

# **Commission on Victims in the Courts**

## **Meeting Minutes**

Friday, March 10<sup>th</sup> 2006, 10:00 AM - 2:00 PM

State Courts Building, Conference Room 119 A&B

Conference Call Number: (602) 542-9010

C.O.V.I.C. Website: <http://www.supreme.state.az.us/covic/>

### **C.O.V.I.C. Members Present**

Chair: Hon. Ronald Reinstein  
Hon. William O' Neil  
Hon. Patricia Noland  
Hon. Lex Anderson  
Hon. Anna Montoya-Paez  
Hon. Richard Weiss  
Hon. Antonio Riojas Jr.  
Det. Jack Ballentine  
Mr. Steve Dichter  
Ms. Kim Musselman  
Mr. Tony Vidale  
Ms. Emily Johnston  
Mr. Doug Pilcher  
Dr. Kathryn Coffman  
Mr. Dan Levey  
Ms. Karen Sullivan  
Ms. Sydney Davis  
Mr. Richard Romley  
Mr. Gary Husk  
Mr. Edwin Cook  
Mr. Steve Twist  
Mr. Bill Hart

### **Members Not Present**

Mr. Marc Budoff  
Ms. Kathy Waters  
Ms. Charlene Laplante

### **Staff Present**

Ms. Carol Mitchell  
Ms. Carrin Huff

### **Guests**

Chief Justice Hon. Ruth McGregor  
Mr. Dave Byers  
Ms. Janet Scheiderer  
Ms. Amy Wood  
Mr. Mike Baumstark  
Mr. Karl Heckert  
Hon. Michael Jeanes  
Mr. Jerry Landau  
Mr. Robert Roll

### **Welcome and Opening Remarks**

Mr. Dave Byers, Director of the Supreme Court's Administrative Office of the Courts, provided background information on how the Supreme Court utilized input from victim focus groups to assist in the formation of this commission. He introduced the Chief Justice Ruth V. McGregor.

Chief Justice McGregor welcomed everyone and shared her enthusiasm for this commission. She signed the Administrative Order, now posted as A.O. 2006-25, officially appointing all the members of the Commission on Victims in the Courts. Chief Justice McGregor acknowledged Maricopa County Clerk of Superior Court, Michael Jeanes for his cooperation with the Supreme Court's Information Technology Division in developing an automated courtesy notification system which will be demonstrated later in the meeting. Chief Justice McGregor turned the meeting over to the commission chair, Honorable Ron Reinstein, Maricopa County Superior Court Judge.

## **Call to Order and Introductions**

The chair officially called the meeting to order at 10:15 AM, at the State Courts building, 1501 West Washington, Phoenix Arizona.

The Chair asked members to introduce themselves and explain victim experience and any goals for the commission. Chief Justice McGregor requested a moment of silence to honor the recent passing of Senator Marilyn Jarrett.

## **AOC Victim Notification System Demonstration**

Mr. Karl Heckart and Mr. Robert Roll, from AOC's Information Technology Division, provided a detailed demonstration of the Supreme Court's new automated, victim courtesy notification system. Mr. Heckart reinforced that this notification system does not replace any statutorily-mandated notification from the attorneys' offices, but it is intended to serve as another means for victims to receive timely notice.

Currently, only Maricopa County Superior Court cases are available for this service. The site enables users (victims, public or media) to track case activity by signing up to receive automated e-mail notifications when there are changes made to the cases the user is tracking.

Members provided their input and feedback that will be taken into account. The link to this service will go "live" by the end of the day and will be available under the Supreme Court's public access site, as well as a link from COVIC's website.

## **AJC Committee Structure**

Mr. Mike Baumstark, Deputy Director of the Administrative Office of the Courts, presented a PowerPoint presentation on the committee structure and duties of the Arizona Judicial Council (AJC). He explained the various committees/commissions that report to the AJC and how they provide recommendations to the AJC. Mr. Baumstark informed the commission that prior to recommendations being taken to the AJC, it is important that inter-related issues be presented to other committees to seek their input. In addition, Mr. Baumstark shared that the commission chair can establish ad-hoc or sub-committees and appoint members to those more informal groups.

