



Minutes

June 9, 2016

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

Present: Dave Byers, Chair, Tom O’Connell, Vice Chair, Kent Batty, Judge Maria Elena Cruz, India Davis, Jeffrey Fine, Adam Walterson (proxy for Judge John Hudson during the morning session), Judge John Hudson during the afternoon session, Robert James, Paul Julien, Doug Kooi, Michael Kurtenbach, Judge Dorothy Little, Jeremy Mussman, Tony Penn, Dianne Post, Judge Antonio Riojas, Judge Lisa Roberts, Judge Thomas Robinson, Leonard Ruiz, MaryEllen Sheppard, Alessandra Soler, Rebecca Steele, Judge Don Taylor, Kathy Waters

Absent: Judge Michael Bluff, Ryan Glover

Presenters/Guests: Barbara Broderick, Francisca Porchas, Heather Hamel, Norma Jimenez, Adriana Garcia Maximiliano, Jerry Landau, Paul Thomas, Amy Love

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

Call to Order

Dave Byers called the meeting of the *Task Force on Fair Justice for All* to order at 10:00 a.m.

Welcome and Opening Remarks

Mr. Byers welcomed the members back.

Having announced Leonardo Ruiz’ appointment at the May 20th meeting, Mr. Byers welcomed him.

Mr. Byers noted that Adam Walterson was attending as Judge John Hudson’s proxy until the afternoon session.

Approval of Minutes from May 20, 2016

Motion: To approved the May 20, 2016, minutes as written. Motion seconded.

Vote: Passed unanimously

The effects of fees and fines on probation terms

Barbara Broderick, Maricopa County Chief Probation Officer, provided the members with a handout that enumerated current issues and possible solutions related to bail/bond, failure to Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies

appear bench warrants, financial sanctions, holds/bonds that hinder treatment, payment of fines/fees, and criminal restitution orders. As Ms. Broderick discussed her recommendations, some of which are in the task force's preliminary report, she cited several case studies that clearly demonstrated the issues.

Action Item: Review Ms. Broderick's recommendations that are not duplicative for possible inclusion in the recommendations of the task force.

Report on unique problems with various advocacy group populations regarding fines, fees, and bail, and suggestions to alleviate these problems.

Alessandra Soler introduced representatives from four community organizations: Francisca Porchas, Organizing Director, Puente Human Rights Movement; Norma Jimenez, Project Coordinator, Center for Neighborhood Leadership; Heather Hamel, Executive Director, Justice That Works; and Adriana Garcia Maximiliano, Board Member, Center for Neighborhood Leadership & Unlimited Potential. After thanking the task force for the opportunity to participate and applauding the work being done, the group offered insight into their communities. Joining Ms. Jimenez in her presentation was Angela Reyes, a member of Arizona's immigrant community, who discussed her first traffic ticket experience. The groups also provided a handout that documented the groups' input on 29 of the 35 preliminary recommendations.

Action Item: Review the group's comments on the recommendations for possible inclusion in the recommendations of the task force.

Call to the Public

No members of the public were present.

Information regarding the use of technology to score a defendant's ability to pay

Rebecca Steele reported the research she conducted for the Clerk of the Superior Court in Maricopa County regarding an estimator tool for assessing ability to pay. This tool combines vast consumer data aggregation and customizable, pre-built modeling variables with a predictive modeling engine to provide real-time scoring and information services to validate defendant financial information without impacting defendant credit reports.

Review of draft legislation proposals

Jerry Landau, Government Affairs Director, presented draft proposed amendments to the following Arizona Revised Statutes:

- 12-116.01 Surcharges; fund deposits
- 12-116.02 Additional surcharges; fund deposits
- 13-603 Authorized disposition of offenders
- 13-824 Community restitution in lieu of fines, fees, assessments or incarceration costs
- 13-825 Misdemeanors; community restitution – new section
- 13-826 Civil penalties or fines; waiver – new section
- 28-857 School bus signs; overtaking and passing school bus; violation; driver license

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- suspension; civil penalty
- 28-2532 Registration; violation; civil penalties
- 28-3473 Driving violations on a suspended, cancelled, revoked or refused license; classification; restricted privilege to drive
- 28-4135 Motor vehicle financial responsibility requirement; civil penalties; evidence at hearing

The Task Force broke for lunch at 12:30 p.m.

Report regarding the Western Region Pretrial Summit

Mary Ellen Sheppard reported on the Arizona team priorities, communities that need better solutions, language of proposed rule or legislative changes, and other related suggestions that resulted from 2016 Conference of Chief Justices (CCJ)/Conference of State Court Administrators (COSCA) Western Region Pretrial Reform Summit.

Review of Recommendations

Dave Byers and Tom O’Connell took the members through a review of the draft recommendations. Members voted to ‘Yes’ include in the report, ‘No’ do not include in the report or ‘Yes – Amend’ include in report as amended. All votes indicated were unanimous or by a majority.

