

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

**January 25, 2013 Meeting Agenda**  
1501 W. Washington St. Phoenix, AZ 85007  
State Courts Building, Conference Room 119 B

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**Call to Order**

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Approval of September 2012 Meeting Minutes**</i>	
	Remaining 2013 COVIC meeting dates	
	May 17, 2013	
	October 25, 2013	

**Old Business**

10:05 a.m.	Victim ID Protection Rule Petition Update	Hon. Ron Reinstein
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**New Business**

10:25 a.m.	Maricopa County Sherriff's Office-Victim Notification Unit	Commander Kathleen Checchi and Officer Renee Warner
10:45 a.m.	Juvenile cases and victim notice	Pam Moreton
11:05 a.m.	Arizona Case Processing Standards Steering Committee	Cindy Cook
11:25 a.m.	Strategic Agenda 2015	Hon. Ron Reinstein
11:55 a.m.	Call to the Public	

**Adjourn**

***\*\*Important Voting items***

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Jerri Medina at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

## Commission on Victims in the Courts

**Friday, September 21, 2012**

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 B

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**Present:** Judge Ronald Reinstein, Chair, Michael Breeze, Shelly Corzo, Sydney Davis, Captain Larry Farnsworth, Daisy Flores-*telephonically*, Kirstin Flores, Keli Luther, Jim Markey, Judge Anna Montoya-Paez-*telephonically*, Pam Moreton, Elizabeth Ortiz, Judge Douglas Rayes, Judge Antonio Riojas Jr.-*telephonically*, Judge Richard Weiss, Cindy Winn

**Absent/Excused:** James Belanger, Judge Peter Cahill, Dr. Kathryn Coffman, JoAnn Del Colle, Karen Duffy, Judge Elizabeth Finn, Leslie James, Judge Evelyn Marez, Judge William O'Neil, Doug Pilcher

**Presenters/Guests:** Kim Knox, Maricopa County Finance; Mark Meltzer, AOC; Scott Loos, Maricopa County Superior Court; Amy Wood, AOC

**Staff:** Carol Mitchell, AOC; Jerri Medina, AOC

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### **I. Regular Business**

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

The September 21, 2012 meeting of the Commission on Victims in the Courts (COVIC) was called to order by Chair, Honorable Ronald Reinstein, at 10:03 a.m.

Judge Reinstein welcomed newest member Kirsten Flores, Director of the Attorney General's Office Victim Services Division. He also announced that JoAnn Del Colle will soon be retiring from the City of Phoenix.

Judge Reinstein thanked Shelly Corzo and Keli Luther for speaking at the new judge orientation last week on victims' issues. Shelly was able to share her impact statement that she personally dealt with as a victim.

#### **B. Approval of May 11, 2012 Minutes**

The chair called for any omissions or corrections to the minutes from May 11, 2012, meeting of COVIC, there were none.

The draft minutes from the May 11, 2012, meeting of COVIC were presented for approval. Motion was seconded and passed.

### **C. Approval of 2013 COVIC Meeting Dates**

January 25, 2013

May 17, 2013

October 25, 2013

Motion was seconded and passed.

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

### **A. Criminal Restitution Orders – Frequently Asked Questions**

Ms. Kim Knox, Maricopa County Finance Collections Unit discussed the frequently asked questions developed by Maricopa County that are currently on their website. She went on to explain that Maricopa has one of the top restitution collection rates across the United States.

This list compiled of “Frequently Asked Questions” is for the restitution collections website, below is the link to the pdf version on the Maricopa County website:

[http://www.maricopa.gov/Finance/PDF/Financial%20Services/Collections/CCU\\_%20FAQ\\_20120718.pdf](http://www.maricopa.gov/Finance/PDF/Financial%20Services/Collections/CCU_%20FAQ_20120718.pdf)

It is available to all to put it on other victim websites or create a direct link to the Maricopa County website. Additionally, she shared how Maricopa handles cases and continued to offer her expertise with other counties seeking more information.

<http://www.maricopa.gov/Finance/collections.aspx> - (pdf file)

### **B. Update from the Committee on the Impact of Wireless Mobile Technology and Social Media on Court Proceedings**

Mr. Mark Meltzer, Administrative Office of the Courts (AOC) discussed revisions to Rule 122 which applies to the use of cameras in the courtroom. The committee decided to look at the rule in its entirety as it impacts courts with this new technology. The committee has been unable to find any other statute or rule that prohibits the photography of crime victims. If this committee has knowledge of a statute please forward that information back to the wireless committee. Below are a few of the issues that have been identified and he is seeking COVIC’s input on how best to proceed.

The wireless committee is considering a rule that allows the judge to address camera coverage directly with the victim; thus allowing the victim the right to privacy, dignity and freedom from harassment.

The committee considered three scenarios:

- 1) blanket coverage for all victims,
- 2) each victim has a right to decline camera coverage through discussions with the judge,
- 3) allowing the victim to request “no camera” in advance of trial.

COVIC committee members discussed the process of serving notice of victims' choices verses victim notification at the trial. The committee preferred a blanket coverage rule to "opt out" verses to "opt in" for what is considered a victim's constitutional right to privacy. A statute that is similar to the juror provision currently in place. With the preference of opting out as the choice, the victim does not have the responsibility to request the privacy.

The wireless committee modified the media request to seven days prior to the trial date or at the minimum 48 hours in special circumstances.

### **C. Technical Revision to A.C.J.A §5-204**

Ms. Carol Mitchell, Administrative Office of the Courts (AOC) discussed minor changes to ACJC §5-204. AOC adopted an amendment that revised the definition of victim, added notice posting requirements and other technical changes based on the last legislative session.

### **D. Language Access and Victim Issues**

Mr. Scott Loos, Interpreter for Maricopa County Superior Court, explained the planning process that Maricopa does to ensure smoother interpreter services for a victim and/or the witness during court procedures. The Interpreter Department of Maricopa County uses some of the following policies and procedures which have been aided by the use of an IGA with their county justice partners:

- An early identification of interpreter needs for the victim/witness which enables victims to present their case in court.
- Victim access to translated materials prior to the court date enabling them to understand and know what to expect throughout the case process.
- The appointment of a separate interpreter for the both defendant and the victim/witness.
- The use of "interpreter" days as a calendaring control tool.

Mr. Loos encouraged other courts to assess their language services. Judge Reinstein asked if AOC would survey courts and Carol Mitchell agreed to look at the Language Access Plans submitted by each county.

### **E. Language Access Update**

Ms. Carol Mitchell shared initiatives handled through the Administrative Office of the Courts in the language access arena. The Supreme Court issued Administrative Order 2011-96 which required all courts to evaluate current procedures regarding language access and produce and adopt a written Language Access Plan. Each plan should detail what happens when Limited English Proficient (LEP) speaking people go to various court proceedings and how they can acquire access to court proceedings.

The AOC has provided resources to the courts through various roles; such as training on interpreter issues in new judge orientation, the use of statewide language access bench cards and the statewide interpreter registry and listserv. The registry is a database that courts can use to find interpreters. The listserv is an email distribution list of court staff that deal with interpreter issues and anyone on the listserv can email

out a request for a language – specific interpreter and receive almost an immediate response. AOC also joined the National Consortium which gives us access to other states and their information regarding interpreters of rare languages. Additionally, courts have access to telephonic language line services available through the statewide contract procurement office, and a language identification card to be used at points of public contact.

AOC's role is more along the lines of resource consolidation, resource stratification and realistic assessment of what each county can do to provide better services. AOC held a summit in June of this year, discussing language access which included a guest speaker from the Colorado AOC who had recent dealings with the Department of Justice on the language access deficiencies for the state of Colorado. A Code of Ethics for Interpreters was one project that came out of this summit and we have recently started a workgroup to begin development. Document translation is another area we hope to look at in the future and evaluate resource consolidation in this area as well.

Most interpreters for lesser languages reside within Maricopa County or the larger metro areas which increases interpreter costs due to long travel times. AOC is considering a remote video interpreting pilot project with other outlying counties. By having an interpreter video conference room at the AOC, we hope to greatly reduce costs to the courts through the use of as technology a tool for interpreters which has been successful in both Maricopa County and Florida Courts.

The National Center of State Courts is hosting a National Language Access summit in October and Arizona is sending five representatives from our state who will participate. Carol will share any updates regarding language access in the future.

### **III. Old Business**

#### **A. Victim ID Protection Rule petition update**

Hon. Ron Reinstein, discussed activities of the Victim ID Protection workgroup and the rule petition continuance timeline of the Supreme Court. The continuance gave us time to meet with media to review the petition and any objections to the proposal. Specifically, the media's position is that the victim should have to "opt in" vs. "opting out". COVIC wants to automatically use initials unless the victims choose to opt out of this protection. There is also discussion on deceased child victims and should that victim have the same right as other victims considering most victim families want the child's name known for use of bringing attention to the case or issue. Also discussed Form 4's which may have the victim's name which can be redacted; however, if it is submitted as part of the case file with the victim's name intact it then becomes part of the official court record. Another meeting is set for October 4<sup>th</sup> with another possible tweaking of the petition. The petition must be revised by November 16<sup>th</sup> to make it to the December 8<sup>th</sup> rules agenda. We may ask for a delayed implementation to allow court entities across the state to prepare.

A motion was sought to give the authority to the workgroup to work toward resolution of this issue on behalf of COVIC. Motion was seconded and passed.

#### **IV. Other Business**

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

Captain Larry Farnsworth is working on victims issues with the county attorney's office for victims to be heard. He may propose a "Form 5" for victims only which would be similar to a "Form 4" and might include a victim's preferred method of contact, do they want to make a statement, etc. This would be an opportunity to help fill the gap in the system regarding initial appearance notification and victim safety issues. This would be something that law enforcement would collect with the Form 4 as part of the documentation process.

Judge Reinstein suggested that Keli Luther and Captain Farnsworth put a proposal together to submit to the committee at the next meeting for a potential workgroup project.

Kirstin Flores, Arizona Attorney General's Office announced the law enforcement training for Victims' Rights 101, advance training and schedule is posted on the Attorney General's website. We plan to have a section focused on the initial arrangement hearing training for victims' in the future on AZPost. It is not mandatory for police officers; however, they will be able to receive credit for attending.

**B. Motion:** To adjourn at 12:10pm. Motion was seconded and passed.

##### **C. Next Committee Meeting Date:**

Friday, January 25, 2013

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

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Victim Identification Rule Petition Update

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**FROM:** COVIC Victim Identification workgroup

**PRESENTER(S):** Hon. Ron Reinstein, Chair

**DISCUSSION & TIME ESTIMATE:**

Review Supreme Court's ruling on COVIC's petition and discuss implementation considerations prior to September 1, 2013 effective date. 20 minutes  
<http://www.azcourts.gov/Portals/20/2012Rules/120512/R120004.pdf>

**RECOMMENDED MOTION (IF ANY):**

Consider creating a workgroup to identify implementation issues.



TO:  
Rule 28 Distribution  
Ronald S Reinstein  
Mark C Faull  
Randy Lovely  
Mark Casey  
David Jeremy Bodney  
Chris Moeser

**ATTACHMENT\***

**Rules of Criminal Procedure**

**Rule 2.3. Content of Complaint**

**a.** [No change]

**b.** Upon filing a charging document in a criminal case in which a ~~juvenile is alleged to be the victim of~~ defendant is charged with any offense listed in A.R.S Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense, the prosecuting agency shall advise the clerk that the case is subject to the provisions of Supreme Court Rule 123(g)(1)(C)(ii)(h).

**Rule 31.13. Appellate briefs**

**(a) – (b)** [No change]

**c. Contents.**

(1) – (4) [No change]

(5) Substitute victim information. Appellate briefs shall use a victim identifier in place of the victim's name in any case in which the defendant was charged with an offense listed in A.R.S Title 13, chapters 14, 32, 35 or 35.1 or in any case in which the victim was a juvenile at the time of the offense. For purposes of this rule, "victim identifier" means a victim's initials, a pseudonym, or other substitute for the victim's true full name.

**(d) – (f)** [No change]

\* Additions are shown by underscoring, deletions by ~~strikeouts~~.

## Rules of Procedure for the Juvenile Court

### Rule 106. Briefing, Consideration and Disposition in the Court of Appeals

(A) - (G) [No change]

(H) Appellate briefs shall use a victim identifier in place of the victim's name in any case in which a delinquent act is alleged against a juvenile for an offense listed in A.R.S. Title 13, chapters 14, 32, 35, or 35.1 or in which the victim was a juvenile at the time of the offense. For purposes of this rule, "victim identifier" means a victim's initials, a pseudonym, or other substitute for the victim's true full name.

## Rules of the Supreme Court of Arizona

### **Rule 111. Publication of Opinions of the Supreme Court and Court of Appeals; Depublication**

**(a) - (h)** [No change]

**(i) Substitute Victim Information.** All opinions, memorandum decisions, and orders shall use a victim identifier, as deemed appropriate by the court, in place of the victim's name in any case concerning a defendant charged with an offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense. This rule does not apply to victims who are deceased at the time of issuance of the opinion, memorandum decision, or order.

**(j) The victim may waive the requirements of this rule by notifying the court in a writing that consents to the use or release of the victim's true full name in court records.**

### **Rule 123. Public Access to the Judicial Records of the State of Arizona**

**(a) – (f)** [No change]

**(g) Remote Electronic Access to Case Records.**

(1) A court may provide remote electronic access to case records as follows:

(A) – (B) [No change]

(C) *General Public, Registered Users.*

(i) Members of the public who hold an Arizona driver license or nonoperating identification license may be provided remote electronic access, upon registering and paying any established fee, to all of the following categories of case records unless sealed or otherwise made confidential by rule or law:

(a) Civil case records in any action brought to enforce, redress, or protect a private or civil right but not:

- Juvenile dependency and delinquency or other matters brought under ARS Title 8;
- Family law, paternity, or other matters arising out of ARS Title 25;
- Orders of protection, injunctions against harassment and all proceedings, judgments or decrees related to the establishment, modification or enforcement of such orders, including contempt; or
- Probate proceedings brought under ARS Titles 14 and 36.

(b) Civil traffic case records in any action brought as such under ARS Titles 28 or 41 or a matter expressly designated as a civil traffic violation by a traffic ordinance of a city or town, and any boating violation punishable by a civil sanction under ARS Title 5, chapter 3, articles 1 through 11, or a non-traffic ordinance expressly designated a civil violation or a boating ordinance by a city or town.

(c) Criminal case records in any action instituted by the government to punish offenses classified as a misdemeanor or felony brought pursuant to ARS Titles 4, 13, 28, or local ordinance and case records in any action instituted to punish petty offenses classified by ARS § 13-601.