## **Victim Legislation Update**

Mr. Jerry Landau, Director of Government affairs for the Administrative Office of the Courts, presented information on proposed victim legislation. The following bills were discussed:

1051: "clean up" bill

1052: Provides compensation for persons suffering injury or death while aiding a public safety officer.

1093: Prohibits use of blank subpoena to obtain victims records.

1126: Victim's right to refuse an interview: extends to parent or legal guardian of minor child who exercises the victim's rights in adult and juvenile proceedings.

1176: Victims failure to comply; provides right to request for a reexamination proceeding.

1386: Victims right to one free copy of a police report.

## **Review Commission Materials and discuss commission purpose**

The chair reviewed the COVIC binder provided to all the members present. The chair will review the commission business rules and may decide to change the rules to allow COVIC members to serve as proxy for another member who will be absent.

## **Strategic Planning**

Ms. Carol Mitchell, AOC Staff member presented a PowerPoint presentation with the recommendations received from members based on the four focus areas listed in the Code Section for COVIC:

- Training and education of judges
- Restitution collection
- Victim advocacy
- Make recommendations that preserve victims' constitutional rights and administration of justice.

Note: The information presented prior to the meeting is indicated with a check mark and the additional input received at the meeting are listed in circle bullet points:

### **Training and education:**

- ✓ Develop curriculum
- ✓ Review bench book

#### Other suggestions:

- Prioritize victims cases (call first), set victim hearings on day other than jury trial day
- Set cases so judges don't feel rushed
- Find remedy for rotating judges because it causes victim frustration when a judge who has been with the case for an extended period is replaced with a judge unfamiliar with the case facts.
- Control over courtroom, preventing victim intimidation, having victims advocates, waiting room to keep victims and defendants/defendants families separated.
- Resource book to find laws pertinent to cases,
- Create a Judges victims' rights bench book available for easy reference
- Education: not just criminal case judges, family and juvenile also, cooperation and a more holistic approach.
- Expand mandatory domestic violence training to mandatory training regarding victim's rights
- Educate that proceedings for cases involving victims should be held in the courtroom rather than chambers, partially due to the size of chambers and the proximity between victim and defendant.
- Require court staff training- teleconference to all courts, important to hear perspective of victims, those victimized by process
- Hold next COVIC meeting at education services building and talk with AOC education services division about current status of victim education
- Request current education material to review at next meeting
- Provide an overview of state of courts, committees
- Facilitate possibility of commission visiting victims groups and listening to their issues, such as Parents of Murdered Children (POMC), held on second Tuesdays of each month.

- Develop a victim panel
- Keep balance, humanity, with judges, staff, police department
- Family Court- encourage more adequate representation for children
- Appoint council for teens other than guardian ad litem
- Pay GAL (Guardian Ad Litem) more than attorney to encourage participation, look into funding sources.
- Municipal Courts, judicial conference, add victims rights and train the staff around the judge
- Create compelling need as to why court personnel need to be trained on Victims rights material, motivate why personnel should be concerned
- Possibility of visiting an advocacy center
- Domestic Violence: need help with training in Clerk of Court: need to understand victimization
- Possible coordination with Committee on the Impact of Domestic Violence and the Courts (CIDVIC)
- Victim sensitivity training for judges, new judge orientation
- On-going training for Judges & Staff
- Teach methods of support, help victims and families make informed decisions
- Education and resources available to victims
- Need for modifying fine (reducing) vs. surcharge for fines that are too large and will never be paid, by deleting the surcharge because valuable funds are losing money
- How to get information and support to rural areas where there aren't any organized advocacy or support groups.
- Consider a teleconference going out for all of the judges
- Consider a separate reference book (opposed to bench book) on victims rights
- Audit of courthouse compliance with Victims Rights
- Review state of Oregon's victims' rights program. Chair asked member Steve Twist to provide follow-up information on Oregon's program.

**Restitution, collection & disbursement:**

- ✓ Need more focus through probation supervision
- ✓ Need to explore greater use of set-offs
- ✓ Focus on those parts of the system that deal with restitution and identify weaknesses
- ✓ May want to schedule a meeting where victims can come in and tell of their problems to the commission
- ✓ Develop written information which is more specific, examples of what happens to restitution could be given to victims. Victims are hit with too much information after a trial to remember a great deal about restitution.

