

**COMMITTEE ON THE IMPACT OF  
DOMESTIC VIOLENCE AND THE COURTS  
Final Minutes – As Corrected  
September 10, 2013  
Arizona State Courts Building  
Conference Room 345A/B  
1501 W. Washington Street, Phoenix, AZ 85007**

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**Present:** Judge Emmet Ronan, Judge Carol Scott Berry, Allison Bones, Cathy Clarich, Gloria Full, Michele Gamez, Judge Carey Hyatt, Judge Joseph Knoblock, Patricia Madsen, Dana Martinez, Leah Meyers, Judge Wendy Million, Marla Randall, Teisha Portee (proxy for Tracey Wilkinson)

**Telephonic:** Sonja Burkhalter Gonzalez, Lynn Fazz, Judge Cathleen Nichols, Det. Eugene Tokosh

**Absent/Excused:** Judge Keith Barth, Ellen Brown, Chief Steven W. Campbell, Joi Davenport, Pegg Derrow, Kristine Reich, Captain David Rhodes, Renae Tenney

**Presenters/Guests:** Lt. James Gallagher (Phoenix PD), Dr. Kristine Hickle (ASU), Dr. Dominique Roe-Sepowitz (ASU)

**Administrative Office of the Courts (AOC):** Humberto Cisneros, Carrin Huff, Cindy Trimble

**AOC Staff:** Kay Radwanski, Annette Mariani

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## **I. REGULAR BUSINESS**

### **A. Welcome and Opening Remarks**

With a quorum present, the September 10, 2013, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:08 a.m. by the Honorable Emmet Ronan, chair. Judge Ronan welcomed all members and guests. Introductions of all attendees (including telephonic appearances) were made.

### **B. Approval of Minutes**

The draft minutes from the May 14, 2013, CIDVC meeting were presented for approval.

**Motion:** Judge Joseph Knoblock moved to approve the May 14, 2013, meeting minutes as presented. **Seconded by** Judge Wendy Million. **Vote:** Unanimous.

## **II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS**

### **A. Strategic Agenda Update**

Cindy Trimble, AOC audit officer, discussed the FY2015-2019 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 entitled “Justice for All Arizona: Courts Serving Communities.”

Earlier this year, all committees were asked to provide input on issues they felt needed to be included in the next strategic agenda. This exercise proved to be very helpful. Similar

concepts were combined, and the beginning of a well-rounded plan was developed. This continues to be a work in progress, with more plan development underway. Ms. Trimble will present the first initial draft to the Arizona Judicial Council (AJC) in October and a final draft to the AJC in March 2014 for implementation on July 1, 2014.

Based on input from various committees as well as a review of the current plan, the following themes emerged:

- Emphasis on courts as part of Arizona communities
- Emphasis on access to justice
- Emphasis on evidence-based practices (This is a continuation from the current plan, which includes looking at research, practices in other states, and problem-solving courts.)
- Continuation of improving processes and operational reviews, enhanced training and workforce development, and more proactive communication with the public

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, they may be placed in a different order.

Ms. Trimble noted that Vice Chief Justice Bales is interested in receiving input on issues that may not be current in the courts but could become issues within the next five years.

Committee members asked whether the initiatives listed under Goal #4, 6B, will address the lack of information sharing (electronically) across jurisdictions related to domestic violence dispositions. Ms. Trimble said the initiative is focused more on the data that is currently in the different repositories to ensure timely, safe, and secure data. She invited the committee to provide more information as additional input or area of emphasis.

Regarding the gaps in information sharing, a member expressed concern that an individual can be arrested and charged with a first-time domestic violence offense and then the same individual can be charged in another jurisdiction with another domestic violence offense. The second court would not be aware of the first offense and might order diversion. In response, another member said it is the responsibility of law enforcement to provide the disposition and charge information to the court from the initial time of arrest. Another comment touched on the issue of training for court staff regarding data entry into the system, and it was suggested that an education component be extended to law enforcement as well. The committee discussed recommending adding another bullet item within this initiative to emphasize “continued collaboration and increased training for timely entry of data.”

Members had suggestions for language for Goal #4, 1E, which reads: “Develop web-based training on best practices for conducting domestic violence hearings and criminal case proceedings involving child victims.” Two proposals were: “Develop web-based

training on best judicial practices for protective order procedures and criminal case proceedings involving child victims” or “Develop web-based training on best judicial practices for complying with the Arizona Rules of Protective Order Procedure and criminal case proceedings involving child victims.” The committee is interested in making sure that the goal is expanded more to the protective order arena and suggested a need for broader language.