(d) Case records in any action instituted by a county to enforce an ordinance that provides for criminal and civil penalties pursuant to ARS §§ 11-251 and 11-808.

(ii) The following documents shall not be accessible by remote electronic access to users registered under paragraph (g)(1)(C) due to the inability to protect sensitive data that is likely to be contained within these documents:

- (a) booking-related documents;
- (b) warrants, including search warrants, confidential wiretaps, pen registers, handwriting exemplars, trap and trace, and bench warrants;
- (c) charging documents, including criminal and civil traffic charging documents;
- (d) pre-sentence reports;

(e) defendant's financial statement;

(f) disposition report;

(g) transcripts; and

(h) all documents in criminal cases in which a ~~juvenile is alleged to be the victim of any offense listed in ARS Title 13, chapters 14 or 35.1.~~ defendant is charged with any offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense. The prosecuting agency, upon filing a charging document described in this paragraph, shall advise the clerk that the case is subject to this provision.

Upon motion by a party, by any person, or upon the court's own motion, and for good cause shown, the court in which such action is pending may issue an order to allow remote electronic access to members of the public, as provided in paragraph (g)(1)(C), to any case in which a defendant is charged with an offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense as provided in a juvenile is alleged to be the victim under paragraph (g)(1)(C)(ii)(h). The order may include any appropriate provision required to protect the juvenile or other victim from embarrassment or oppression. The burden of showing good cause for an order shall remain with the person seeking remote electronic access to the case record. Irrespective of an order limiting electronic access under this paragraph, the clerk shall provide non-registered users remote electronic access as set forth in paragraph (D)(ii) herein when the court generally provides such non-registered user access in other cases.

(D) *General Public, Non-Registered Users.* Unless otherwise provided by rule or law, members of the public may be provided remote electronic access, without registering, to:

(i) the following data elements in closed cases, including juvenile delinquency, mental health, probate, and criminal cases in which a defendant is charged with an offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense as provided ~~in which a juvenile is alleged to be the victim, as identified~~ in paragraph (g)(1)(C)(ii)(h) above:

- party names,

- case number,
- judicial assignment, and
- attorney names

(ii) except as provided in paragraph (g)(1)(C)(ii)(h) above, individual case information extracted from a case management system in all civil, criminal, and civil traffic cases identified in paragraphs (g)(1)(C)(i)(a) through (d), and family law cases, including a list of documents filed, events, dates, calendars, party names, month and year of birth, residential city, state and zip code, case number, judicial assignment, attorneys, charges filed or claims made, interim rulings, and case outcomes, including sentence, fines, payment history, minute entries, and notices.

(iii) court of appeals and supreme court opinions and decisions in all case types, except that any appendix in criminal cases in which a defendant is charged with any offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense as provided ~~a juvenile is alleged to be the victim, as identified~~ in paragraph (g)(1)(C)(ii)(h) above, shall not be provided by remote electronic access.

(2) – (5) [No change]

**(h) – (j)** [No change]

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b> None	<b>Subject:</b> Maricopa County Sheriff's Office-Victim Notification Unit
January 25, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	

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**FROM:** Larry Farnsworth

**PRESENTER(S):** Commander Kathleen Checchi and Officer Renee Warner

The presenters are Maricopa County Sheriff's Office Detention Staff that are responsible for the *MCSO-VICTIMS' NOTIFICATION UNIT*.

They will make about a 20 minute presentation and then have time for questions. The presenters will have informative handouts for the attendees.

### **DISCUSSION & TIME ESTIMATE:**

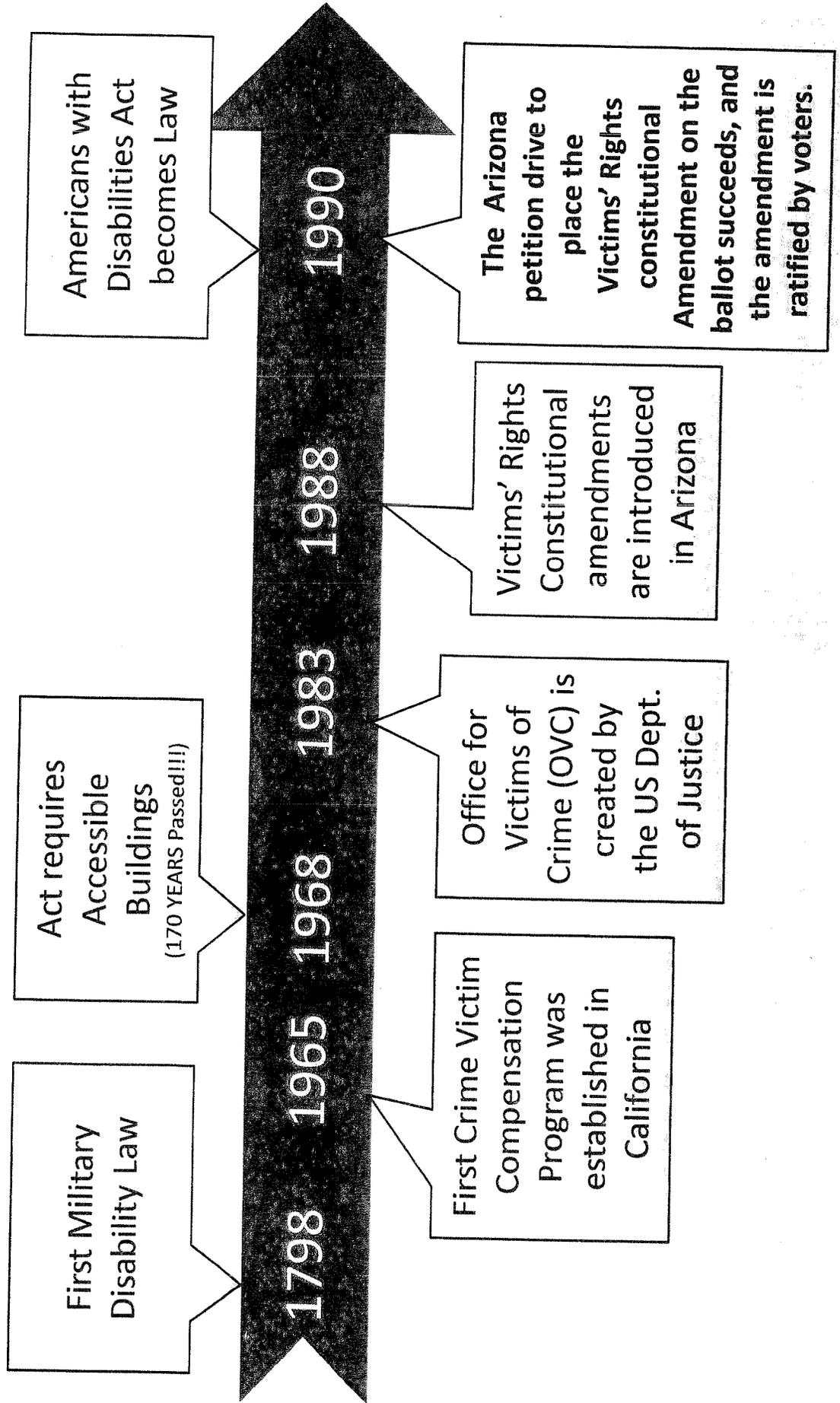
The Maricopa County Sheriff's Office has had a Victim Notification Unit for at least 10 years but has not had much visibility. A new website has been developed for the unit and should be functional by the time of this presentation. Part of the presentation is the demonstration of the various functions of the website.

One of the issues being addressed by the website and the Notification Unit is the capability of the victims to have a voice at the Initial Court Appearance of the suspect. The unit and website have many other functions and is supportive of the victims as their case goes through the court process.

### **RECOMMENDED MOTION (IF ANY):**

No action to be taken, information only.

# Historical Timeline



## **The Maricopa County Sheriff's Office Victims' Assistance and Notification Unit in relation with our Unit Values works to:**

- ~Establish, evaluate and expand current efforts to assist victims of crime,
- ~Make a positive difference for victims in a crisis-initiated experience by maintaining a victim-focused support environment,
- ~Work with outside advocacy, support and law enforcement agencies to provide accurate and competent information and resources to victims,
- ~Facilitate communication between the victim and judicial staff during the Initial Appearance process,
- ~Coordinate and complete the verbal and written victim notification information in a highly professional, thorough and consistent manner,
- ~Provide, by both, in-person and telephone, comprehensive and time sensitive defendant case status and criminal justice information,
- ~Educate, Maintain or rebuild victims trust in the judicial and law enforcement processes,
- ~Refer victims to local programs and agencies for immediate and ongoing long term support, assisting them to become confident in personal growth,
- ~Empower victims of crime to make educated and timely decisions affecting their future choices,
- ~Train staff through ongoing education, development and practical applications regarding the impact of crime on victims and mandated laws, meeting the legal mandates for crime victim notification and rights,
- ~Support victims of crime through committed staff, by providing standards of excellence while treating every victim with compassion, dignity, respect and sensitivity.

### **Necessary attributes/skills of an employee in this unit:**

Ability to work with victims and offenders in a non-judgmental and confidential manner.

Ability to work in a collaborative manner with other employees and community entities.

Basic computer skills are necessary, including ability to use Microsoft Word, PowerPoint, navigate databases and track information.

Ability to work independently in a professional manner.

Ability to maintain solid professional boundaries

Listen, communicate and work effectively with a diverse group of people.

Proficiently perform computerized word processing, comprehension, summarizing and writing/editing.

Comprehend and make inferences from written material and verbal and/or written instructions.

The nature of the work requires the ability to handle stressful circumstances and act effectively in emergency or crisis situations.

Knowledgeable of victim's rights and domestic violence laws and related legislation, the court system and documents, and felony trials.

### **Duties mandated by A.R.S. §§ 13:**

Notify victims of arrest (including cite and release and warrant arrest), initial appearance information, and detention center contact information for juvenile release, date, time, and location of the initial appearance of the accused.

To provide victims, upon request, with a copy of the terms and conditions of release.

To notify victims, upon request, of the release from custody of the accused.

To inform victims if the accused or convicted person escapes and of subsequent re-arrest.

To notify victims, upon request, of the defendant's release within 15 days prior to release, or of the defendant's death while in custody within 15 days after the death.

To establish a system for the receipt of victims' requests for (pre and post-conviction notice).

## **Duties we perform during incarceration of the accused:**

Serves as a liaison between victims and Prosecution and Court staffs.

Accompanies victims to Initial Appearance court proceedings and informs victims about their constitutional and statutory mandated victim's rights.

Assists victims in service of Orders of Protection and Injunctions Against Harassment.

Assesses victim needs and acts as a resource for community service referrals.

Communicates in the exchange of information by completing thorough documentation using both a paper-based and computer automated management system.

Maintains statistical records on victims served and services provided; submits monthly statistical reports.

Works with the Prosecution Division attorneys and staff to improve services to victims. Recommends policies and procedure revisions as deemed necessary to improve the integrated work environment.

Encourages involvement and interest in victim-related training and awareness campaigns.

Organizes, maintains and monitors Victim Services file and notification systems, including the 25 day Release and Probation lists and research the status of cases to ensure the timeliest notifications are being typed and mailed.

Provides case status and criminal justice information to victims.

Properly routes telephone messages to appropriate staff personnel.

Works with Victim Services staff and volunteers, as well as other City department staff. Assists in complaint resolution through research and investigation processes; documents actions/results.

Establish and maintain effective working relationships with City staff and the general public.

Operates 24 hours per day, 7 days per week.

Assist in minimizing the negative effects and injuries resulting from criminal acts and affording victims the rights accorded to them in the Arizona State Constitution.

Referrals to community service agencies and acting as a liaison between victims of crime, police officers, and social service agencies.

Able to recognize a wide range of behavioral problems and utilize appropriate counseling techniques to resolve an immediate and critical situation and/or provide the appropriate information or referral service to resolve the problem.

Respond to crime victims needs by addressing unwanted offender

Coordinate with staff to create awareness of victim issues through displays, information dissemination and activities.

Explain, in terms they can understand, the criminal justice system as it applies to their situation.

Identify victims and witnesses needs resulting from crime.

Provide referral to other social service agencies for assistance.

Provide information and referral for victim compensation program.

Attend staff and training meetings.

Attend any additional training as deemed appropriate (at the expense of the program). Notifies victims in person, by mail, and phone of legal rights under Arizona State Law and Arizona Bill of Rights.

Composes correspondence; types and/or uses word processing software to prepare reports, documents, letters, forms, and other items; prepares materials for meetings and conferences; may develop and maintain detailed records of activities and function.

Interviews office visitors and telephone callers, answering inquiries, responding to concerns, and referring them to other staff as appropriate.

Must strive to ensure excellent internal and external customer service.

Addresses and explains legal/court processes and answers victims' questions and concerns.

Assist with completing Victim Impact Statements.

Makes appropriate referrals to other Agencies.

Receives victim feedback and enters data into database for tracking statistical program information.

Retrieves historical information from files, records, and computerized information system.

**Maricopa County Sheriff's Office  
Victims Assistance and Notification Unit**

*By order of the Arizona Constitutional Rights for Crime Victims, Article II, Section 2.1, Victims' Bill of Rights, Subsection A.1. . . . a victim of crime has a right: To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment or abuse, throughout the criminal justice process.*

**Vision Statement**

The Maricopa County Sheriff's Office Victims' Notification and Services Unit is committed to being the leader in establishing the standard and delivering professional quality support services to victims of crimes, committed in Maricopa County, and to other supporting agencies.

**Mission Statement**

The Mission of the Victims' Notification and Services Unit is to be a change agent, committed to providing victim notification and additional services to victims of crimes so that they are safe and empowered to make knowledgeable decisions.

**Value Statement**

These are the values of the Victims' Notification and Services Unit:

- ~Establishing, evaluating and expanding current efforts to assist victims of crime,
- ~Making a positive difference for victims in a crisis-initiated experience by maintaining a victim-focused support environment,
- ~Working with outside advocacy, support and law enforcement agencies to provide accurate and competent information and resources to victims,
- ~Facilitating communication between the victim and judicial staff during the Initial Appearance process,
- ~Coordinating and completing the verbal and written victim notification information in a highly professional, thorough and consistent manner,
- ~Providing, by both in-person and telephone, comprehensive and time sensitive defendant case status and criminal justice information,
- ~Maintaining or rebuilding victims trust in the judicial and law enforcement processes,
- ~Referring victims to local programs and agencies for immediate and ongoing long term support, assisting them to become confident in personal growth,
- ~Empowering victims of crime to make educated and timely decisions affecting their future choices,
- ~Training staff through ongoing education, development and practical applications regarding the impact of crime on victims and mandated laws, meeting the legal mandates for crime victim notification and rights,
- ~Supporting victims of crime through committed staff providing standards of excellence while treating every victim with compassion, dignity, respect and sensitivity.