Other suggestions:

- Use collection officers vs. probation to do collection, or have training available for probation on how to collect
- Provide more training for clerks to manage collection, such as in Pima County
- If restitution is 60 days delinquent notice sent to probation officer, need to be held accountable
- Victim restitution top priority for clerk of court, enforce priority
- Need tools to be able to enforce restitution payments

- Need more information on FARE program
- Consider bringing in collection programs to discuss collection of restitution
- Determine if victims' rights apply to state agencies
- Lack of advocate support, not enough funding, need to recognize importance of a consistent contact person that is focused on the victim
- Possibility of victim telephonically appearing so as to not have to risk intimidation by defendant
- Look at goals of probation and service, probation officers feel caught in the middle and determine who should be collecting
- Reinforce the importance of trial date certainty, beneficial for victims
- Get word out to victims about the type of proceeding, they should know in advance if it is going to be a one minute proceeding so they can make an informed choice about whether or not to take the day off work to attend.
- Need to fight culture, must hold defendants accountable for restitution.

Due to the great response and discussion on the first two topics, the other slides, from the remaining two focus areas, will be continued at the next COVIC meeting. June 9<sup>th</sup> was listed as the next COVIC meeting date; however, due to input from some members who will be attending the Victim Assistance Academy Graduation in Flagstaff, the next meeting date may be adjusted. The Chair asked members to advise Carol Mitchell via email, with specific dates they are unavailable. The future meeting dates for the rest of 2006 will be updated on the website.

A member requested the email addresses for the membership to be provided. In addition, a request was made for information on the current state of AZ victim rights issues.

**Call to the Public**

No Responses

The first COVIC meeting adjourned at 2:05 P.M.

**Commission on Victims in the Courts  
Meeting Minutes**

Friday June 2, 2006 10:00AM-2:00PM

Judicial Education Center, Copper & Gold Rooms

Conference call number: 602-542-9001

C.O.V.I.C. Website <http://www.supreme.state.az.us/covic/>

**COVIC Members Present**

Chair: Hon. Ronald Reinstein  
Det. Jack Ballentine  
Mr. Marc Budoff  
Dr. Kathryn Coffman  
Mr. Edwin Cook  
Ms. Sydney Davis  
Mr. Bill Hart  
Mr. Dan Levey  
Hon. Anna Montoya-Paez  
Ms. Kimberlie Musselman  
Hon. Patricia Noland  
Hon. William O'Neil  
Mr. Doug Pilcher  
Hon. Antonio Riojas, Jr.  
Ms. Karen Sullivan  
Hon. Richard Weiss

**Proxy**

Ms. Paula Taylor (for Kathy Waters)

**Members Absent**

Hon. Lex Anderson  
Mr. Gary Husk  
Ms. Emily Johnston  
Ms. Charlene Laplante  
Mr. Steven Dichter  
Mr. Richard Romley  
Mr. Steve Twist  
Mr. Anthony Vidale  
Ms. Kathy Waters

**Staff Present**

Ms. Carol Mitchell  
Ms. Carrin Huff

**Guests**

Ms. Julie Begonia, MCAPD  
Chief Barbara Broderick,  
MCAPD  
Ms. Julee Bruno,  
AOC Ed. Services  
Ms. Marie Holck,  
AOC Ed. Services  
Ms. Kim Knox, Maricopa  
County Finance  
Ms. Elizabeth Ncube, AOC  
Ed. Services  
Ms. Leila Gholam, AOC  
Legislative Liaison  
Ms. A. Teaunee Duran, AOC  
Legislative Analyst  
Hon. Warren Granville,  
Maricopa County Superior  
Court Judge

## **Welcome and Call to Order**

The Chair officially called the meeting to order at 10:07 AM, at the Judicial Education Center, Phoenix, Arizona. Members and guests present introduced themselves. The Chair indicated that Mr. Romley reported that he was called to D.C. to work on a federal matter.

## **Approval of March 10<sup>th</sup> minutes**

Members did not indicate any corrections to the previous meeting minutes.

