chair; Mr. Michael Breeze; Judge Maria Elena Cruz; Ms. Sydney Davis; Mr. Jon Eliason; Ms. Kindra Fleming (*proxy for Mr. Timothy Agan*); Ms. Kirstin Flores; Ms. Vanessa Helms; Ms. Leslie James; Judge Kellie Johnson; Ms. Christine Kelly; Captain John Leavitt; Mr. Dan Levey; Ms. Barbara Marshall (*proxy for Ms. Elizabeth Ortiz*); Judge Sam Myers; Ms. Debra Olsen; Mr. William Owsley; Mr. Karyn Rasile; Judge Richard Weiss

Telephonic: Ms. Colleen Clase; Ms. Kim Hedrick; Judge Evelyn Marez; Chief Rod McKone; Ms. Laura Penny; Judge Antonio Riojas, Jr.

Absent/Excused: Sgt. James Markey; Ms. Jane Nicoletti-Jones

Presenters/Guests: Ms. Jessica Gattuso; Ms. Jazmyne Landes; Ms. Lois Rees; Ms. Kendall Schaub; Mr. Daniel Torrez; Mr. Randall Udelman; Judge Maria del Mar Verdin (Ret.)

Administrative Office of the Courts: Ms. Theresa Barrett; Ms. Lynn Golden; Ms. Denise Lundin; Ms. Sabrina Nash

I. REGULAR BUSINESS

A. Welcome, Opening Remarks -

The October 2018 meeting of the Commission on Victims in the Courts was called to order by the Honorable Ronald Reinstein, Chair, at 10:05 a.m. The Chair asked the new members to introduce themselves, then asked for a member roll call and introductions of staff, presenters, and guests.

B. Announcements –

Hon. Ronald Reinstein, Chair shared the following announcements –

- 1) Ms. Denise Lundin will be retiring at the end of the year, and this is her last meeting. In addition, Ms. Lynn Golden will pass on support staff duties to a new unit within the Court Services Division. The Chair and Committee wish both the very best. New committee staff were introduced.
- 2) Ms. Sydney Davis spoke on a current production of "The Trial of the Catonsville Nine" that she is performing in at the Herberger Theater Center.

C. Approval of the June 6, 2018 Minutes -

The draft minutes from the June 2018, 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. Davis to approve the June 6, 2018 meeting minutes. Seconded by Judge Sam Myers. Motion passed, and minutes approved.

II. GUEST SPEAKERS

A. Marsy's Law – Advocating for state and US Constitutional Amendments for Crime Victims' Rights

Judge Maria del Mar Verdin (Ret.) presented information on Marsy's Law, passed in 2008 in California, which deals with protecting crime victims' rights and informing families of victims of crime of the release of defendants. The Marsy's Law organization now works to amend state constitutions that don't offer protection to crime victims.

B. Victim Offender Dialogue (VOD) Program

Mr. Daniel Torrez, ADC Office of Victim Services, presented information on a new program, Victim Offender Dialogue Program (VOD), which is a program that provides an opportunity for eligible victim/survivors to meet with an offender face-to-face in a safe and secure environment with the assistance of a trained facilitator. The VOD Program is voluntary for both the victim and offender/inmate. Participation by an offender in the VOD Program does not impact his/her sentence, parole, or release considerations. This discussion is meant to empower victims, and to allow 1) the victim to tell the offender the full impact of their crime and share information on a loved one, 2) the victim to find out if the offender has changed since incarceration and if he/she is remorseful and accept responsibility for the crime, and to allow the victim to offer the offender forgiveness, helping the victim to move forward and heal.