## **B. Domestic Violence and Sex Trafficking**

Dr. Dominique Roe-Sepowitz, director of the Arizona State University Office of Sex Trafficking Intervention Research (STIR); Dr. Kristine Hickle, associate director of STIR, and Lt. James Gallagher, Vice Enforcement Unit, Phoenix Police Department, discussed the similarities between victims of domestic violence and victims of sex trafficking and a related Phoenix Police Department project.

Dr. Roe-Sepowitz said that sex trafficking is not about movement but rather about having someone use force, fraud, or coercion to get another person to sell his or her body for money. The Trafficking Victims Protection Act (TVPA) defines a victim of sex trafficking as anyone under the age of 18 or anyone over the age of 18 who has a pimp or “trafficker” who profits from the person’s exploitation.

The issues relating to the overlap of both domestic violence and sex trafficking as well as the specific issues in sex trafficking were reviewed:

- Similar to domestic violence, there are warning signs, including tattoos, branding marks, and the use of unique terminology within the culture.
- The stigma that a person in sex trafficking is promiscuous needs to be reevaluated. Victims need to be seen as individuals who are in need of services, similar to those being subjected to domestic violence.
- In domestic violence situations, there may be no one “legitimately looking in.” In sex trafficking, there is knowledge that trafficking is occurring because someone is purchasing the victims’ services.
- In domestic violence cases, one person may be committing all the sexual violence. In sex trafficking, multiple individuals are exploiting one person.

Lt. Gallagher explained that human trafficking is a very lucrative, organized criminal industry, with victims being a renewable commodity. The sex trafficking culture has distinct affiliations, such as the relationship between the trafficker and the trafficking victim and the relationship between the “right-hand” of the trafficker and the trafficking victim. From the law enforcement perspective, he finds that both domestic violence and sex trafficking victims tend to be in denial, feeling shame. Officers need to employ the right kind of questioning to elicit information needed to help serve sex trafficking victims without judging them. Orders of Protection are critical in creating a layer of protection between the abuser and the victim. Even if the victim returns to the trafficker, with a valid Order of Protection, there is now chargeable offense against the trafficker for violation of the order. He noted that traffickers use the Internet to maximize exposure of their “commodities” while minimizing identification of the purveyor.

Dr. Hickle discussed risk factors that make victims vulnerable to exploitation. She noted similarities between domestic violence and sex trafficking from a physical health standpoint. A domestic violence abuser who is having sex with others outside of the home may bring home sexually transmitted diseases. Likewise, a trafficking victim having sex with multiple individuals has a greater chance of contracting sexually transmitted diseases. The mental health of domestic violence and sex trafficking victims is affected, with high trauma levels in both situations; however, sex trafficking victims suffer a higher level of disassociation. Both types of victims have trust issues in their relationships. A DV victim may deal with one person at a time, and the person is familiar. Sex trafficking victims are interacting with multiple strangers who will not help them. Finally, the number of beds available for sex trafficking survivors in Arizona is significantly lower than the number of beds set aside for domestic violence victims.

Among the changes needed are:

- An increase in knowledge among social services and law enforcement on what to look for in both DV cases and sex trafficking cases,
- A decrease in the stigma and blame toward these victims – one pool of victims that need to be served equally within the system, and
- The sharing of domestic violence services with sex trafficking victims without overwhelming the system.

The presenters also discussed Project Rose. The project began in 2011 and is a collaboration of organizations that provide support, information, and education to women involved in prostitution. Participating organizations include the Phoenix Police Department Vice Enforcement Unit and Phoenix police precincts, the City of Phoenix Prosecutor's Office, and the ASU School of Social Work. The project goal is to divert prostitutes away from a fourth arrest, which is a felony under Arizona law, and redirect them to other resources. Clients are located during a regular law enforcement sweep. Instead of arrest, clients are offered the opportunity to complete a 36-hour evidence-based diversion program that includes parenting programs, weekly discussion groups, job assistance, medical services, mental health counseling, and food and clothing. Successful completion of the program increases the chance that an individual will leave the lifestyle and not return to prostitution. The program has served 312 clients over the last four events. Tucson has a similar program called Project Raise.

### **C. Domestic Violence Statistics**

Humberto Cisneros and Carrin Huff, Court Services Division, AOC, gave a presentation on a project regarding protective order statistics.

Ms. Huff presented statistical information on Orders of Protection (OP) and Injunctions Against Harassment (IAH). Data currently collected each month from all courts includes the number of petitions filed, issued and denied for both OPs and IAHs, the number of hearings held to either revoke or modify any orders that were issued, and in superior

courts, the number of Emergency Orders of Protection issued. An annual data report, which is published online, presents data on court, county and statewide levels.