**Motion:** To approve minutes from March 10<sup>th</sup>, 2006. Motion unanimously passed.

## **Victim Legislation Update**

Ms. Leila Gholam and Ms. Teaunee Duran from the AOC presented the legislative update on behalf of Mr. Jerry Landau. Ms. Gholam reviewed the process and timeline for completing the Arizona Judicial Council (AJC) Legislative Request for Proposal form. The form should be filled out completely and the submitting person should be available for further questions if the proposal moves forward. Any requests and court committee recommendations should be sent to Jerry Landau at the AOC by August 18, 2006. All of recommended bills will be presented to other standing committees for input and then AJC will review all recommendations. Approval of the 2006 judicial legislative package is expected to occur October 12, 2006. If there are any committee members that feel that this committee needs to testify in favor of, or oppose, any proposed bill that member should bring any ideas forward to the committee through Carol Mitchell or Judge Reinstein. As this would have to be cleared with the chief justice.

### **The following victim related bills have been signed by the Governor:**

SB1126-victim right to refuse an interview

SB1093-blank subpoenas victims notice

SB1176-victim's rights; failure to comply with victim's rights.

\*Concern that the bill only applies to section 13, and not Juvenile (8415), suggestion to look further into changing to include juvenile at next years session.

SB1052-victim compensation and assistance fund

1303-change of name; application; venue

\*Hon. Patti Noland asked: What is the notification process for name changes?

SB1386-Crime Victims; Free Police Reports

2124- Rental Agreements; Emergency; Tenant Safety:

The Chair asked the commission if there were any suggestions regarding potential legislation to propose from C.O.V.I.C. A concern was raised that victims are not being treated with respect by the legislative panels when giving testimony. A question was raised as to whether victim's rights apply at the legislative sessions and it was concluded that victim's rights only apply in the judicial process. Suggestions were made that if

victims are going to give testimony to the legislative panel, victims should be forewarned and prepared of how they may be treated.

Another issue involved victim confidentiality when law enforcement has been required to submit a full unredacted report in the mitigation process of a death penalty case. Along with the victim's testimony, their name is also included in the report, which may deter victims from participation if they do not feel their information is being kept confidential.

It was suggested that it may be simpler to pursue a rule change through the Supreme Court versus a legislative bill. The chair suggested that this topic, involving inconsistent rulings may be a good topic for judicial education. Additional discussion involved clarifying the definition of a victim and restitution. These items will be considered as potential recommendations to enhance new judge orientation and other judicial training.

### **Strategic Planning (continued from March meeting)**

Carol Mitchell reviewed the 4 topic areas of discussion for strategic planning from AJCA code Section 1-111 and sought input on the last two items that were not addressed at the previous meeting:

- 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.

### **Liaison with Victim Advocacy Organizations & neutrality:**

- Need victims' issues component in New Judge Orientation and continuing education for judges when they rotate benches. Consider preparing a presentation for Annual Judicial Conference.
- Ms. Musselman raised the issue that her local court denied her advocacy group permission to post group information during victims' rights week. It was suggested that this topic be raised at a Presiding Judges meeting and that this may be specific to this court/judge preference to not allow any advertising. This should be another suggestion for judicial education.

### **Recommendations to preserve Victims' constitutional rights and administration of justice:**

- Hon. Patti Noland suggested that coordination should be established with the Arizona Department of Corrections (ADC) and Board of Executive Clemency on issues with restitution and information to victims. Discussion on the ability to collect restitution while the inmate is incarcerated and the timing of filing criminal restitution orders.

- Mr. Levey indicated that the ADC is looking in to being able to change the 30% limit on what monies they are able to get from the inmates. He is researching other states' options and with the ADC director, hopes to make changes in the future.

### **Courtroom Seating:**

Commission member Bill Hart discussed the issue of courtroom seating for victims and advocates. Adequate courtroom seating is an issue in all courts. There are concerns with victim intimidation and safety and rules being inconsistently applied. There was a discussion about the possibility of creating a rule to mandate priority for victims and their families. The concern with creating a rule is that some courts will be unable to comply merely based on their physical facilities. It was suggested that this could be again handled through judicial education and possibly through the issuance of an administrative order from that jurisdiction's presiding judge.

Pinal County was recognized for having excellent accommodations for victims. Judge O'Neil explained that they did consider victims in the planning stage of their new facility construction.