Table with criminal justice proceedings and the corresponding right(s), rule(s) or statute(s) that applies according to the Arizona Constitution, Victims' Bill of Rights, Arizona Court Rule 39 and ARS Title 13, Chapter 40.

CRIMINAL JUSTICE PROCEEDING	ARIZONA CONSTITUTION	ARIZONA COURT RULE 39	ARS TITLE 13, CHAPTER 40
Crime Occurs/Arrest	N/A	N/A	13-4405 (victim must be given multi-copy form by law enforcement)
Release or Escape	<p>Art. II, § 2.1.A.2 (right to be informed of release or escape)</p> <p>Art. II, § 2.1.A.4 (right to be heard at post-arrest release proceeding)</p>	<p>39.b.5 (right to be given notice re: escape)</p> <p>39.b.6 (right to be given notice re: proposed release)</p> <p>39.b.7 (right to confer w/pros. &amp; to be heard re: proposed release)</p>	<p>13-4407 (right to notice re: release conditions)</p> <p>13-4412 (right to notice of release or escape)</p> <p>13-4416 (right to notice of release or escape from mental inst.)</p> <p>13-4422 (right to be heard at post-arrest release)</p> <p>13-4432 (Victim's right to file motion to revoke bond/release)</p>

<b>Initial Appearance</b>	Art. II, § 2.1.A.3 (right to be present & informed of criminal proceedings)	39.b.3 (right to be given notice re: criminal proceedings)	13-4406 (right to notice of IA)  13-4421(right to be heard at IA)
<b>Charging Decision</b>	N/A	39.b.7 (right to confer w/pros. re: decision)	13-4408 (right to confer on turndown w/pros. & right to notice re: rights)
<b>Prelim./Grand Jury</b>	Art. II, § 2.1.A.3. (right to be present & informed of criminal proceedings. -- prelim. only)	39.b.3 (right to be given notice re: criminal proceedings--- prelim. only)	13-4409 (notice re: criminal proceedings-- prelim. only)  13-4420 (right to be present at all criminal proceedings)
<b>Arraignment</b>	Art. II, § 2.1.A.3 (right to be present & informed of criminal proceedings)	39.b.3 (right to be given notice re: criminal proceedings)  39.b.4 (right to be present at criminal proceedings.)	13-4409 (notice re: criminal proceedings)  13-4420 (right to be present at criminal proceedings.)
<b>Pre-Trial Conference</b>	Art. II, § 2.1.A.3 (right to be present & informed criminal proceedings)	39.b.3 (right to be given notice re: criminal proceedings)  39.b.4 (right to be present at criminal proceedings.)	13-4409 (notice re: criminal proceedings)  13-4420 (right to be present at criminal proceedings.)

<b>Discovery</b>	Art. II, § 2.1.A.5 (right to refuse int. or other disc. requests)	39.b.10 (right to refuse interview)  39.b.11 (right to have prosecutor w/hold discovery)  39.b.12 (right to set conditions of int.)	13-4433 (right to refuse interview)  13-4434 (right to privacy)
<b>Plea Negotiations</b>	Art. II, § 2.1.A.4 (right to be heard re: plea)  Art. II, § 2.1.A.5 (right to confer w/pros. re: plea)	39.b.7 (right to confer w/pros. re: plea & right to be heard at plea)	13-4419 (right to confer w/pros. re: plea)  13-4423 (right to be present & heard re: plea)
<b>Trial</b>	Art. II, § 2.1.A.3 (right to be present & informed of criminal proceedings)  Art. II § 2.1.A.6 (right to confer w/pros. before trial)  Art. II § 2.1.A.10 (right to speedy trial)	39.b.3 (right to be given notice of criminal proceedings.)  39.b.4 (right to be present at criminal proceedings.)  39.b.15 (right to speedy trial)	13-4409 (right to notice re: criminal proceedings -- prelim. only)  13-4410 (right to notice re: criminal proceedings outcome of trial)  13-4420 (right to be present at criminal proceedings)  13-4435 (right to speedy trial)

<b>Sentencing</b>	<p>Art. II, § 2.1.A.3 (right to be present &amp; informed of criminal proceedings)</p> <p>Art. II, § 2.1.A.4 (right to be heard at sentencing)</p> <p>Art. II, § 2.1.A.7 (right to read pre-sent. report)</p> <p>Art. II, § 2.1.A.8 (right to prompt restitution)</p>	<p>39.b.7 (right to be heard at sentencing.)</p> <p>39.b.13 (right to read pre-sent. report)</p>	<p>13-4424 (impact statement)</p> <p>13-4425 (right to inspect pre-sent. rpt)</p> <p>13-4426 (right to present evidence be present &amp; be heard)</p> <p>13-4429 (return of victim's property)</p>
<b>Post-Conviction</b>	<p>Art. II § 2.1.A.9 (right to be heard re: post-conviction release)</p>	<p>39.b.6 (right to notice re: release or proposed release)</p>	<p>13-4411 (notice of post-conviction. review &amp; app. proceedings.)</p> <p>13-4413 (notice of prisoner's status)</p> <p>13-4414 (notice of post-conviction. release)</p> <p>13-4415 (notice of probation modification/revocation)</p> <p>13-4427 (right to be present &amp; heard at probation modification hearings)</p>

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you.

Please keep this form for future reference regarding your case.

1

<<FORM USE>>

Initial Contact

By Phone/Mail

DATE:

Victim-Initiated Change(s)

In Person

2

<<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: Phone #: Reporting Officer(s): Complaint/Report/Citation #: Location: Report/Citation Date/Time: Offense/Type of Crime:

Offense/Type of Crime: Felony Misdemeanor Domestic Violence Issue

3

<<ARREST / DETENTION STATUS>>

SUSPECT NOT IN CUSTODY

SUSPECT CITED AND RELEASED / REFERRED

SUSPECT IN CUSTODY - ADULT

SUSPECT IN CUSTODY - JUVENILE

UNKNOWN KNOWN

ADULT JUVENILE

INITIAL APPEARANCE:

DETENTION HEARING:

SUSPECT #1 ADULT

SUSPECT #1

SUSPECT #1

SUSPECT #1

SUSPECT #1 JUVENILE

DOB

DOB

DOB

SUSPECT #2

SUSPECT #2

SUSPECT #2

SUSPECT #2

SUSPECT #2

DOB

DOB

DOB

COURT

COURT

DETENTION CENTER:

DATE:

DATE:

TIME:

TIME:

CUSTODIAL AGENCY:

If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.

If a citation is issued, the accused may appear at any time prior to the date and time shown.

The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.

The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

4

<<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?

Name: Birth Date:

B. Are you the victim or lawful representative? (CHECK BOX THAT APPLIES)

The crime was committed against me. I am the Victim.

One of the following applies to me. I am the victim's Lawful Representative. (CHECK ONE)

The victim has designated me as his/her lawful representative

The victim is incapacitated or deceased and I am an immediate family member

The victim is a legal entity (corporation, partnership or business).

The victim is minor child and I am a parent, an immediate family member or legal guardian

The victim is a vulnerable adult & I am the legal guardian.

Name: Victim's Lawful Representative DOB: Relationship to victim

C. How can you be contacted?

Name:

Mailing Address: Apt:

Home Address (if different): Apt:

City: State: Zip Code:

Telephone: (Home) (Cell)

(Work) Email:

I REQUEST my rights in this case.

OR

I WAIVE (DECLINE) my rights in this case.

I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my right are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.

(FOR REPORTING AGENCY USE ONLY)

REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)

NOTES / COMMENTS:

Victim or Lawful Representative Signature / Date:

X

## **INFORMATION FOR ARIZONA'S VICTIMS OF CRIME**

Being the victim of a crime can be traumatic. You may feel isolated and confused, and not know where to turn for practical advice or support. This brochure highlights community resources available to assist you and explains your rights as a victim under Arizona law.

*\*Esta información en español, se puede obtener en [www.azag.gov/victims\\_rights/](http://www.azag.gov/victims_rights/)*

### **VICTIM ASSISTANCE**

#### **AGENCIES & SERVICES**

Organizations such as victim assistance programs, sexual assault centers, child abuse treatment programs, support groups, and domestic violence shelters are established throughout the state to help crime victims regain control over their lives. Some of the services are listed below. They provide emergency and long-term support to victims and their families. Services which may be available include:

- emergency safe homes or shelters
- 24 hour crisis telephone lines
- crisis and long term counseling
- advocacy for your needs and rights
- accompanying you to medical examinations
- transportation
- child care

For certain sexual offenses, costs for medical examinations that are done to preserve evidence may be paid for by the Prosecuting Agency. Check with a victim/witness program advocate in your County for more information.

**See "Information and Resource Numbers" on the next page for a list of the agencies that can provide victim assistance services.**

#### **VICTIM COMPENSATION**

If you are a victim of violent crime or the next of kin of a victim who dies as a result of a criminal act, you may apply to the county's Crime Victim Compensation Program to recover certain expenses. You should file your claim in the county where the crime occurred. Some expenses you may be able to recover include:

- medical and dental expenses
- mental health counseling
- lost wages
- funeral costs
- crime scene clean up

There are conditions which must be met to be eligible for compensation, and eligibility does not guarantee an award. To obtain an application or receive more information on Crime Victim Compensation, contact your county Victim Compensation Coordinator (see "Information and Resource Numbers" for the phone number).

## DOMESTIC VIOLENCE

If you are a victim of domestic violence, you may seek a protective order. Orders of protection restrain spouses, ex-spouses, persons living together now or in the past, persons with a child in common or pregnant by the other person, persons who are currently or were previously in a romantic or sexual relationship, and close relatives from committing an act of domestic violence or contacting you. Injunctions Against Harassment can be sought where there have been a series of harassing acts. A petition for a protective order (available at any court) can be filed, with or without a lawyer, in any City, Justice, Superior or Tribal Court. If you are a party in an ongoing or pending case involving annulment, legal separation, dissolution of marriage, maternity/paternity, child custody, child/spousal support, or if the juvenile defendant is under the age of twelve, you should apply to any Superior or Tribal Court location. When the court is not open, you may request an Emergency Order of Protection through a law enforcement officer. Emergency Orders of Protection are valid until the close of the next court business day. A protective order can prohibit the abuser/defendant from having any contact with you/plaintiff or other designated persons, going to your residence (even if the defendant has been living at the address), going to other locations, prohibit the defendant from possessing or purchasing a firearm or committing an offense of domestic violence. If you seek a protective order, you may request that your address and/or other locations are kept confidential. There is no court filing fee to request a protective order. There is no service or process fee for Orders of Protection or Injunctions Against Harassment involving dating relationships. A law enforcement agency or constable shall not require the advance payment of fees for service on other injunctions. You may request that the court waive service fees for these other injunctions. You may have your protective order served by a private process server for a fee. If there is a firearm present when there has been an incident of domestic violence and a law enforcement officer believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death, the firearm may be seized and held by the law enforcement agency. To ensure that you, as the victim, are notified of the release of a firearm that has been seized, you must provide the law enforcement agency with any change of address or phone number.

## VICTIM RIGHTS

As a victim of crime in Arizona, you have a Constitutional right to be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse throughout the criminal or juvenile justice process. All state, county and municipal justice agencies and courts in Arizona are required to perform certain duties to ensure that you receive your rights. Your legal rights as a victim don't begin until an arrest has been made or charges have been filed. You will be notified if charges are going to be declined.

### WHO IS A VICTIM FOR PURPOSES OF EXERCISING RIGHTS?

State law says a victim is a person against whom a criminal or juvenile offense has been committed. This includes any felony or any misdemeanor. If a person is killed or incapacitated, the person's spouse, parent, child, sibling, grandparent or any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the spouse, parent, child, grandparent, sibling or other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.

## REQUESTING / WAIVING RIGHTS

Some rights are given to victims automatically and some rights need to be requested. The law enforcement officer will provide you with a form that you to request or waive (decline) your rights. You will be given a copy of completed request/waiver form for your records. Following is a list of "upon request" rights that you may request or waive (these rights apply at arrest):

- ❖ To be notified of the suspect's release from custody (see *When A Suspect Arrested* for instructions on how to exercise this right).
- ❖ To receive a copy of the terms and conditions of release.
- ❖ To receive notification of scheduled court proceedings.
- ❖ To talk with a prosecutor prior to a plea, dismissal or trial.
- ❖ To make a Victim Impact Statement.
- ❖ To receive a copy of the presentence or predisposition report.
- ❖ To receive notice of a defendant's conviction (or adjudication), acquittal, the dismissal of the charges.
- ❖ To receive notice of sentencing or disposition results.
- ❖ To have property taken as evidence returned after the case is resolved.

### LEGAL ENTITY "UPON REQUEST" RIGHTS

- ❖ To receive notice of restitution and sentencing/disposition hearings, at notice of the sentencing or disposition results.

### NEIGHBORHOOD ASSOCIATION "UPON REQUEST" RIGHTS

- ❖ To receive notification of scheduled court proceedings, and to make Victim Impact Statement at sentencing/adjudication.

Your decision to request or waive your rights does not mean that you cannot change your mind later. However, if at first you waive your rights and the request them at a later time, you may be giving up some rights that on apply at certain stages of the justice process. There are other important benefits and protections that apply to crime victims as a case proceed through the system. *To request a copy of the full text of Arizona's victim rights laws, you may contact the Attorney General's Office of Victim Services at (602) 542-4911(Phoenix) or 866-742-4911 toll free.* You can also learn more about Arizona's victims' rights laws and available services by visiting the Arizona Attorney General web page at [www.azag.gov](http://www.azag.gov).

### YOUR RIGHT TO RESTITUTION

If someone is found guilty of the crime(s) committed against you, the court may order that person to re-pay certain financial costs of your victimization. This court-ordered payment is known as restitution. Victims of crime have Constitutional right to receive prompt restitution. If charges are filed in your case, it is important that you contact the prosecutor's Victim Services program for more information and assistance with the restitution process (see Information & Resource Numbers).

For more resource information, please visit the Supreme Court's victim restitution website at [www.azcourts.gov/restitution](http://www.azcourts.gov/restitution).

### FREE COPIES OF POLICE REPORTS

A victim of a criminal offense that is a part 1 crime or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge.