III. ARIZONA RULES OF CRIMINAL PROCEDURE – RULE 15.3 (out of order) –

Judge Richard Weiss raised an issue presented in Mohave County by the Mohave County Attorney's Office as to whether they could seek a local rule change. They believed the Criminal Rules Restyling Taskforce inadvertently made a substantive change to Rule 15.3 of the Rules of Criminal Procedure that would prevent prosecutors from deposing uncooperative victims, particularly in domestic violence cases. The discussion concluded that they could not seek a Local Rule for something otherwise covered in Rule 15.3, however, they could go through the Supreme Court Rules Petition process. The discussion dealt with whether a domestic violence victim who chose not to cooperate out of fear or unwillingness to participate in legal proceedings should be forced to cooperate through deposition, as opposed to a victim who was not available due to health or distance concerns. Members concluded that they were still victims, whether they chose to participate or not.

IV. RESTITUTION WORKGROUP UPDATE

Ms. Kirstin Flores, Workgroup Chair, presented that the focus of the Restitution Workgroup has been a revision of the judges' Reference Manual for Restitution in Limited Court jurisdiction. Regular meetings by this dedicated sub-committee has resulted in an updated, organized, and efficient guide. We plan to present the Revised Manual to the AOC next month.

V. ARIZONA CASELAW AND COURT OPINIONS UPDATE

Judge Reinstein and Ms. Colleen Clase presented an update on three recent Arizona Court of Appeals opinions impacting victims' rights. E.H. vs Slayton/Conley filed 8/30/18 – held that anyone who fits within the familial categories of victim in murder and cases in which the victim becomes incapacitated is entitled to VBR. State vs Martinez filed 05/24/19 holding that the presentation of victim impact in the form of a video to the judge was not unduly prejudicial in this case. Z.W. vs Foster/Achenbach filed 05/24/18 holding that the use of the term, "alleged victim" in trial did not violate this victim's rights in this case, however, the superior court retains discretion to assess on a case-by-case basis. This case is being taken up for review.

GUEST SPEAKERS (CONTINUED) -

C. Arizona Crime Victim Rights Law Group –

Mr. Randall Udelman, Attorney, and Mr. Dan Levey presented information on the Arizona Crime Victim Rights Law Group, founded by Mr. Udelman.

This organization provides free legal assistance to victims in dealing with the criminal justice system from the time the charging decision is made through the defendant's completion of sentence and after. Some recent issues they've been working on are the delay of a victim's speedy right to trial when a defendant is ordered into a Rule 11 competency evaluative process and perfecting a victim's right to a pre-conviction restitution lien at the time of indictment, which would preserve the status quo. Also, his group is working towards a procedure in which when courts hold review hearings after a probation officer notices the court that restitution is not being timely paid, the victim may attend and present evidence as to why the defendant should uphold his/her payment obligations as outlined in the recent amendments to ARS § 13-804. Finally, there are other tools in the criminal code that allow the court to have continuing jurisdiction in cases of non-payment of restitution and collection may be obtained by victims through writs of garnishment and execution and other methods. The tools are not being taken advantage of enough and he called for the victims-centric community and defense bar to work collectively to increase the restitution collection rate

VI. 2019 POTENTIAL MEETING DATES

Ms. Lynn Golden, COVIC Staff, shared the potential meeting dates for COVIC in 2019 that are available on the Arizona State Courts Building calendar. Information will go out once dates are finalized to firm then up. Expect to be contacted by COVIC Staff regarding final dates soon.

Postscript: 2019 dates have been confirmed and sent out to members.

VII. CALL TO PUBLIC

Judge Reinstein made a Call to the Public. Ms. Chis Kelly announced Aaron Nash will be leaving the Maricopa County Clerk's Office to be the new Public Information Officer for the AOC.

VIII. ADJOURNMENT -

- Motion was made by Judge Myers to adjourn. Seconded by Captain John Leavitt. Motion passed. Meeting adjourned at 12:06 p.m.

NEXT COMMITTEE MEETING DATE

**March 15, 2019
10:00 a.m. to 12:00 p.m.
State Courts Building, Room 345 A/B
1501 W. Washington St., Phoenix, AZ 85007**