Ms. Mitchell explained that for future reference, any advocate that accompanies a victim to the Supreme Court are encouraged to contact Cari Gerchick, public information officer for the Supreme Court to coordinate accommodations.

### **Education Issues: Presentation by Education Services Division, AOC**

Several commission members shared positive feedback and gave high marks regarding the professional quality and excellent content of the computer-based training CDs that were distributed on restitution and victims' rights.

Ms. Elizabeth Ncube, manager of the Judicial College of Arizona curriculum, addressed the commission and shared information about the judicial college. She explained there are two main programs: New Judge Orientation for limited jurisdiction and pro-tems and the Annual Judicial Conference. They offer mandatory computer based training for Judges and Pro-Tem's within their first year on the bench..

The orientation for Limited Jurisdiction covers critical issues including a "take home" assignment and in person class. Ms. Ncube distributed the lesson plan for the limited jurisdiction new judge orientation session on victim rights and restitution.

General Jurisdiction judges go through a two week training (Jan/Apr) where core issues are identified for the lesson plan, victim's rights were identified as a core issue. The conference program also has a victim's rights component, and there is an opportunity for this commission to suggest training recommendations. There is also a new Judicial Training Academy and this may be an opportunity to expand continuing education for

judges and submit victim rights as one of the topics when the three core topics are selected annually.

Ms. Ncube encouraged COVIC to pass on any program recommendation they have to the Judicial College to consider.

Ms. Marie Holck, manager of AOC's Probation Education programs which include the Certification Academy, explained the victim components within the academy's curriculum. The Academy has a two week training program for Probation Officers. A class on Victim's Rights covers Statutory, Rules and Constitution. The Victim's Rights component of education is required for the probation officer to become certified. A victim's class is also offered at the Intensive Probation Institute which includes two victim speakers and a review of the victim statutes, rules, and the Bill of Rights contained in the constitution. See provided example of lesson plan & pamphlet. Continuing education for probation officers is offered locally and only covers set programs. Ms. Holck distributed the following documents: "Victim's Rights, Intensive Probation Academy" and the "Institute for Intensive Probation, Lesson Plan."

Julie Bruno, manager of judicial staff education, explained the AOC currently offers three conferences per year, one held in each region. At least one victim training session is offered every year. She welcomed input and explained that new information can be added into the cycle. Another medium that would have broad reach (200-500 people) would be to consider developing a victim's rights broadcast.

### **Suggestions:**

- Coordinate with Maricopa and Pima Counties to understand what is offered in victim's rights to develop a more cohesive program during rotation of judges.
- Suggest distributing education CD's to all judges not just for new judges.
- Consider having victims rights be a core topic for continuing education COJET credit.
- Look into setting up panels of speakers from advocacy groups (i.e. regular brown bag luncheons) to educate judges.
- Commission should send any training proposals to Judicial College and AOC, Cojet Education Services. Also plan for a victim course at the Judicial Conference, plan for 2007 conference.
- Code Sections need to be addressed and updated for continuing education. Performance reviews and audits, adherence to victims rights requirements being met.
- Look into teleconference training, calendar of training schedule & process. Work with AOC to establish the best venue (broadcast or computer based).
- The Chair announced that there is a conference in Portland, OR and Carol Mitchell will be attending. Steve Twist and Dan Levey will be speaking at the conference. Members will report back to the commission with any ideas/speakers
- It was suggested that an education CBT CD should be created and distributed to all court staff and judges, not just new judges.

- AOC to review hand out materials for potentially offensive images used to portray victims.

### **Restitution Issues:**

Hon. Warren Granville, Maricopa County Superior Court: Explained Maricopa County created an ad hoc committee that focuses on restitution issues. The issues range from enforcing/imposing orders of restitution, communication with DOC & collection/monitoring efforts.

Julie Begonia, Division Director with Maricopa County Adult Probation Department explained the historical perspective of how adult probation handled the collection of court ordered sanctions, including restitution. Because of the poor results, they implemented a multi-faceted approach to addressing this issue. They had to change attitudes and encourage probation officers (P.O.) to do a better job at monitoring and evaluating the defendant's ability and effort to comply with payments. They created the financial compliance unit and instituted a continuum of interventions used to address probationers delinquent with their court ordered sanctions.