# INFORMATION AND RESOURCE NUMBERS - - MARICOPA COUNTY, ITS CITIES AND TOWNS

## VICTIM SERVICES

Identity Theft Hotline	(602) 542-2145 (Phoenix)
identity theft@azag.gov	
Address Confidentiality Program	(602) 542-1653
Never Again Foundation	(480) 539-9111
Maricopa Cty. Victim Witness Prog	(602) 506-8522
Southeast (Mesa) Office	(602) 506-2488
Juvenile Victims' Rights Program:	
Westside Office	(602) 372-4000
Eastside Office	(480) 962-8002
Maricopa Cty. Vict. Compensation	(602) 506-4955
Maricopa County Juvenile Court Services:	
Victims' Rights Office	(602) 506-4471
Avondale Police Victim Services	(623) 333-7219
Chandler Police Dept. Victim Svcs	(480) 782-4535
El Mirage Police Dept Victim Assistance	(623) 433-9539
Fort McDowell Wassaja Family Services	(480) 789-7990
Fort McDowell Victim Advocate	(480) 789-7678
Gilbert Police Dept. Victim Services	(480) 635-7700
Glendale Police Dept. Victim Services	(623) 930-3030
Goodyear Police Dept. Crisis Services	(623) 882-7677
Mesa Police Dept. Victim Services	(480) 644-4075
Peoria City Pros. Victim Assist	(623) 773-7414
Peoria Police Dept. Victim Referral	(623) 773-7019
Phoenix Police Dept. Victim Services	(602) 534-2123
Scottsdale City Pros. Victim Services	(480) 312-4226
Scottsdale PD Crisis Intervention Services	(480) 312-5055
Surprise Police Dept. Victim Assistance	(623) 222-4312
Surprise Prosecutor's Office Victim/Witness Services	(623) 222-1177
<b>Domestic Violence Crisis Services:</b>	
Arizona Coalition Against Domestic Violence	(602) 279-2900 or 1-800-782-6400
CONTACS Shelter Hotline (24 hrs.)	(602) 263-8900 / 800-799-7793 in Maricopa County
Autumn House - A New Leaf (24 hrs.)	(480) 835-5555
Centro de Amistad	(480) 839-2926
Chrysalis Shelter - Scottsdale (24 hrs.)	(480) 481-0402
Chrysalis Shelter - Phoenix (24 hrs.)	(602) 944-4999
Chrysalis Program	(602) 955-9059
De Colores - Chicanos por la Causa (24 hrs.)	(602) 269-1515
DIGNITY House (women involved in prostitution)	(602) 258-2785
Elim House - Salvation Army (24 hrs.)	(602) 267-4111
Faith House Shelter - A New Leaf (24 hrs.)	(623) 939-6798
Faith House Agencies - A New Leaf	(623) 842-3327
Fort McDowell Wassaja Family Services:	
Domestic Violence Unit	(480) 837-5076
Gila River Indian Community Tribal Social Services	(480) 899-9565
My Sisters' Place - Catholic Charities (24 hrs.)	(480) 821-1024
New Life Shelter (24 hrs.)	(623) 932-4404
Salt River Pima-Maricopa Indian Community - Social Services	(480) 850-8484
Senior Help Line (24 hrs.)	(602) 264-4357
Sojourner Shelter (24 hrs.)	(602) 244-0089
Sojourner Program	(602) 244-0997
Sexual Abuse/Assault Services:	
Center for Prevention of Abuse & Violence - Casa	(602) 254-6400
EMPACT Sexual Assault Hotline	(480) 736-4949

## LAW ENFORCEMENT

Arizona State Capitol Police	(602) 542-4580
Arizona Game and Fish Dept.	(602) 942-3000
Arizona Department of Public Safety	(602) 223-2000
Crime Victim's Information Online	<a href="http://www.azvictims.com">www.azvictims.com</a>
Maricopa County Sheriff	(602) 876-1000

### MUNICIPAL POLICE

AZ. State University Police Department	(480) 965-3456
Avondale Police Department	(623) 333-7000
Buckeye	(623) 349-6400
Carefree	(480) 488-3686
Cave Creek	(480) 488-6636
Chandler	(480) 782-4130
El Mirage	(623) 433-9500
Fountain Hills	(480) 876-1869
Gila River	(520) 562-7139
Gilbert	(480) 503-6500
Glendale	(623) 930-3000
Goodyear	(623) 932-1220
Mesa	(480) 644-2211
Paradise Valley	(480) 948-7418
Peoria	(623) 773-8311
Phoenix	(602) 262-7626
Scottsdale	(480) 312-5000
Surprise	(623) 222-4000
Tempe	(480) 350-8311
Tolleson	(623) 936-7186
Wickenburg	(928) 684-5411

## COURTS

Arizona Supreme Court:	<a href="http://www.azcourts.gov/restitution">www.azcourts.gov/restitution</a>
Maricopa County Superior Court	(602) 506-3011
Maricopa County Adult Probation	(602) 506-3261
Maricopa County Juvenile Probation	(602) 506-4500
Central Index	(602) 506-4500

### MUNICIPAL COURTS

Apache Junction	(480) 982-8250
Avondale	(623) 333-5800
Buckeye	(623) 386-5908
Carefree	(480) 488-1689
Cave Creek	(480) 488-1409
Chandler	(480) 782-4700
El Mirage	(623) 815-2186
Fountain Hills	(480) 816-5103

## VICTIM SERVICES CONTINUED

Other Assistance Agencies:	
AZ. State University-Counseling Svcs	(480) 965-6146
AZ. State University-Student Life	(480) 965-6547
Child Protective Services	1-888-SOS-CHILD
Cocaine Anonymous	(602) 279-3838
Community Info & Referral	(602) 263-8856 or 1-800-352-3792
Community Bridges	(480) 962-7711
Stress Line (24-hour)	(602) 271-0695
EMPACT Suicide Hotline	(480) 784-1500
Terros (24-hour crisis service)	1-800-293-1749
Crisis Recovery Network (24 hour crisis line)	(602) 222-9444 or 1-800-631-1314
Crisis Nursery	(602) 273-7363
Lawyers Referral Service	(602) 257-4434
Community Legal Services	(602) 258-3434
NW Valley Advocacy Center	(623) 930-3720
Mothers Against Drunk Driving (MADD):	
Arizona State Organization	1-800-553-6233
★EMERGENCY SERVICES ONLY	911

## CUSTODIAL AGENCIES

Arizona Dept. of Corrections	1-866-787-7233
Maricopa County Jail	(602) 876-0322
Maricopa County Sheriff's Office	
Victim Notification Unit	(602) 876-8276
Maricopa County Juvenile Probation	
Central Index	(602) 506-4500
Victims' Rights Office	(602) 506-4471
Durango Detention Screening	(602) 506-4280
SE Detention Screening	(602) 506-2669

## PROSECUTORS

Arizona Attorney General's Office	(602) 542-4911		
Maricopa County Attorney's Office	(602) 506-3411		
<b>MUNICIPAL PROSECUTORS</b>			
Avondale	(623) 333-5825	Guadalupe	(623) 932-0430
Buckeye	(623) 523-0234	Litchfield Park	(623) 393-1700
Carefree	(602) 943-7239	Mesa	(480) 644-2210
Cave Creek	(480) 488-1409	Paradise Valley	(480) 348-3691
Chandler	(480) 782-4610	Peoria	(623) 773-7347
El Mirage	(623) 943-7239	Phoenix	(602) 262-4781
Florence	(520) 723-4623	Queen Creek	(480) 661-6044
Fort McDowell Tribal	(480) 789-7670	Scottsdale	(480) 312-2710
Fountain Hills	(480) 483-2404	Surprise	(623) 222-1140
Gila Bend	(928) 683-2940	Tempe	(480) 350-8280
Gilbert	(480) 635-7900	Tolleson	(602) 253-2523
Glendale	(623) 930-3475	Wickenburg	(928) 684-5451
Goodyear	(623) 882-7201		

## COURTS CONTINUED

Gila Bend	(928) 506-1589
Gilbert	(480) 635-7800
Glendale	(623) 930-2400
Goodyear	(623) 882-7200
Guadalupe	(480) 730-3085
Litchfield Park	(623) 935-7091
Mesa	(480) 644-2255
Paradise Valley	(480) 948-7620
Peoria	(623) 773-7400
Phoenix	(602) 262-6421
Queen Creek	(480) 892-0164
Scottsdale	(480) 312-2442
Surprise	(623) 222-4800
Tempe	(480) 350-8454
Tolleson	(623) 474-4975
Wickenburg	(928) 684-5451

### JUSTICE COURTS

Estrella Mountain Justice Court	(623) 386-4822
San Marcos Justice Court	(602) 963-6691
Ironwood Justice Court	(928) 683-2651
Manistee Justice Court	(623) 939-9477
Maryvale Justice Court	(623) 245-0432
East Mesa Justice Court	(480) 985-0188
North Mesa Justice Court	(480) 926-9731
San Tan Justice Court	(480) 926-3051
West Mesa Justice Court	(480) 964-2958
North Valley Justice Court	(623) 915-2877
Encanto Justice Court	(602) 254-1488
Downtown Justice Court	(602) 254-1599
Arcadia Biltmore Justice Court	(602) 266-3741
Dreamy Draw Justice Court at the NERCC*	(602) 372-7000
Moon Valley Justice Court at the NERCC*	(602) 372-7000
South Mountain Justice Court	(602) 243-0318
West McDowell Justice Court at the NERCC*	(602) 256-0292
Lake Pleasant Justice Court	(602) 395-0294
McDowell Mountain Justice Court	(480) 372-7000
University Lakes Justice Court	(480) 967-8856
Kyrene Justice Court	(480) 705-7349
Agua Fria Justice Court	(623) 936-1449
Hassayampa Justice Court	(928) 506-1554

\*Northeast Regional Court Center

## **WHEN A SUSPECT IS ARRESTED**

Box 3 of the request/waiver form provides information to assist you in exercising your rights immediately following the arrest of a suspect; however, you must act quickly.

**If the suspect is an adult and has been arrested, you can exercise certain rights by contacting the court prior to the Initial Appearance.** You can also exercise your right to be informed of the suspect's release by contacting the custodial agency.

**If the suspect is a juvenile and has been detained, you can obtain detention hearing information and exercise certain rights by contacting the juvenile probation department.** You can also exercise your right to be informed of the juvenile's release by contacting the detention center.

**If an adult or juvenile suspect is cited and released, or a juvenile suspect is referred to the Juvenile Court but not detained, you can exercise certain rights by contacting the court prior to the date and time that the suspect must appear.**

**If the arrest of a suspect is not immediate and you are not notified of an arrest within 30 days, you can call the law enforcement agency to obtain case status information.**

**Your employer may be legally required to allow you unpaid leave from work to attend court. Contact the prosecuting agency for more information.**

## **SUSPECT IS AN ADULT AND HAS BEEN ARRESTED**

### **Initial Appearance (Court Hearing)**

Purposes: (1) Determine whether to release the accused;

(2) If the accused is released, determine the terms and conditions of release;

(3) Set the next court date(s);

(4) Obtain a plea from the accused (for some misdemeanor offenses)

When Held: Within 24 hours of arrest

Location: Court and Custodial Agency

Contact: (see **INFORMATION & RESOURCE** numbers)

Your Rights: To be present and heard at the initial appearance and, upon request, to be informed of the suspect's release.

## **SUSPECT IS A JUVENILE AND HAS BEEN DETAINED**

### **Detention Hearing**

Purposes: (1) Determine whether to release the juvenile;

(2) If the juvenile is released, determine the terms and conditions of release;

(3) Obtain a plea from the juvenile (misdemeanor offenses)

When Held: Within 24 hours of arrest

Location: Detention Screening Section, County Juvenile Probation

Contact: (see **INFORMATION & RESOURCE** numbers)

Your Rights: To be present and heard at the detention hearing and, upon request, to be informed of the juvenile's release.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Juvenile cases and victim notice

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**FROM:**

**PRESENTER(S):** Pam Moreton, Yavapai County Attorney's Office

**DISCUSSION & TIME ESTIMATE:**

Discussion of the potential conflict between Rules of Juvenile Court, Rule 28 (B) and the Victims' Rights statutes §8-389 and §8-390.

20 minutes

**RECOMMENDED MOTION (IF ANY):**

## **17B A.R.S. Juv.Ct.Rules of Proc., Rule 28**

### Rule 28. Advisory Hearing

17B A.R.S. Juv.Ct.Rules of Proc., Rule 28

Arizona Revised Statutes Annotated [Currentness](#)  
Rules of Procedure for the Juvenile Court ([Refs & Annos](#))

▣Part II. Delinquency and Incurrigibility  
▣2. Delinquency and Incurrigibility Proceedings

#### ➔**Rule 28. Advisory Hearing**

**A. Purpose.** After the filing of a petition alleging delinquent or incorrigible acts, including a petition filed pursuant to [Rule 40](#), Ariz. R.Cr.Pr., the court shall set an advisory hearing for the purpose of advising the juvenile, parent, guardian or custodian of the allegations against the juvenile as set forth in the petition and determining whether the juvenile admits or denies the allegations. Copies of the petition shall be given to the juvenile, parent, guardian or custodian and counsel representing any party unless the parties were served notice pursuant to [Rule 26](#).

#### **B. Time Limits.**

**1. Detained Juvenile.** If the juvenile is detained, the advisory hearing shall be held within twenty-four (24) hours of the filing of the petition.

**2. Juvenile Not Detained.** If the juvenile is not detained, the hearing shall take place within thirty (30) days of the filing of the petition.

#### **C. Procedure.** At the advisory hearing the court shall:

1. Advise the juvenile, parent, guardian or custodian of the right of the juvenile to be represented by counsel, including the right to be appointed counsel if the juvenile is indigent, as provided by law;
2. Advise the parties of the juvenile's right to remain silent throughout the proceeding;
3. Advise the parties of the juvenile's right to call witnesses on the juvenile's behalf;
4. Advise the parties of the right to confront witnesses presented by the state;
5. Determine whether the juvenile understands the constitutional rights set forth by the court and whether the juvenile knowingly, intelligently and voluntarily wishes to waive those rights;
6. Determine whether the victim of the offense has requested to be present and be heard if a plea agreement is to be presented to the court. The court shall not accept a plea agreement unless:
  - a. The prosecutor advises the court that reasonable efforts were made to confer with the victim concerning the proposed plea;
  - b. Reasonable efforts were made to advise the victim of the plea proceeding and of the victim's right to be present and to be heard; and
  - c. The prosecutor advises the court that to the best of the prosecutor's knowledge the notice requirements were complied with and the prosecutor advises the court of the victim's position, if known, regarding the proposed plea agreement.
7. Determine whether the juvenile wishes to admit or deny the allegations;

**a. Admission.** If the juvenile wishes to admit to allegations, the court shall accept the admission or plea if supported by a factual basis and a finding that the juvenile knowingly, intelligently and voluntarily waives the rights enumerated above. The factual basis may include evidence other than the statements of the juvenile.