Rec #	Vote	Rec. #	Vote	Rec. #	Vote
1	Yes – Amend	11	Requires further research	21	Yes
2	Yes – Amend	12	Yes – Amend	22	Yes – Amend
3	No	13	Yes	23	Merged into #22
4	Table the review of the forms until the adoption of any statutory or rule changes	14	Captured in another recommendation	24	Merged into #22
5	Yes – Amend	15	Yes	25	Tabled
6	Yes	16	Merged into # 15	26	Yes – Amend
7	Yes – Amend	17		27	Captured in another recommendation
8	Deferred until June 10	18		28	Table for further review to crystalize this recommendation with Barbara Broderick’s recommendations
9	Yes	19		29	Merged into #22
10	Yes – Amend	20	Yes	30	Deferred until June 10

Wrap up and clarify plans for June 10 task force meeting

Thanking everyone for a hard day’s work, Dave Byers laid out the items to be covered on June 10.

For the good of the order

Jeff Fine invited everyone to the opening ceremony of the Maricopa County Justice Court Video Appearance Center on June 10 at 10 a.m.

The meeting was adjourned at 4:00 p.m.

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Present: Dave Byers, Chair, Tom O’Connell, Vice Chair, Kent Batty, Judge Maria Elena Cruz, Ryan Glover, Judge John Hudson, Robert James, Paul Julien, Doug Kooi, Michael Kurtenbach, Judge Dorothy Little, Jeremy Mussman, Dianne Post, Judge Antonio Riojas, Judge Lisa Roberts, Judge Thomas Robinson, Leonard Ruiz, MaryEllen Sheppard, Judge Don Taylor, Kathy Waters

Absent: Judge Michael Bluff, India Davis, Jeffrey Fine, Alessandra Soler, Rebecca Steele

Presenters/Guests: Jeff Schrade

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

Call to Order

Dave Byers called the meeting of the *Task Force on Fair Justice for All* to order at 8:30 a.m.

Welcome and Opening Remarks

Dave Byers welcomed the members. He noted the handouts from Barbara Broderick and the community activists, which were received on June 9 and suggested a plan of action for review and possible inclusion into the report of the task force.

Members received an additional handout containing the Kentucky release rule.

Continue to review recommendations

Dave Byers and Tom O’Connell continued the review of the draft recommendations beginning with two (numbers 8 and 30) that were addressed on June 9. Members voted to ‘Yes’ include in the report, ‘No’ do not include in the report or ‘Yes – Amend’ include in report as amended. All votes indicated were unanimous or by a majority.

Rec #	Vote	Rec. #	Vote	Rec. #	Vote
8	Yes – Amend	32A	Yes - Amend	33	Yes
30	Yes – Amend	32B	Yes	34	Yes – Amend
31	Yes				

Review of Task Force future plans

Jeff Schrade presented an outline of the education and training plan, and a timeline. Mr. Schrade suggested establishing an explicit training requirement in the Arizona Code of Judicial Administration with Committee on Judicial Education and Training setting the specific requirement. The training plan included a multi-branch stakeholder summit, plenary at the 2017 Judicial Conference with live broadcast for court staff, bench book updates, and ongoing integration into other training sessions.

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Recommendations – Education

Dave Byers and Tom O’Connell took the members through a review of the draft education recommendations. Members voted to ‘Yes’ include in the report, ‘No’ do not include in the report or ‘Yes – Amend’ include in report as amended. All votes indicated were unanimous or by a majority.

Rec #	Vote	Rec. #	Vote	Rec. #	Vote
1	Yes – Amend	6	Yes – Amend	10	Captured in another recommendation
2	Yes	7	Yes – Amend	11	Yes – Amend
3	Yes	8	Yes – Amend	12	Captured in another recommendation
4	Yes	9	Yes	13	To be reviewed along with the recommendations made by Barbara Broderick
5	Yes				

Continued recommendation review

The members returned to the review of the recommendations. The same method of voting as was used earlier in the day continued.

Rec #	Vote	Rec. #	Vote	Rec. #	Vote
35	Table more research needed	37	Yes - Amend	39	Captured in another recommendation
36	Captured in another recommendation	38	Yes – Amend		

The Task Force broke for lunch at 12:00 p.m.

Discuss and review preliminary draft report

Dave Byers discussed the outline of the report; principles followed by the pertinent recommendations. With a number of suggestions captured, Mr. Byers asked members to submit any other comments and assigned writing tasks to Kathy Sekardi by June 20.

Review project plan and timeline

Mr. Byers and the members discussed the proposed project plan and timeline from task force draft report finalization and presentation of the report, through legislative proposal and rule circulation, to possible presentation of new legislation and adopted rules. Included in this discussion was the routing of the report to the Arizona Judicial Council and its appropriate standing committees.

Continued recommendation review

The members completed the review of the recommendations, voting as follows:

Rec #	Vote	Rec. #	Vote	Rec. #	Vote
40	Merged with 30	45	Yes	49	Yes
41	Yes	46	Captured in another recommendation	50	Yes

42	Yes	47	Yes	51	Yes – Amend
43	Yes	48	No	52	Yes – Amend
44	Yes – Amend				

For the good of the order

Kent Batty announced the award of the MacArthur Foundation Grant to Pima County.

The meeting was adjourned at 1:46 p.m.

Next Meeting: August 5, 2016