Maricopa County's policy is that the P.O. completes a payment ability evaluation for 30-day delinquent persons and assesses all income and assets. (See blue handout). If the person fails to comply with payments after the evaluation they are then sent to "budget class", a 5 week (1 hour/week) class on managing finances, typically the buyout rate (paying off delinquency) is high because the budget class does not have a positive reputation. If the person cannot pay in full, the P.O. encourages them to make payments consistent with their ability to pay. Prior to returning probationers to court for probation violation or revocation, the P.O. has to establish (through using the various interventions) that the defendant is willfully non-compliant in paying court-ordered sanctions.

Maricopa County has established a partnership with Western Union so if the defendant owes money and resides in another state they can make payments at any Western Union office. They also employ a variety of other interventions (explained in the handout). The Tax Intercept Program (TIP), instituted in 2000, has been very profitable, but only used to collect state returns. There is hope that they will be able to collect federal returns also.

Ms. Begonia reviewed a slide illustrating the increase in restitution collections since 1997. \$4.4M was collected in 1997, compared to close to \$12M expected for 2006. Probation services fees are steadily increasing, which translates to restitution payments remaining current.

Ms. Kim Knox, is the supervisor of the Maricopa County Collections Unit. The unit is no longer a court entity, and now works under the finance department. She distributed a handout. The unit deals with approximately 450 cases per month, half of those being restitution cases. They collect on debts owed to the court.

As of January 1<sup>st</sup>, 2006, they started charging 10% interest per year on amounts owed. Their strategy is to send letters at thirty day intervals when delinquent. After 120 days past due they use skip tracing and hold car registration at MVD (prevents from being able issue/renew registration), they are also sent to a private collection agency (4 available). The collection agency charges an additional 19% on top of the original balance so there is no cost to the state for the service. They are able to collect on excess proceeds from house foreclosures, the process is more time consuming, but very profitable. The unit also handles garnishments.

They work with civil and probate departments to coordinate and distribute money to person's owed restitution that got lost in the system. (Children unaware of monies owed to them, cases that have been forgotten). Judgments never expire so monies can be collected many years later. They coordinate with MVD, deny registration if debt owed with a majority of money comings from MVD intercepts.

Their Tax Intercept Program collected \$378,000 so far this year. Ms. Knox is working with the AOC to determine if there is an opportunity to intercept federal tax refunds.

Ms. Knox's unit has been very successful in their collection efforts over the past several years. Their fiscal year goal for 2006 is close to \$3.3M., and through March alone, they have collected close to \$3M.

Kim announced the next meeting of the Maricopa County Restitution Workgroup will be on June 8<sup>th</sup>, 1:15pm at the Central Court Building. Anyone is welcome to present issues, and it often provides networking opportunities between agencies.

**Discussion on restitution issues involved:**

- The need for more communication between the victims and attorneys with the reality of the process of collecting restitution.
- Educate victims of their rights dealing with restitution and lawsuit filing abilities. Also sensitivity training for those dealing with victims.
- Investigate if a criminal restitution order be reissued to allow it to collect interest since the provision became effective in 2005.
- Bring to AJC: Consistency in ordering restitution and incentive (interest) for collection agencies.

Statute 13-810, Contempt power for non-payment of restitution: many judges aren't aware of options.

A recommendation was made to allow subcommittees be formed so they possibility meet prior to the September meeting to begin researching issues raised.

**Motion:** To create sub-committees of COVIC. Motion unanimously passed.

**Public Call**

There were no public responses.

Chief Barbara Broderick shared that the probation department is exploring ways and accepting input regarding what more can be done with victims (interactions/responses) at the pre-sentence report writing stage.