**b. Denial.** If the juvenile denies the allegations in the petition, the court shall set an adjudication hearing as required by these rules.

8. Set conditions of release, if any, and advise the juvenile that any violation of the terms and conditions of release may result in the issuance of a warrant for the arrest and detention of the juvenile. If the juvenile has been arrested for an offense listed in [A.R.S. section 13-610\(O\)\(3\)](#) and the juvenile has been summoned to appear at an advisory hearing, the judicial officer shall order as a condition of release that the juvenile report within five days to the law enforcement agency that arrested the juvenile, or to the agency's designee, and submit to DNA testing, and provide proof of compliance at the next scheduled court proceeding. The judicial officer shall advise the juvenile that willful failure to comply with this order shall result in revocation of the juvenile's release, including arrest and detention for violation of a condition of release, as provided in [Rule 23 G.](#)

9. Determine how a verbatim record of the adjudication hearing will be made.

**D. Findings and Orders.** At the conclusion of the hearing, the court shall make its findings in writing, in the form of a minute entry or order. If the juvenile admits the allegations in the petition, the court must find there was a valid waiver of constitutional rights and that a factual basis in support of the admission exists.

**E. Disposition.** Following an admission, the court shall adjudicate the juvenile delinquent or incorrigible and proceed with a disposition hearing or may set a disposition hearing. The court may defer acceptance of the plea until the time of disposition. The juvenile shall be subject to orders of the court under the supervision of a probation officer pending the adjudication or disposition hearing.

CREDIT(S)

Added Oct. 27, 2000, effective Jan. 1, 2001. Amended Sept. 18, 2006, effective Jan. 1, 2007. Amended and effective Dec. 14, 2007. Amended on emergency basis effective Sept. 26, 2008. Adopted on a permanent basis and amended Sept. 3, 2009, effective Jan. 1, 2010.

APPLICATION

<Rules 9 through 35 shall apply to cases in which the offense occurred on or after January 1, 2001; Rules 36 through 66 shall apply to cases filed on or after January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced on or after January 1, 2001.>

HISTORICAL NOTES

Former Rule 28, Petition for Review, was adopted Dec. 31, 1971, effective Feb. 1, 1972, was amended May 7, 1985, effective July 1, 1985; Sept. 15, 1987, effective Nov. 15, 1987; April 19, 1988, effective May 1, 1988; May 24, 1989, effective Aug. 1, 1989; March 28, 1990, effective July 1, 1990; Feb. 28, 1996, effective June 1, 1996; Oct. 21, 1997, effective Jan. 1, 1998, and was repealed by order dated Oct. 27, 2000, effective Jan. 1, 2001.

17B A. R. S. Juv. Ct. Rules of Proc., Rule 28, AZ ST JUV CT Rule 28

Current with amendments received through 10/1/12

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END OF DOCUMENT

**8-389. Preliminary notice of rights**

A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following:

1. All of the victim's rights through disposition under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article and court rules.
2. The charge or charges against the accused and a clear and concise statement of the procedural steps involved in a delinquency prosecution.
3. The procedures a victim shall follow to invoke the victim's right to confer with the prosecuting attorney pursuant to section 8-399.
4. The person within the prosecutor's office to contact for more information.

B. Notwithstanding subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor, before the decision not to proceed is final, shall notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of the victim's right on request to confer with the prosecutor before the decision not to proceed is final.

**8-390. Notice of proceedings**

A. The court shall give notice to the prosecutor's office in a timely manner of any changes in scheduled proceedings.

B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.

C. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office pursuant to subsection B, the court shall state in the record why it was not reasonable to provide five days' notice.

D. On receiving the notice from the court, the prosecutor's office shall, on request, provide notice to the victim in a timely manner of scheduled proceedings, any changes in the schedule and that a predisposition or disposition proceeding may occur immediately following adjudication.

## **17B A.R.S. Juv.Ct.Rules of Proc., Rule 28**

### Rule 28. Advisory Hearing

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Arizona Revised Statutes Annotated [Currentness](#)  
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- ▣ Part II. Delinquency and Incurrigibility
  - ▣ 2. Delinquency and Incurrigibility Proceedings
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## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Arizona Case Processing Standards Steering Committee

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**FROM:** Arizona Case Processing Standards Steering Committee

**PRESENTER(S):** Ms. Cindy Cook, AOC

**DISCUSSION & TIME ESTIMATE:**

The Arizona Case Processing Standards Steering Committee reviewed the national standards for case processing and developed draft standards for Arizona courts. Please review and plan to direct any feedback to the committee via a website that will be available in February.

**RECOMMENDED MOTION (IF ANY):**

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL - MISDEMEANOR**

**National Center for State Courts Model Time Standards:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal - Misdemeanor**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt the national model time standard as follows:

- 75% within 60 days**
- 90% within 90 days**
- 98% within 180 days**

- ✓ Criminal traffic cases are included.
- ✓ Criminal local ordinances cases are included.
- ✓ DUI cases are excluded; these cases have separate case processing goals.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**COMMENT:** These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	Initial Appearance held within <b>24 hours</b> of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<b><u>Initial Appearance and Arraignment:</u></b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived.
Rule 14.1(e), Ariz.R.Crim.P.	<b><u>Combined Proceedings:</u></b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b> , and written notice of the arraignment date shall be delivered to defendant.
<b>Arraignment:</b> Rule 14.1(a), Ariz.R.Crim.P.	<b><u>Defendant in custody:</u></b> Arraignment shall be held within <b>10 days</b> after filing of complaint.

\* **Timelines or rules are different for superior court.**

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 14.1(c), Ariz.R.Crim.P.	<p><b><u>Defendant not in custody:</u></b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b><u>Exceptions:</u></b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b><u>Telephonic Pleas:</u></b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b><u>Pleas by Mail:</u></b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p><b>Discovery:</b> Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><b><u>Supplemental Disclosure:</u></b> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><b><u>Additional Disclosure Upon Request:</u></b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b><u>Time for Disclosure by Defendant:</u></b> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).*</p> <p><b><u>Change of Judge:</u></b> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>
<p><b>Trial:</b> Rule 8.2, Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment</p>
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p> <p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.*</p> <p><b><u>Pre-Sentence Hearing:</u></b> If a pre-sentencing hearing is requested under</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
	Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt. <b>(Measurement Stops Here)</b>

\* **Timelines or rules are different for superior court.**

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL – DUI MISDEMEANOR CASES**

**National Center for State Courts Model Time Standards for Misdemeanor Cases:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal – DUI Misdemeanor Cases Only**

The Arizona Case Processing Standards Steering Committee recommends that Arizona continue to use the existing case processing standards as follows:

- 85% within 120 days**
- 93% within 180 days**

- ✓ Criminal misdemeanor cases are excluded.
- ✓ Criminal traffic cases are excluded.
- ✓ Criminal local ordinance cases are excluded.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**Background:** In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>  Rule 4.2(b), Ariz.R.Crim.P.  Rule 14.1(e), Ariz.R.Crim.P.	Initial Appearance held within <b>24 hours</b> of arrest  <b>Initial Appearance and Arraignment:</b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived. <b>Combined Proceedings:</b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b> , and written notice of the arraignment date shall be delivered to defendant.

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<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Arraignment:</b> Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><b><u>Defendant in custody:</u></b> Arraignment shall be held within <b>10 days</b> after filing of complaint.</p> <p><b><u>Defendant not in custody:</u></b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b><u>Exceptions:</u></b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b><u>Telephonic Pleas:</u></b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b><u>Pleas by Mail:</u></b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
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Arizona Rules and Statutes	Timelines under Statute and Rule
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**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL-FELONY**

**National Center for State Courts Model Time Standards:**

- 75% within 90 days
- 90% within 180 days
- 98% within 365 days

**Measurement:** Filing of initial complaint through disposition (e.g., dismissal, acquittal, sentencing)

**Arizona Criminal-Felony**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

- 65% within 90 days**
- 85% within 180 days**
- 96% within 365 days**

✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.

**Measurement:** Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or sentencing.)  
The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Complaint Filed</b> Rule 3.1(a), Ariz.R.Crim.P.<sup>1</sup></p> <p>Rule 3.2, Ariz.R.Crim.P</p> <p><b>Indictment:</b> Rule 12.7, Ariz.R.Crim.P and Rule 3.1(a), Ariz.R.Crim.P</p> <p><b>Information Filed</b> Rule 13.1(c), Ariz.R.Crim.P</p>	<p style="text-align: center;"><b>(Measurement Starts Here in AJACS )</b></p> <p><b>Arrest warrant or summons issued:</b> Upon presentment of a complaint signed by a prosecutor, the court shall promptly issue a summons or notice of supervening indictment under rule 12.7(c) or, after a finding of probable cause, issue a warrant.</p> <p><b>Summons:</b> The defendant will be summoned to appear within <b>30 days</b> after the filing of an indictment, information or complaint.</p> <p>The indictment shall be returned in open court by the foreman in the presence of the grand jury and the prosecutor. If defendant has previously had an initial appearance under Rule 4.2, the court shall prepare and send to the defendant and defendant’s counsel a notice of supervening indictment in lieu of issuing a warrant or summons.</p> <p>An information shall be filed in Superior Court within <b>10 days</b> after determination of probable cause or the defendant’s waiver of a preliminary hearing.</p>
<p><b>Initial Appearance:</b> Rule 4.1(a), Ariz.R.Crim.P.</p>	<p>Initial Appearance held within <b>24 hours</b> of arrest.</p>

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 4.1(b), Ariz.R.Crim.P.	<p><b>Arrest without a warrant:</b> If complaint has not already been filed, a complaint shall be promptly prepared and filed. If a <b>complaint</b> is not <b>filed within 48 hours from the time of the initial appearance</b> before the magistrate, the defendant shall be released from jail, and the preliminary hearing date, if any, shall be vacated.</p> <p style="text-align: center;"><b>(Measurement Starts Here in AJACS)</b></p>
<p><b>Preliminary Hearing:</b> Rule 5.1(a), Ariz.R.Crim.P.</p> <p>Rule 5.1(c), Ariz.R.Crim.P.</p>	<p><b>Defendant in custody:</b> When a complaint is filed, a preliminary hearing shall be held within <b>10 days</b> following defendant’s initial appearance.</p> <p><b>Defendant not in custody:</b> When a complaint is filed, a preliminary hearing shall be held within <b>20 days</b> following defendant’s initial appearance.</p> <p><b>Postponement:</b> Upon a finding of extraordinary circumstances, the preliminary hearing may be postponed beyond the 20-day limit.</p>
<p><b>Arraignment:</b> Rule 14.1, Ariz.R.Crim.P.</p>	<p style="text-align: center;"><b>(Measurement Starts Here for Speedy Trial Rules)</b></p> <p><b>Defendant in custody:</b> Arraignment held within <b>10 days</b> after filing of indictment, information, or complaint.</p> <p><b>Defendant not in custody:</b> Arraignment held within <b>30 days</b> after filing of indictment, information, or complaint.</p>
<p><b>Discovery:</b> Rule 15.1 (b), Ariz.R.Crim.P.</p> <p>Rule 15.1(d), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d), Ariz.R.Crim.P.</p>	<p><b>Supplemental Disclosure</b> of evidence by the Prosecutor must occur:</p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>30 days</b> after arraignment.</li> <li>• <u>In Limited Jurisdiction Courts:</u> at the first pre-trial conference.</li> </ul> <p><b>Prior Felony Convictions:</b> At least <b>30 days</b> prior to trial or <b>30 days</b> after request from defendant.</p> <p><b>Additional disclosure upon request:</b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b>Time for disclosure by defendant:</b></p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>40 days</b> after arraignment or within <b>10 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b), whichever occurs first.</li> <li>• <u>In Limited Jurisdiction Courts:</u> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).</li> <li>•</li> </ul>
<p><b>Trial:</b> Rule 8.2 Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b>Defendant in custody:</b> Within <b>150 days</b> from arraignment.</p> <p><b>Defendant not in custody:</b> Within <b>180 days</b> from arraignment.</p> <p><b>Complex cases:</b> Within <b>270 days</b> from arraignment.</p> <p><b>Capital cases:</b> Within <b>24 months</b> from filing of a notice of intent to seek the death penalty.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Superior Court:</u></b> Upon determination of guilt, the court shall set a date for sentencing. Sentence shall be pronounced <b>not less than 15 nor more than 30 days</b> after determination of guilt unless the court, after advising the defendant of the right to a pre-sentence report, grants the request that sentence be pronounced earlier.</p>
<p>Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Limited Jurisdiction Courts:</u></b> Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.</p>
<p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>If a pre-sentencing hearing is requested under Rule 26.7 or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt. <b>(Measurement Stops Here)</b></p>

## 2012 ARIZONA CASE PROCESSING STANDARDS PROJECT



JUSTICE ROBERT BRUTINEL,  
STEERING COMMITTEE CHAIRMAN

### SUBMIT YOUR COMMENTS!

Model case processing time standards provide a reasonable set of expectations for courts, lawyers and the public. The Arizona Supreme Court Case Processing Standards Steering Committee is gathering input and feedback from all key justice partners regarding the establishment of case processing standards for Arizona courts.

#### Steering Committee Preliminary Recommendations

The Steering Committee has completed a review of the national time standards, Arizona rules and statutes and a preliminary recommendation for proposed case processing standards has been developed. These recommendations will be posted as a link from the committee's website on **February 15, 2013** and you are **invited to post your comments** at that time. Please feel free to share this website with members of the legal community in your jurisdiction.

#### Comment Period

The Steering Committee will review the comments posted on the website and make the appropriate revisions to the proposed case processing standards. A final draft of the proposed case processing standards will be presented to the following standing committees for recommendation to the Arizona Judicial Council: Committee on Superior Court; Limited Jurisdiction Committee; Committee on Juvenile Courts; Commission on Victims in the Courts; and Committee on the Impact of Domestic Violence in the Courts.