Current trends show that 70 percent of OPs are filed in the limited jurisdiction courts and 30 percent in the superior courts. This has been a consistent trend over the last five years with a shift toward superior courts. During FY12 among petitions issued, 35,600 were for OPs and 17,500 were for injunctions. A seven-year trend from 2006-12 shows (except for 2008) that requests for OPs have been slowly increasing. Except for FY2009, injunctions have an opposite trend of going down, with a total decrease of 3.4 percent. Between FY11 and FY12, OPs increased 2.1 percent; from FY06-FY12, they increased by 7.9 percent. Injunctions are down about 5.1 percent and 20 percent over the seven-year measurement.

Mr. Cisneros explained that statistical reports are being developed for the AJACS case management system. AJACS currently is used in 13 superior courts, and a limited jurisdiction version is in development. The focus will be on superior courts first, with the limited jurisdiction courts to follow.

When AJACS is fully in place, statistics on dismissed protective orders will be collected. At present, statistics are collected on petitions filed, issued, and denied but not subsequent dismissals. Also, data regarding felonies will be broken down to the type of crime, such as persons, property, etc. Since domestic violence charges consist mostly of property crimes and assaults, other categories may be shortchanged. Therefore, a subset of felonies will be added in order to see how many of these are related to domestic violence offenses. For a defendant to be counted in a subset, only one of the charges needs to be flagged as domestic violence. These new subset categories will be carried across to reflect a clearer picture of how many charges were filed, terminated, and domestic violence-related.

Sentencing reports will be designed to better identify case outcome, showing, for example, how many defendants were sent to corrections and how many to probation. Interactive summary buttons will provide more levels of details for defendants. Reports will be able to be run for a day, a fiscal year, or a calendar year. The reporting system also will be designed to look for cases where an initial charge, if later amended to include a domestic violence flag, will be counted in later reports. Reports for superior court reports are awaiting pilot testing.

#### **D. Rules Agenda**

Kay Radwanski, AOC, presented an update on four relevant Rule 28 petitions that were filed during the 2013 rules cycle. The deadline for filing petitions in the next cycle is January 10, 2014.

R-12-0007 relates to Injunctions Against Harassment and firearms. The Supreme Court amended the rule to read that “[I]f necessary to protect the plaintiff or other specifically designated person, the judicial officer may prohibit the defendant from possessing,

purchasing or receiving firearms and ammunition” for the duration of the IAH. The rule is effective January 1, 2014.

R-13-0023, which would have required committees to post draft minutes on the Internet within five business days, was denied. CIDVC is governed by the Arizona Code of Judicial Administration, which allows 20 business days to have draft minutes available. There is no requirement to post minutes on the Internet, although it is typically done.

R-13-0002 was filed by an ad hoc committee of Rule 123, Rules of the Supreme Court, which governs public access to court records. The court adopted the petition, which asked for a rule change to differentiate the types of family law minute entries that can be posted online. This petition clarified that case information does not include information about protective orders and restricts publication of “under advisement” family law minute entries in order to protect sensitive information from being read and possibly posted on an outside social media network. The rule also specifies that there is to be no information posted on the Internet that would disclose the identity or location of the plaintiff on an OP or an IAH.

R-13-0029, which requested the repeal of the ARPOP rules in their entirety, was denied.

R11-0043 was filed in 2011 by the State Bar and would have required courts to mail a copy of proof of service of a protective order to the plaintiff. The court held this petition open, waiting to see if the State Bar and CIDVC could reach a compromise. No further movement was made on the petition, and it ultimately was denied. Ms. Radwanski noted that the O’Connor House, in the meantime, had introduced a new Service of Protection Information Form, with law enforcement being more open to advising plaintiffs when their protective orders have been served.

#### **E. Update: Protective Order Forms Roll-Out**

Ms. Radwanski gave an update on the protective order forms roll-out. There are 15 protective order forms. An administrative directive was signed by David Byers, AOC director, authorizing modifications to 13 of the 15 forms. The modifications went into effect June 3, 2013. These forms were rolled out to the courts in the AZTEC case management system. Courts that do not use AZTEC were given the forms in time for implementation. Regarding Brady, the explicit language referenced in 18 U.S.C. § 922(g)(8)(B)(ii) is now on the form. Prior to June 3, a statewide memorandum was sent out to courts to answer questions relating to Brady. Six of the forms have been translated into Arabic, Chinese, Spanish, and Vietnamese and are posted on the Judicial Branch website. In addition, a statewide memo was sent out explaining the need to provide copies of the Service of Process Information Form and an accompanying instruction sheet beginning September 13, 2013.