### **Motion to Adjourn**

**Motion:** To adjourn was seconded and unanimously approved at 1:58pm.

The next scheduled meeting for the Commission on Victims in the Courts is scheduled for September 8<sup>th</sup> 2006 at:

City of Phoenix Family Advocacy Center  
2120 N. Central Avenue  
Phoenix, AZ 85004

### **Action Items**

- Members submit legislative recommendations through Ms. Mitchell or Judge Reinstein by mid-July.
- Ms. Mitchell will compile a list of recommendations mentioned at meeting for restitution sub-committee:
  - Determine if restitution order can be reissued to allow collection of interest?
  - Consistency in judges indicating details for restitution- such as which victim gets paid first when necessary.
- Ms. Mitchell will compile a list of recommendations mentioned at meeting for the education sub-committee to potentially submit to Judicial College, COPE and COJET:
  - Definition of a victim (clarification)
  - Determine who can be compensated for restitution and priority of restitution payments within victim category (Need judges to specify priority of recipients).
  - Items for presiding judges to consider such as courtroom seating
  - Members will report back with any more ideas on education or speakers. Ms. Mitchell will coordinate with Ed Services.
- Dan Levey, Carol Mitchell, Steve Twist to report back with recommendations obtained from attendance at victim conference in Oregon.
- Kim Musselman to check with Arizona Coalition for Victim Services (ACVS) about courtroom seating feedback and issues around the state.
- Sub-committees to be established and encouraged to meet prior to next meeting.

**Commission on Victims in the Courts**  
Meeting Minutes  
Friday September 8, 2006 10:00 AM-2:00 PM  
City of Phoenix Family Advocacy Center  
Conference Call Number: 602-542-9001  
C.O.V.I.C Website <http://www.supreme.state.az.us/covic>

COVIC Members Present

Chair: Hon. Ronald Reinstein  
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Dr. Kathryn Coffman  
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Mr. Steve Twist  
Mr. Anthony Vidale  
Ms. Kimberlie Musselman  
Hon. Antonio Riojas, Jr.

Members Absent

Mr. Richard Romley  
Det. Jack Ballentine

Proxy

Ms. Sarah Schmoll for Ms. Kathy Waters  
Hon. Ronald Reinstein for Mr. Marc Budoff  
Ms. Anne Marreel for Mr. Bill Hart

Staff

Ms. Carol Mitchell  
Ms. Carrin Huff

## **Welcome and Call to Order**

The Chair officially called the meeting to order at 11:00 AM, at the Family Advocacy Center in Phoenix, Arizona. Introductions were made of commission members and guests. Prior to the call to order, members and guests were given a tour of the City of Phoenix Family Advocacy Center by Ms. Libby Bissa. Detailed notes from the Phoenix facility tour are available upon request.

## **Approval of June 2, 2006 Minutes**

Members did not indicate any corrections to the previous meeting minutes.

**Motion:** To approve minutes from June 2, 2006. Motion unanimously passed.

## **National Crime Victim Law Institute Conference Update**

Dan Levey, Carol Mitchell, Steve Twist and Bill Hart attended the National Crime Victim Law Institute Conference in Portland, OR on June 16<sup>th</sup> and 17<sup>th</sup>, 2006. Members presented a power point detailing the background of the National Crime Victim Law Institute and the Oregon Victims' Rights Compliance Project. Also discussed was lessons learned in Oregon that could be applied to COVIC.

The keynote speaker at the conference was a Judge from Arizona, Honorable Margaret Mahoney who was also a crime victim. The commission discussed the difficulties she encountered as a victim and the lessons that should be taken from them, as well as how the end result of her experience resulted in legislative changes that will benefit all victims.

The Oregon Compliance Project and Oregon Victims Rights issues were also discussed with key topics including: amendments to the constitution, weakness in the enforcement mechanisms, and the advisory committee. Judge Reinstein indicated he would like for the COVIC Administration of Justice workgroup to look at some of the issues coming from the Oregon Compliance Project, to see if any are applicable to Arizona.

## **Workgroup Assignments and Future Meeting Dates**

Three workgroups have been established: Administration of Justice, Restitution and Education. The workgroups' positions are on a volunteer basis and members have already been filled. If anyone is interested in joining, it will be at the discretion of the chair of each workgroup and COVIC chair. Dan Levey and Julie Begona will co-chair the Restitution workgroup, Kim Musselman will chair the Education workgroup and Judge O'Neil will chair the Administration of Justice Workgroup. The workgroups are free to meet as often as needed by teleconference or through E-mail discussion. Chairs will also be responsible for submitting a status report at each quarterly COVIC meeting.

Topics have already been provided for the workgroups, but COVIC members are encouraged to offer new suggestions. Workgroups will submit a prioritized plan back to the COVIC chair for approval.