*Submit your comments online beginning February 15, 2013:*

<http://www.azcourts.gov/cscommittees/CommitteeonArizonaCaseProcessingStandards.aspx>

*For more information contact:*

Committee Staff:  
Cindy Cook [ccook@courts.az.gov](mailto:ccook@courts.az.gov)

Arizona  
Supreme  
Court



## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Strategic Agenda 2015 Recommendations

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**FROM:** Arizona Supreme Court

**PRESENTER(S):** Hon. Ron Reinstein & Carol Mitchell

**DISCUSSION & TIME ESTIMATE:**

Review and discuss potential recommendations for the next Strategic Agenda.  
<http://www.azcourts.gov/justice2020/Justice2020.aspx>

**RECOMMENDED MOTION (IF ANY):**

# ARIZONA JUDICIAL BRANCH STRATEGIC AGENDA PLANNING 2015-2020



**Committee on Limited Jurisdiction Courts  
January 23, 2013**

*“By failing to prepare, you are preparing to fail.”*

Benjamin Franklin

*“The best way to predict your future is to create it.”*

Peter F. Drucker

*“If you don’t know where you are going you will wind up somewhere else.”*

Yogi Bera



# How Does This Process Work?

- Jan-March 2013: AJC Committees/Court Stakeholders input
- Provide input by May 8, 2013
- June 2013: Presentation to AJC
- August 2013: Post draft on line for comment
- December 2013: Final presentation to AJC
- March 2014: Adoption by AJC
- Begin Implementation: 2015

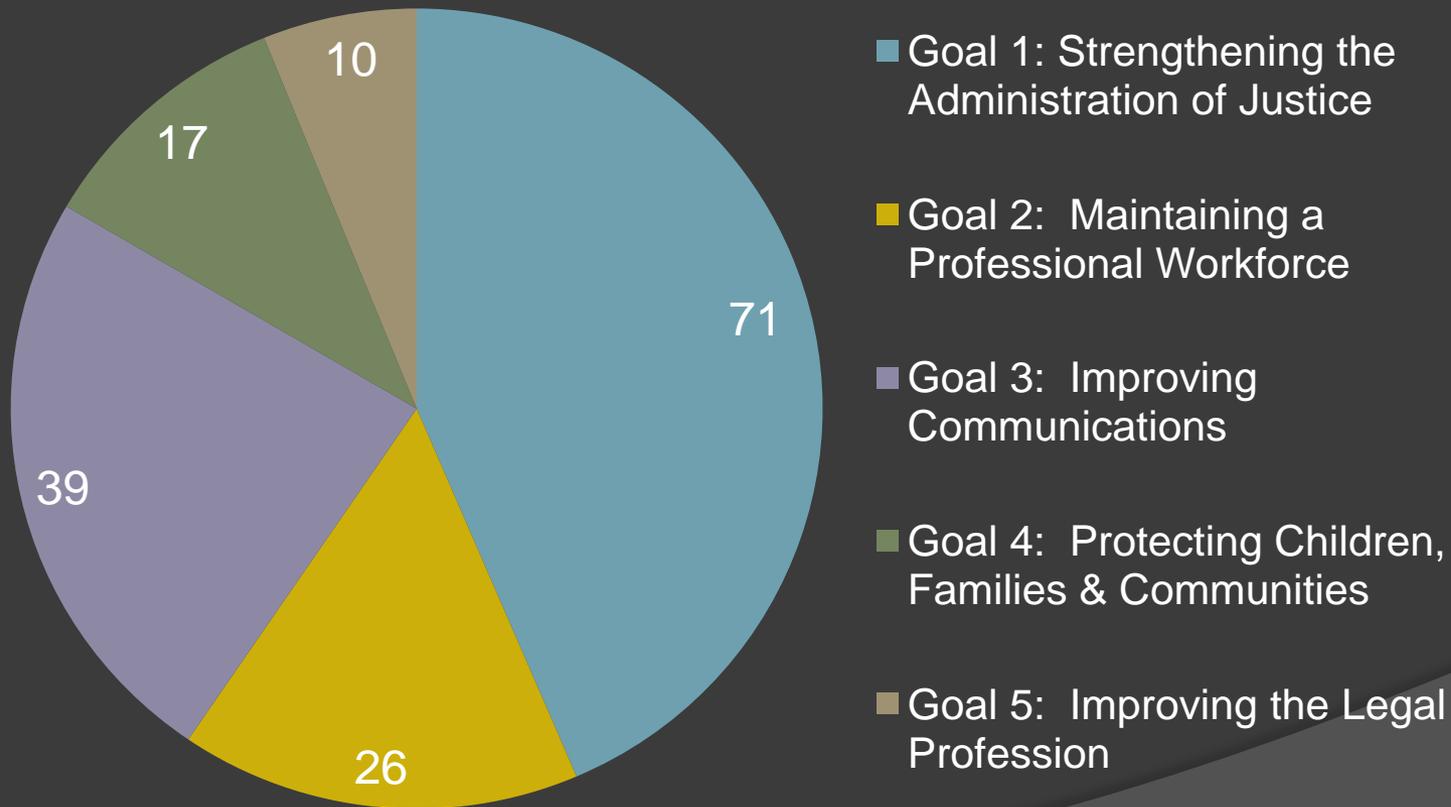
# Justice 2020

## *A Vision for the Future of the Arizona Judicial Branch*

- Goal 1: Strengthening the Administration of Justice
- Goal 2: Maintaining a Professional Workforce and Improving Operational Efficiencies
- Goal 3: Improving Communications
- Goal 4: Protecting Children, Families and Communities
- Goal 5: Improving the Legal Profession

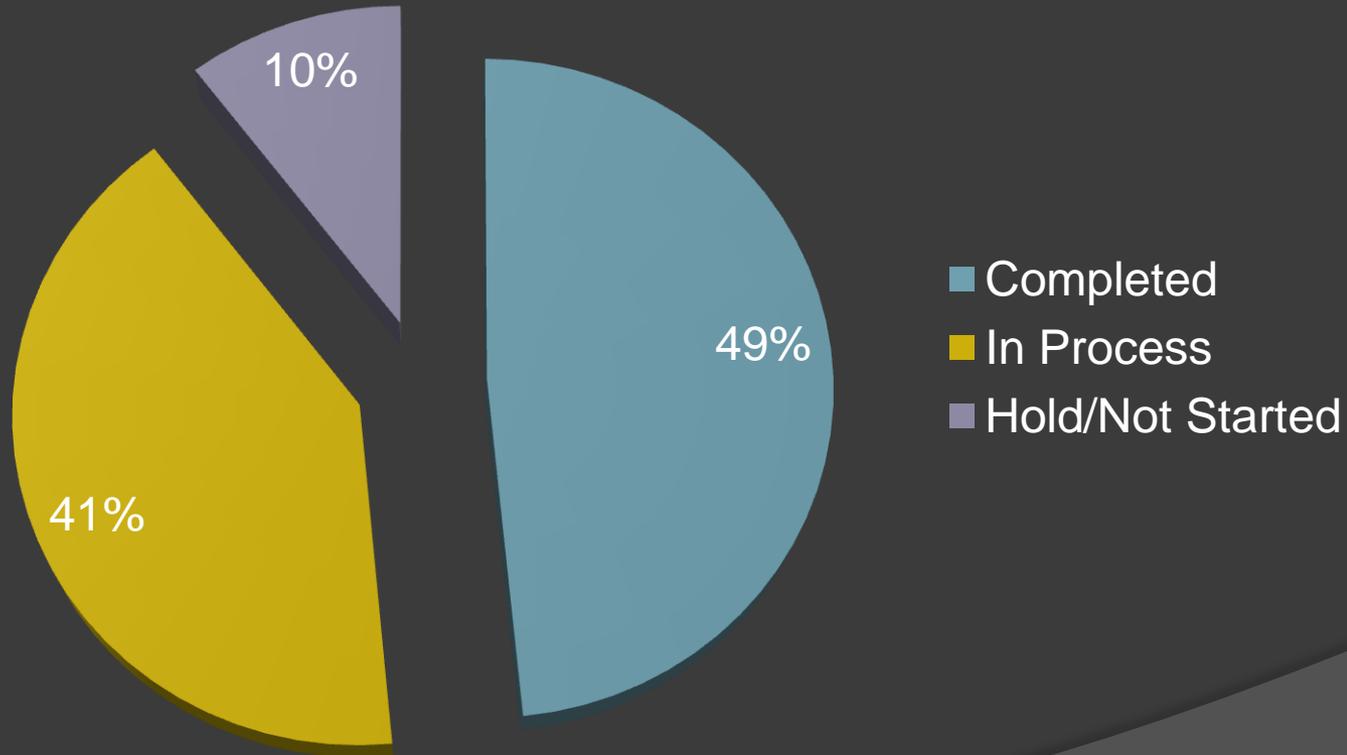
# Justice 20/20 Initiatives

Total Projects = 163



# Justice 20/20 Initiatives

## Status of Projects



# Major Accomplishments

- Implemented eFiling in some courts
- Enhanced attorney regulation system
- Implemented Probate Reform Plan
- Completed the design of a leadership development program
- General Jurisdiction CMS -AJACS
- Statewide Defensive Driving Clearinghouse Implementation (DDTS)

# Major Accomplishments (cont)

- Modernized the current probation academy curriculum to instill evidence based practices
- Approved the “Wireless Committee” recommendations
- Adopted the Justice Court Rules of Civil Procedure
- “Knowing Who You Are” trainings
- FARE Collections Program  
Enhancements: \$45.5 M in 2012

# Initiatives in Flight

- eCitation
- eFiling
- eAccess
- LJ CMS
- JOLTSaz
- AJACS Statistical Reporting & CourTools
- General Jurisdiction AJACS FARE
- Domestic Violence
- Remote Interpreter Program
- Time Standards
- Review of potential changes to Rule 123
- “Knowing Who You Are Training”
- Probate Reform
- Evidence Based Practices

# AJC Strategic Agenda

## Subcommittee: Initial Thoughts

- Focus on access to justice issues as it relates to SRLs, technology and language access.
- Engage in proactive communication with the public (i.e., what we do, why we do it, how we do it, etc.)
- Increase public understanding of what judges do, how judges are selected, etc.
- Explore new technologies as a way to inform the public.
- Identify “High Impact Targets”



**Next Steps...**

Ready to go?

# Planning for the Next Strategic Agenda (2015-2020)

- Identify current trends and issues which may impact the court environment in the next five years.
- Identify any new goals and objectives to strengthen the strategic agenda.
- Recommend projects and initiatives in furtherance of current and proposed goals.

**Goal 1: Strengthening the Administration of Justice**

**1A: Using Technology Effectively**

Action Plan	Projects	Status	Division	Future Agenda?	Additional Comments
Modernize to improve court processes and information gathering, tracking, and sharing through implementation of case management systems	Replace Aging Data Warehouse	In Process		Y	FY 13, 14; Post CCI ports carry forward
	Integrate APETS into AJACS	In Process		Y	FY14
	Port APETS to New Technology Environment	Completed			
	AJACS eFiling (Clerk and Judge Modules)	In Process			
	AJACS Reporting System with Statistics and CourTools	In Process			Statistics portion not completed
	Modify FARE Outbound calling and backend collections procedures for FARE revenue generating project Phase II	Postponed			Planned for 2013; contingent on new contract (current contract set to expire 6/13)
	Expansion of LJ print forms to Gila County	Completed			Expansion of LJ print forms to 13 of 15 counties completed
	FARE ACS RFP	In Process			
	RFP 06-05 Private Vendors - Contract Termination	Completed			
	Rollout ADRS	Completed			All courts implemented
	Implement AZTEC Security Enhancement (Statewide Table Access Lockdown)	Completed			
Rollout defensive driving tracking system II to provide for receipting to case, improved reconciliation process, in compliance with MAS	Completed				

**1A: Using Technology Effectively**

Action Plan		Projects	Status	Division	Future Agenda?	Additional Comments
	1. Juvenile Court: JOLTSaz	Implement in Pima County	In Process			FY2013
		Integrate to AJACS	In Process			FY2014
		Implement in all Rural Counties	In Process		Y	FY2015
		Replace Foster Care and CASA System	In Process			Testing; FY2014
		Automate Title IV-E	Partially Completed			Enhancements Needed
		Statewide Identifier (SWID) in place for all counties	Completed			
		Explore Using Common Identifier in Court and Child Welfare Data Systems	Completed			
	2. Limited Jurisdiction Court: AJACS, and	AJACS 3.6 --ADRS and new calendar functionality	Completed			
		LJ AZTEC Replacement	In Process			Pilot Spring 2013
		Large Volume LJ	In Process			
		Preparation for Conversion - Data Clean-up for AZTEC Courts	In Process			February-13
		Begin implementing AJACS in Limited Jurisdiction Courts	Postponed		Y	Statewide rollout begins Fall 2013
		Implement FARE and Tax Intercept Program in Limited Jurisdiction AJACS	Postponed			Dependent on AZTEC replacement
	3. General Jurisdiction Court: AJACS	GJ AJACS FARE pilot implementation in La Paz Superior Court	Completed			
		General Jurisdiction AJACS FARE	In Process			La Paz, Mohave, Pinal implemented
		GJ Calendar/Scheduling	Completed			Ongoing Enhancements

**1A: Using Technology Effectively**

Action Plan	Projects	Status	Division	Future Agenda?	Additional Comments
Expand use of eCitation to electronically transfer citation information from law enforcement to courts.	DPS e-citation (AZTRACS) Project (E-Filing from DPS in 90 LJ courts)	Completed			Scheduled for completion 4/9/12
	Other e-citation projects on-going as courts contract with various vendors.	Ongoing			
	Implement AZTEC Online Citation Payment	Not Being Done			No longer a planned project
Improve efficiency of case processing through implementation of e-filing capabilities in all cases and in all courts.	GJ Civil Pima (include initiating filings)	In Process			Pilot continues w/ AZ Turbocourt
	Integrate GJ Civil eFiling w/ AJACS	In Process			
	AJACS Civil/Criminal	In Process			GJ Civil but not criminal
	AZTEC 1.6 - E-filing	Not Being Done			No longer a planned project
	Mandatory eFiling in Maricopa County Superior Ct for Civil Subsequent filings	Completed			
	Limited Civil eFiling in MCJC	Pilot			
	Maricopa Justice Court	Pilot On Hold			
	Domestic Relations	Completed			Pay & Print; Coconino is only supported court in current app
	Maricopa Civil to Statewide Model (Able to Initiate)	In Process			FY 2014
	Mandatory Appellate eFiling	Completed			Switch to eUniversa
	Mandatory eFiling for "exempt" filers - ASC/COA	Completed			
	Small Claims E-filing pilot in MCJC	In Process			4 courts in pilot as of 2/23/12; on hold
	Explore and, if feasible, implement eService	Postponed			
Move from PayPal	In Process			June 2013 w/ eUniversa	