#### **F. Proposed Revisions to ACJA § 1-110**

Ms. Radwanski presented proposed revisions to ACJA § 1-110, the code section that governs CIDVC. Clarification and corrections in the code were reviewed and discussed. The following changes were agreed upon:

Section B6 – Membership:

Five representatives from domestic violence resource services providers, to include one representative from the Governor’s Office for ~~Domestic Violence Prevention~~ Children, Youth and Families, one medical ~~doctor~~ community representative and one representative from a shelter facility.

Section D – Responsibility of Members:

CIDVC members shall attend and actively participate in CIDVC meetings, assist with the administration of CIDVC affairs and serve on advisory ~~committees~~ subcommittees as necessary. A member may designate a proxy, subject to the requirements of ACJA §1-104 and ~~CIDVC policies~~ the following requirements:

1. The use of more than three proxies by members of CIDVC is limited to extraordinary circumstances, as determined by the chairperson; and
2. If a CIDVC member cannot attend a meeting and would like to send a proxy, the member must obtain prior approval of the chairperson. If approved by the chairperson, that proxy must comply with other guidelines regarding proxy rights.

Section E. Organization:

The chief justice shall appoint the chairperson of CIDVC and other leadership as needed to organize committee affairs. The chairperson may appoint advisory ~~committees~~ subcommittees to help CIDVC carry out its responsibilities.

Section F. Meetings:

1. Quorum. A simple majority (50% +1) of the current CIDVC membership shall constitute a quorum.
2. Virtual Attendance (conference call, video conference, etc.). The CIDVC chairperson may designate a meeting as a virtual attendance meeting. Otherwise CIDVC members may virtually attend a meeting with prior approval of the chair. In the instance where the CIDVC chairperson designates a meeting as a virtual attendance meeting, a meeting room and a connection must be available for members of the public who wish to attend.

Section G. Actions:

~~CIDVC shall adopt rules for conducting CIDVC business. These rules shall prescribe the quorum and majority needed to constitute CIDVC actions. Approval of a majority of those voting shall constitute an action of CIDVC.~~

Ms. Radwanski will follow up with formal procedures to have the code section approved.

**G. ANNOUNCEMENTS/CALL TO THE PUBLIC  
2013 Leadership Institute (Coconino County)**

Judge Million gave an update on the 2013 Leadership Institute in Coconino County, which she attended. At the conference, she shared a newly developed one-page questionnaire that law enforcement will complete. The form provides information, including an assessment of lethality factors, that will assist a judge in setting conditions

of release. This form was approved by AOC as a local rule in Tucson City Court. Judge Million will send out the form and the procedure she used in working with the AOC to obtain approval of the form to those who are interested.

Sonja Burkhalter Gonzalez also attended the conference and offered as a resource the Northland Family Health Center, which coordinated the event.

### **Arizona Coalition Against Domestic Violence**

Allison Bones reported that the Arizona Coalition Against Domestic Violence has received permission from the federal government to transition to a dual coalition on domestic violence and sexual assault later this year. A community stakeholder retreat will be held on November 14, 2013, in Phoenix to discuss renaming the coalition and rewriting its mission statement. A gala award celebration is scheduled for September 18, 2013, where Judge Elizabeth Finn (Glendale City Court) will be honored with a lifetime achievement award. The City of Phoenix will also be awarded for its work on the Phoenix Roadmap to Excellence. In observance of National Domestic Violence Awareness Month, the Paint Phoenix Purple initiative is under way. A press conference with the Phoenix mayor and Justice Sandra Day O'Connor is set for October 18, 2013.

### **Strategic Agenda Follow-Up**

As a follow-up to the previous discussion on strategic agenda, Ms. Bones and Patricia Madsen drafted additional language for Goal 4, 6B. The consensus was to submit the proposed language to Ms. Trimble. The language is: *“Enhancing coordination, collaboration, and training between justice system partners to convey the importance of timely and accurate input of data, especially regarding dispositions and criminal history.”*

### **Good of the Order/Call to the Public**

No persons from the general public were present.

### **Next Committee Meeting Date**

November 12, 2013  
10:00 a.m. to 3:00 p.m.  
State Courts Building, Room 345A/B  
1501 W. Washington Street  
Phoenix, AZ 85007

### **Meetings for 2014**

February, 11, 2014  
May 13, 2014  
September 9, 2014  
November 18, 2014

The meeting adjourned at 1:46 pm.