The next Commission on Victims in the Courts meeting will be held at the Child Help Center in Phoenix, AZ on December 8, 2006. The commission will take a short tour of the center.

The COVIC meeting schedule for 2007 has been established with the following dates: March 9<sup>th</sup>, June 8<sup>th</sup>, September 14<sup>th</sup>, and December 14<sup>th</sup>. All meetings will be held at the State Courts Building unless otherwise announced. Judge Reinstein also suggested the option of having a victim panel speak at a Commission meeting. Members agreed it would be a beneficial experience and Judge Reinstein suggested members should offer any suggestions of existing panels or groups that would be interested in participating on a panel. It was mentioned that most groups will often rotate a panel of victims to preserve their best interests. Also, elder abuse and child abuse victims may not be available, in lieu, subject matter experts would be a good alternative.

Carol Mitchell announced that the Attorney General's office is coordinating with Arizona Criminal Justice Commission and the Department of Public Safety to hold victim rights training. They are developing a panel discussion in their advanced victim rights training sessions to focus on victims rights in the courts. Crystal Reidy is the contact person and Carol will be sending out additional information via email to COVIC members. If any commission members would consider volunteering for this panel, please contact Crystal. Meetings will be held all across the state.

### **Open Discussion on Victim Issues**

Steve Twist discussed the issue of the release of Supreme Court opinions and victim notification. The concern being victims in recent cases learned of the ruling from the media. The issue has been brought to the attention of the court and currently is being discussed as to a possible resolution. It was suggested that a separate notice process could be implemented only for cases where death penalty ruling has been vacated and similar cases where the defendant's custody status has changed. Judge Reinstein suggested that this would be a good issue for the Administration of Justice Workgroup to follow.

Patricia Noland brought up the policy change at Department of Corrections regarding the posting of inmate's security level and location. Previously, victims were able to track offenders and see the level of security and location; however, their information is no longer available to victims on the ADC website in the same level of detail. A victim advisory committee was consulted before the policy was changed and it was determined that the inmate's safety was a higher priority. Judge Reinstein questioned whether there was a potential legal liability involved. This is an issue that may be best addressed by the Administration of Justice Workgroup. It is likely that someone from DOC would be willing to address the Commission if that seems warranted in the future.

Another topic raised by Gary Husk, to be addressed through the Administration of Justice Workgroup involves the review of the definition of victim and if it is broad enough to include protection of victim rights under Rule 404B, dealing with prior bad acts character evidence.

Dan Levey raised the issue victims' frustration with judges being rotated off the criminal bench in the middle of capital cases and it appears this rotation requirement only occurs in Maricopa and Pima Counties. It is believed that rotation occurs in Maricopa because no one volunteers for family court and this is a way to handle assignments.

Another issue raised has to do with the continuance panel which is in place in Maricopa County. This is unique to Maricopa, as most in the justice system seem to be opposed to the concept. Whatever the procedure, there must be victim notification of any continuance motion and the right to be heard, as well as accommodations be made to provide safety, security, and separation from defendants and their families.

There is a question as to whether there may be a "hole" in the process for sex offenders. Judge Weiss indicated that he has received complaints that juveniles are not registered once they become adults. Need follow-up on whether there is a process in place to re-register as an adult sex offender once a juvenile sex offender reaches the age of majority.

### **Public Comment**

A guest from the Shield Foundation, a local organization working to help immigrant victims of domestic violence, shared information about their program. An offer to help with putting together victim panels was extended as the Foundation has done similar things for television in the past.

A guest from the Maricopa County Attorney's Office raised an issue concerning courtroom entry procedures in Maricopa Superior Court. The advocacy staff is currently ineligible to use security bypass. An estimated \$57,000 in staff time is expended waiting in lines. The problem also involves victims having to wait in a long line because there may be medical/ADA provisions, particularly with burn victims waiting in the sun. This issue should be further reviewed by the Administration of Justice Workgroup.

The workgroup meetings will convene after lunch today through 2:00 PM.

### **Motion to Adjourn**

**Motion:** Meeting ended at 12:30 PM

Respectfully Submitted,  
Carol Mitchell, Court Specialist  
Staff to the Commission on Victims in the Courts