**1A: Using Technology Effectively**

Action Plan	Projects	Status	Division	Future Agenda?	Additional Comments
Provide judges the tools they need to operate in the digital court environment	Present Report from Committee on Impact of Wireless, Mobile Technologies and Social Media on Court Proceedings	In Process			Scheduled to present final report to AJC in Dec 2012
	Review Westlaw and LexisNexis for new tools to improve productivity for Appellate and Superior Court Judges (Online Research tools)	Completed			Contract awarded to Westlaw
	Develop resource manual for presiding judges	In Process			Planned for April - June 2012
Implement public access to courts through AZTurbo Court.	Dissolution Print forms	In Process			Initial forms completed
	Expand LJ Print Forms to Mohave County	Completed			12 LJ co\unties have print forms now
Use technology to provide efficient access to court documents while ensuring security of confidential info.	Award contract for public and commercial access to electronic data and documents	Completed			

**Goal 1: Strengthening the Administration of Justice**

**1B: Simplifying and Enhancing Systems**

Action Plan	Projects	Status	Division	Future Agenda?	Additional
Streamline case processing by;	Review COSCA Caseload Standards				Not addressed at leadership conf.
1. Developing new rules for processing guardianships,	Rule Petition for Probate Rules	Completed			
2. Allowing for plea by mail or via the internet for minor criminal traffic cases, petty offenses, and some class 3 misdemeanor cases, while ensuring crime victims' rights,					
3. Developing separate, simplified rules for civil cases in justice courts, and	Implement Limited Jurisdiction Civil Rules of Procedure	Completed			Effective date for JCRCP Jan 1 2013
	JCRCP Rule Petition filed/approved	In Process			Planned for Jan-Mar 2013
4. Applying case management procedures to misdemeanor cases to expedite case dispositions.	Establish Case Processing Time Standards Committee	In Process			AO 2012-80 issued on Oct. 17, 2012
Review supreme court case processing to identify greater efficiencies.	Scanning Documents on all active cases - ASC	Completed			
Produce an expanded index of court rules to enhance usability for court employees and the public.					
Create a searchable "opinions" database for judges	Move JPR Website in-house and update to include opinion search function	Completed			
	Plan implementing Access to Orders and Opinions - After Session; Focus Team	Completed			
Establish a committee to review the Federal Rules of Evidence and Civil Procedure and Evidence if appropriate.	Plan to implement Limited Jurisdiction Civil Rules of Procedures, if approved by Court at its sept. Rules Agenda				Planned for July-sept. 2013
Review methods of rotating and training judges for new assignments.					
Expand use of less costly, more efficient trial alternative processes, such as arbitration, meditation, and mini-trials.					

**Goal 1: Strengthening the Administration of Justice**

**1C: Improving Public Access, Transparency, and Accountability**

Action Plan	Projects	Status	Division	Future Agenda?	Additional
Revise the Supreme Court Rules governing public access to court records	Review potential changes to Rule 123	In Process			Anticipate submission of rule petition in Jan 2013
1. Ensure transparency and full access, and					
2. Be vigilant in protecting confidential information.					
Continue implementing the Court Performance Measures.	Scope specs for CourTools	Completed			
	Appellate CourTools Bench/Bar Survey, posted to web	Completed			
Translate Guide to Arizona Courts, Handbook on Dependency Cases, and other pamphlets and brochures into Spanish and other languages and make them available to the public through the Supreme Court's Website.					The Handbook for Parents & Guardians in Dependency cases is available in English & Spanish via the DCSD website
Assist self-represented litigants by					
1. Implementing intelligent e-filing, and		Ongoing			Pilot for small claims and MCJC
2. Providing online video presentations describing how to access the courts.		Completed			Online training videos available for AZ Turbocourt

**1C: Improving Public Access, Transparency, and Accountability**

Action Plan	Projects	Status	Division	Future Agenda?	Additional
Enhance the abilities and expand the availability of qualified language interpreters for non-English speaking participants in the justice system.	Hold interpreter summit/program	Completed			
	Phase I Remote Video for Interpreting	In Process			Working with Yuma County
	Protective Order Instructions in Arabic, Chinese, and Vietnamese	Completed			
	Attend Interpreter Consortium Meeting - Evaluate Tools	Completed			
	Create spoken language benchcard	Completed			
	Create Interpreter website	In Process			Goal: June 2013

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

**May 17, 2013 Meeting Agenda**  
1501 W. Washington St. Phoenix, AZ 85007  
State Courts Building, Conference Room 119 A/B  
Conference Phone Number: (602) 452-3192 Access Code: 1114  
[WebEx Link](#)

**Call to Order**

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Welcome New Members</i> <i>Recognize service of out-going members</i>	
	<i>Approval of January 2013 Meeting Minutes**</i>	
	Remaining 2013 COVIC meeting dates October 25, 2013	

**Old Business**

10:05 a.m.	Victim ID Protection Rule Implementation Update	Aaron Nash
10:20 a.m.	Strategic Agenda Recommendations	Carol Mitchell
10:30 a.m.	Arizona Case Processing Standards Steering Committee **	Hon. Tony Riojas
10:55 a.m.	Amended Rule Petition from Wireless Committee	Carol Mitchell for Mark Meltzer

**New Business**

11:05 a.m.	Juvenile Detention/Advisory Hearings w/in 24 hours	Pam Moreton
11:30 a.m.	Sentencing rules/statutes in misdemeanor cases	Kirstin Flores
11:55 a.m.	Call to the Public	

**Adjourn**

***\*\*Important Voting items***

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Kelly Gray at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input checked="" type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	COVIC January 2013 meeting minutes

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**FROM:** Arizona Supreme Court

**PRESENTER(S):** Hon. Ron Reinstein

**DISCUSSION & TIME ESTIMATE:**

Review and approve the COVIC meeting minutes from January 23, 2013.

**RECOMMENDED MOTION (IF ANY):** Approve minutes

## Commission on Victims in the Courts

**Friday, January 25, 2013**

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

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**Present:** Judge Ronald Reinstein, Chair; Michael Breeze, Judge Peter Cahill, Dr. Kathryn Coffman, Sydney Davis, Karen Duffy, Captain Larry Farnsworth, Judge Elizabeth Finn, Kirstin Flores, Leslie James, Keli Luther, Judge Evelyn Marez, Judge Anna Montoya-Paez-*telephonically*, Pam Moreton, Elizabeth Ortiz, Doug Pilcher, Judge Richard Weiss, Chief Cindy Winn

**Absent/Excused:** James Belanger, Shelly Corzo Shaffer, Jim Markey, Judge William O'Neil, Judge Antonio Riojas Jr., and JoAnn Del Colle.

**Presenters/Guests:** Renee Werner, MCSO Victims Unit; Kathleen Cheechi, MCSO Victims Unit; Aaron Nash, Clerk of the Court Maricopa County; Kim Knox, Maricopa County Collections; Dan Levy, POMC; Theresa Barrett, AOC; Cindy Cook, AOC; Cindy Trimble, AOC

**Staff:** Carol Mitchell, AOC; Jerri Medina, AOC

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### **I. Regular Business**

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

The January 25, 2013 meeting of the Commission on Victims in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:01 a.m.

The Chair asked for Commission member roll call and introductions of staff and guests.

Membership appointment cycles will expire soon and Carol Mitchell will be in touch with those eligible and interested in applying for reappointment. The Chair also acknowledged the following people for their service to our committee: Daisy Flores and Judge Doug Rayes. Ms. Daisy Flores started private practice in Gila County and Judge Doug Rayes is no longer the Presiding Criminal Judge. Dan Levy, also in attendance today was recognized for his past years of service on COVIC and accomplishments with victim issues on a national basis.

The American Probation & Parole Association's Winter Conference was held in Phoenix last week and several members of COVIC participated in a town hall-style presentation to discuss victim issues.

The Chair thanked Judge Cahill, Keli Luther, Judge Reinstein, Shelly Corzo Shaffer, Chief Cindy Winn, Carol Mitchell and Judge O'Neil for their time and participation. The session received good feedback from people, and two of our committee members were able to tell their victim impact story which we hope will encourage other jurisdictions across the nation that came to the conference to sponsor a victim's commission in their respective jurisdictions.

## **B. Approval of September 21, 2012 Minutes**

The draft minutes from the September 21, 2012, meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes from September 21, 2012 meeting.

- Motion was called for the approval of minutes presented; seconded and passed unanimously.

The Chair reminded members of future meeting dates for 2013 and a fourth meeting may be added if necessary.

Kirstin Flores, Chair for the Attorney General's Office Victim Advisory Committee reviewed legislation that is pending in both victims' rights and domestic violence related proposals. She reported that at the Advisory committee meeting, the AZ Department of Corrections brought up the issue involving defendants sentenced after 1994 (after the law changed) to 25 years to life. 2019 marks the year when the first of those cases will reach 25 years and concern is raised because defendants believe they are eligible for parole, but may have been misinformed about their chance of parole either in court minute entries, by a defense attorney, etc. This issue has been on the Department of Corrections and Board of Clemency radar for a while and hopes to work with the Appeals Division at the Attorney General's Office to address concerns of victims and defendants regarding this change.

## **II. Old Business**

### **A. Victim ID Protection Rule Petition Update**

Honorable Ronald Reinstein gave an update on COVIC's petition submitted to the Arizona Supreme Court regarding victims and court records. The workgroup reworked the petition due to feedback from the Supreme Court and other stakeholders who wanted to allow limited media access. The Supreme Court ordered restricting electronic access to criminal cases with victims of all adult sex crimes under ARS Title 13, Chapters 14, 32, 35 & 35.1 and all juvenile victims of any crimes. Additionally, all appellate cases (digital and paper records including decisions, opinions) will use a victim identifier in place of a victim's name, with the exception of deceased victims. COVIC may consider submitting another rule petition to expand victim protection in the future.

The Supreme Court provided a nine month implementation period with the effective date set for September 1, 2013. COVIC wants to discuss impact on various stakeholders in the process especially the prosecutors which will have an additional responsibility to notify the court of these case types.

Judge Reinstein introduced Aaron Nash, Special Counsel with the Maricopa County Clerk of the Superior Court. Aaron shared that for implementation considerations, various stake holders across agencies (IT folks for programming needs, county and attorney general prosecutors, criminal court administration, court room clerks) and customer service people that primarily deal with access to the court records, need to be consulted about the impact of this rule change. Currently, criminal minute entries are the only documents online with the majority of documents filed from Maricopa County. The prosecutor would notify the clerk that the case falls under the "victim ID" exclusion category, and then the IT staff will work behind the scenes with programming to set a flag, so that minute entry doesn't show up in any online searches. It would be the same with sentencing minute entries.

When looking at implementation, courts need to have a clear understanding that it is any child victim in any case. The programming will be simple for specific statutes that involve child in the title, but for other cases, such as a DUI crash with a minor in the car, that case may not be as easily identifiable.

COVIC would like to start a state-wide implementation workgroup to help facilitate this petition rule. An important recommendation would be to ensure the Arizona Prosecuting Attorneys Advisory Council (APAAC) reviews the notification process from prosecutors, especially in the smaller counties. COVIC would like to facilitate that process or come up with "best practices" guidance for prosecutors and courts. The workgroup should include representation from the AG's Office, APAAC, IT from AOC, Criminal Court Administration, a judge and several people from COVIC. COVIC will also plan to revisit the issue after implementation to assess the real impact and determine any relevant issues that would support another rule petition.

- Motion presented:  
Move to form a workgroup (including key stake holders) to make implementation recommendations to report back at our May meeting and have Aaron Nash serve as chair. Seconded by Breeze/Cahill; unanimously passed. Other volunteers included: Karen Duffy; Pam Moreton; Elizabeth Ortiz; Lori Ash and Kristin Flores.

Does ECR (Electronic Court Records) fall under this protection? With ECR is there going to be an exception the public can have access. The rule change is geared to the general public not someone that has special court access and is registered to look at their own case through electronic court records (ECR). This rule is also not expected to impact lower courts or tribal courts.

### **III. New Business**

#### **A. Maricopa County Sherriff's Office (MCSO) – Victim Assistance and Notification Unit (VANU)**

At the last COVIC meeting Captain Farnsworth and Keli Luther talked about creating a victim notification similar to the form police now use. Commander Kathleen Checchi and Officer Renee Warner are here today to speak about victim notification rights in IA (Initial Appearance) court and the work that the MCSO does with the VANU. VANU has been in around for 22 years and has done a tremendous amount of work on behalf of victims. The VANU phone number is (602) 876-8276.

Commander Checchi shared the process victims have to speak in IA court. When MCSO is on the scene of a victim crime, they complete a victim notification form and advise the victim that VANU is their first point of contact. VANU is a 24/7 operation, they can guide the victim to services such as shelters, rape crisis counseling, domestic abuse centers, safe houses, community information, and statutory rights. VANU is immediately notified that the criminal is going to a hearing and reach out to victims for notification. The victim form gives victims the option to “opt” in for notification. This form is maintained and updated through the Attorney General's Office.

VANU staff is scheduling presentations across the valley to get a consistent message out to the community and give victims needed information. VANU is in the process of creating a standalone victim assistance website which is expected to rollout in March 2013. A demonstration of the new website was provided and received positive feedback from commission members. Currently, on the MCSO website under the “Are you a victim” tab you can also find various resources and the VANU contact information. Victims will be able to access information regarding their case via the internet and update their contact information in a confidential manner.

Other counties may also have the opportunity to use the MSCO template for in the future. This website is still a work in progress and all ideas and suggestions are welcome.

A critical link to the success of victim notification is law enforcement officer training on the use of this form and the importance is that officers constantly need reminding about distributing the form to victims at the scene of the crime. VANU continue to educate officers out in the field in the use of this form and victim rights information. MSCO has an annual training process over the use of forms and this form will be added to that training curriculum.

#### **B. Juvenile cases and victim notice**

Pam Moreton tabled this item until the next meeting.

### **C. Arizona Case Processing Standards Steering Committee**

Judge Peter Cahill and Cindy Cook provided handouts and spoke about the ongoing committee effort toward developing model time standards for processing court cases.

Model time standards have been developed at the national level through the National Center for State Courts (NCSC) and our state formed a committee to begin evaluating appropriate standards for our judicial system. These standards are intended to be used as a management tool for the courts to assess delivery of judicial services. The goal is to determine how our judicial system is doing and where improvements can be made. The standards are not to be considered rules governing individual cases or as creating rights for individual litigants; but rather any deviation of the standards should be justified by serving justice. The committee identified 19 different case types within both general and limited jurisdiction court cases including: civil cases; probate; mental health; juvenile delinquency; child welfare and criminal cases.

The standards are set usually in tiers; the first set being those that we expect to be quickly resolved. The next set of cases to measure would be the biggest group of cases and they should be resolved within a specific period. The third tier would be the more difficult or complex cases that usually go to trial. All of our standards have left room for a very small amount of "outlier" cases, such as death penalty cases.

The committee has spent considerable time evaluating whether the national standards were reasonable for our courts and what was the acceptable method of tracking time standards. Some excluded time exceptions within the case types were identified such as warrant time, diversion cases.

Some of the case types were highlighted and discussed including misdemeanors and DUIs and criminal matters with victims.

On February 15, 2012, a website will be available listing the nineteen case types and their corresponding recommended case processing time standards with a public comments forum. Please forward the information in the handout to anyone within the legal community that you think has some expertise in this area and can provide feedback. Once the comment period is completed, an update will be provided to all the standing committees for review and approval prior to submission to the Arizona Judicial Council.

Some COVIC members expressed an interest in more specifics within case types, such as how long child victim cases take in the system. Although the committee did not drill down to that level of detail for their work, it may be something COVIC would consider as a future research or investigative project. Specifically, a question was raised about how long child victim cases are taking to move through the justice system and particularly sex crime cases that utilize expert testimony become very complex and take a long time to hear. The Chair recalled that Arizona has a statute citing the use

of a “certificate of special public importance” in which you can use to put a trial on the fast track.

#### **D. Strategic Agenda 2015**

The Chair acknowledged that COVIC was created by Chief Justice McGregor as a result of being part of the strategic plan goal involving the administration of justice for children and victims. Carol Mitchell addressed COVIC about the Supreme Court’s upcoming Strategic Agenda planning process. In 2015, Vice Chief Justice Bales will become the new Chief Justice and a new strategic agenda will be put in place. A PowerPoint presentation was reviewed and several goals from the current agenda were highlighted, demonstrating that the strategic agenda produces quality ideas and results. All the Supreme Court’s standing committees are being asked to submit ideas and recommendations.

The workgroup may want to look at current court trends and issues that affect our environment over the next five years. Recommend new goals and objectives to strengthen that agenda and then recommend projects and initiatives. Give a voice to any thoughts, ideas and things that have been stirring that would impact not just victims but the justice system as a whole and what might improve our process. Sydney Davis suggested that COVIC’s prior year’s strategic initiatives list be reviewed and serve as the basis for potential recommendations. Additionally, the following ideas were raised:

- Developing best practices for working with child victims in a violent crime cases
- Addressing needs of Non-English speaking victims and victims’ families
- Expand and improve restitution and collection on judgments
- Automate the victim notification form
- Suggest victim-related interview questions for judicial selection process
- Improve initial appearance notifications

Motion by Michael Breeze to create workgroup with the authority to make recommendations for the 2015 Strategic Agenda on behalf of COVIC.

- Seconded by Keli Luther; passed unanimously.

Interested volunteers included: Mike Breeze, Dr. Coffman, Kirstin Flores, Keli Luther, Judge Ron Reinstein and Carol Mitchell, Kim Knox and Judge Richard Weiss.

### **IV. Call to Public**

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

Kim Knox, Maricopa County Collections Department gave an update on HB 2256, which goes into effect April 1, 2013 and changes a portion of criminal restitution. HB 2256 moves restitution from the end of the sentence to the beginning which is strictly a procedural change with no additional punishment. Kim is aware of at least one Public

Defender's office that has recently authored an article in opposition to the bill to collecting interest from the time of sentencing and imposing a lien on property.

Kim also discussed the restitution liens process involving vehicles and the Automobile Dealership Association is looking to change the law. Dealers have the ability to run a \$4.00 records search for a clouded title. Individual consumers are unable to get this information and has caused several problems of people buying vehicles and later unable to register them due to outstanding liens. DMV liens have been one of the most valuable victim restitution tools and were often the only time that victims actually get paid for restitution. Several victim groups will be monitoring this bill to try to avoid losing this viable reimbursement stream for crime victims.

The Chair excused himself to attend another meeting and asked Honorable Peter Cahill to serve as acting chair for the remainder of the meeting.

Judge Elizabeth Finn spoke about the upcoming multi-disciplinary summit for domestic violence on March 15<sup>th</sup> and will share information via email to the members of COVIC.

## **V. Adjourn**

A. **Motion:** To adjourn at 12:24pm. Motion was seconded and passed.

B. **Next Committee Meeting Date:**

Friday, May 17, 2013

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

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Victim ID Protection Implementation Workgroup Update

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**FROM:** COVIC Victim Identification workgroup

**PRESENTER(S):** Aaron Nash, Chair

**DISCUSSION & TIME ESTIMATE:**

Review workgroup's recommendations and discuss implementation considerations prior to September 1, 2013 effective date. 20 minutes

<http://www.azcourts.gov/Portals/20/2012Rules/120512/R120004.pdf>

**RECOMMENDED MOTION (IF ANY):**

## **Use of Victim Names in Court Records and Online**

The Arizona Supreme Court approved changes to the criminal, juvenile, and supreme court rules that will take effect on September 1, 2013. These rules include important protections for victims that change the way documents are prepared, filed, and maintained.

### **Information Online**

A new rule requirement states that no documents shall be accessible to the general public online in any case in which a victim was a juvenile at the time of the offense. This restriction is based on the status of the victim as a juvenile, regardless of the underlying court or case type. Additionally, no documents shall be accessible to the general public online in criminal cases in which the defendant is charged with any offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1.

### **Prosecutors and Clerks**

When filing a case, prosecutors must notify court clerks that the case falls within the parameters above. Clerks will need to carefully enter victim and other information in their case management systems to ensure accurate coding that will prevent case records from appearing online. Prosecutors and the courts in which they file must work together to ensure accurate and consistent notification and coding.

### **Defense, Juvenile, and Appellate Court Practitioners**

Although the rules allow a victim's name to appear in superior court records, it is standard practice to use a substitute identifier for juveniles rather than their true name. All victims' true names must be replaced with a substitute identifier in appellate briefs and in the appellate courts' opinions, memorandum decisions and orders.

### **Victim identifier**

The rules define a victim identifier as a victim's initials, a pseudonym, or other substitute for the victim's true full name. Remembering that the intent of the rule is to protect victims, practitioners are urged to consider all aspects of a case when selecting a victim identifier. For example, in smaller communities, using a victim's initials would identify the victim as if their full name had been used. A rule implementation workgroup of the Commission on Victims in the Courts recommended chronological numbering of victims in court documents. For example: Victim 1, Victim 2, etc.

The approved rule petition (R-12-0004) with the final version of the rules is available online at: <http://www.azcourts.gov/Portals/20/2012Rules/120512/R120004.pdf>.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Strategic Agenda 2015 Recommendations

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**FROM:** Arizona Supreme Court

**PRESENTER(S):** Hon. Ron Reinstein & Carol Mitchell

**DISCUSSION & TIME ESTIMATE:**

Review and discuss recommendations submitted by COVIC's strategic agenda workgroup for the future Supreme Court's Strategic Agenda.

<http://www.azcourts.gov/justice2020/Justice2020.aspx>

**RECOMMENDED MOTION (IF ANY):**

Agenda	Recommendations
<b>Goal 1: Strengthening the Administration of Justice</b>	
<i>1A: Using Technology Efficiently</i>	Encourage the coordination of technology solutions to ensure victim safety by making terms and conditions of release readily accessible to law enforcement.
<i>1C: Improving Public Access, Transparency, and Accountability</i>	Create uniform procedures for processing and collecting on restitution judgments.
	Extend language access services to victims and victim families in court proceedings.
<b>Goal 3: Improving Communications</b>	
<i>3B: With Other Branches of Government and Justice System Partners</i>	Improve intra-court communications between judicial officers on family, juvenile and/or the criminal bench for cases involving child victims to reduce conflicting contact orders.
<b>Goal 4: Protecting Children, Families, and Communities</b>	
<i>4A: Protecting Vulnerable Children and Families</i>	Evaluate the resource entitled, <i>Multidisciplinary Protocol for the Investigation of Child Abuse</i> to suggest revisions to court-related victim impacts within the judicial, juvenile court, juvenile and adult probation, mental health and victim services chapters.
	Create online or brief written materials that will provide continuing education to judicial officers concerning best practices in working with child victims and confidentiality of victim information.
<i>4B: Protecting Communities</i>	Revise criminal benchbook for judicial officers to include information on impact of trauma on children, child accommodations for court proceedings and best practices that help reduce delay in processing violent crimes involving children.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input checked="" type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Arizona Case Processing Standards Steering Committee

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**FROM:** Arizona Case Processing Standards Steering Committee

**PRESENTER(S):** Honorable Antonio Riojas

**DISCUSSION & TIME ESTIMATE:**

Model case processing time standards provide a reasonable set of expectations for courts, lawyers and the public. The Arizona Supreme Court's Case Processing Standards Steering Committee has gathered input and feedback from all key justice partners regarding the establishment of case processing standards for Arizona courts. The steering committee has completed a review of the national time standards, Arizona rules and statutes and a recommendation for case processing standards has been developed. These recommendations are being presented to your committee for approval. The final recommendations will be presented to the Arizona Judicial Council on October 24, 2013.

**RECOMMENDED MOTION (IF ANY):**

Motion that the members of COVIC approve the case processing standards being recommended by the Arizona Case Processing Steering Committee for the following case types:

- 1) Criminal Felony Cases
- 2) Criminal Misdemeanor Cases
- 3) Criminal Misdemeanor DUI Cases

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL-FELONY**

**National Center for State Courts Model Time Standards:**

- 75% within 90 days
- 90% within 180 days
- 98% within 365 days

**Measurement:** Filing of initial complaint through disposition (e.g., dismissal, acquittal, sentencing)

**Arizona Criminal-Felony**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

- 65% within 90 days**
- 85% within 180 days**
- 96% within 365 days**

✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.

**Measurement:** Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Complaint Filed</b> Rule 3.1(a), Ariz.R.Crim.P.<sup>1</sup></p> <p>Rule 3.2, Ariz.R.Crim.P</p> <p><b>Indictment:</b> Rule 12.7, Ariz.R.Crim.P and Rule 3.1(a), Ariz.R.Crim.P</p> <p><b>Information Filed</b> Rule 13.1(c), Ariz.R.Crim.P</p>	<p style="text-align: center;"><b>(Measurement Starts Here in AJACS )</b></p> <p><b>Arrest warrant or summons issued:</b> Upon presentment of a complaint signed by a prosecutor, the court shall promptly issue a summons or notice of supervening indictment under rule 12.7(c) or, after a finding of probable cause, issue a warrant.</p> <p><b>Summons:</b> The defendant will be summoned to appear within <b>30 days</b> after the filing of an indictment, information or complaint.</p> <p>The indictment shall be returned in open court by the foreman in the presence of the grand jury and the prosecutor. If defendant has previously had an initial appearance under Rule 4.2, the court shall prepare and send to the defendant and defendant’s counsel a notice of supervening indictment in lieu of issuing a warrant or summons.</p> <p>An information shall be filed in Superior Court within <b>10 days</b> after determination of probable cause or the defendant’s waiver of a preliminary hearing.</p>
<p><b>Initial Appearance:</b> Rule 4.1(a), Ariz.R.Crim.P.</p>	<p>Initial Appearance held within <b>24 hours</b> of arrest.</p>

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 4.1(b), Ariz.R.Crim.P.	<p><b>Arrest without a warrant:</b> If complaint has not already been filed, a complaint shall be promptly prepared and filed. If a <b>complaint</b> is not <b>filed within 48 hours from the time of the initial appearance</b> before the magistrate, the defendant shall be released from jail, and the preliminary hearing date, if any, shall be vacated.</p> <p style="text-align: center;"><b>(Measurement Starts Here in AJACS )</b></p>
<p><b>Preliminary Hearing:</b> Rule 5.1(a), Ariz.R.Crim.P.</p> <p>Rule 5.1(c), Ariz.R.Crim.P.</p>	<p><b><u>Defendant in custody:</u></b> When a complaint is filed, a preliminary hearing shall be held within <b>10 days</b> following defendant’s initial appearance.</p> <p><b><u>Defendant not in custody:</u></b> When a complaint is filed, a preliminary hearing shall be held within <b>20 days</b> following defendant’s initial appearance.</p> <p><b>Postponement:</b> Upon a finding of extraordinary circumstances, the preliminary hearing may be postponed beyond the 20-day limit.</p>
<p><b>Arraignment:</b> Rule 14.1, Ariz.R.Crim.P.</p>	<p style="text-align: center;"><b>(Measurement Starts Here for Speedy Trial Rules)</b></p> <p><b><u>Defendant in custody:</u></b> Arraignment held within <b>10 days</b> after filing of indictment, information, or complaint.</p> <p><b><u>Defendant not in custody:</u></b> Arraignment held within <b>30 days</b> after filing of indictment, information, or complaint.</p>
<p><b>Discovery:</b> Rule 15.1 (b), Ariz.R.Crim.P.</p> <p>Rule 15.1(d), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d), Ariz.R.Crim.P.</p>	<p><b>Supplemental Disclosure</b> of evidence by the Prosecutor must occur:</p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>30 days</b> after arraignment.</li> <li>• <u>In Limited Jurisdiction Courts:</u> at the first pre-trial conference.</li> </ul> <p><b><u>Prior Felony Convictions:</u></b> At least <b>30 days</b> prior to trial or <b>30 days</b> after request from defendant.</p> <p><b><u>Additional disclosure upon request:</u></b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b><u>Time for disclosure by defendant:</u></b></p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>40 days</b> after arraignment or within <b>10 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b), whichever occurs first.</li> <li>• <u>In Limited Jurisdiction Courts:</u> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).</li> <li>•</li> </ul>
<p><b>Trial:</b> Rule 8.2 Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment.</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment.</p> <p><b><u>Complex cases:</u></b> Within <b>270 days</b> from arraignment.</p> <p><b><u>Capital cases:</u></b> Within <b>24 months</b> from filing of a notice of intent to seek the death penalty.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Superior Court:</u></b> Upon determination of guilt, the court shall set a date for sentencing. Sentence shall be pronounced <b>not less than 15 nor more than 30 days</b> after determination of guilt unless the court, after advising the defendant of the right to a pre-sentence report, grants the request that sentence be pronounced earlier.</p>
<p>Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Limited Jurisdiction Courts:</u></b> Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.</p>
<p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>If a pre-sentencing hearing is requested under Rule 26.7 or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt. <b>(Measurement Stops Here)</b></p>

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL - MISDEMEANOR**

**National Center for State Courts Model Time Standards:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal - Misdemeanor**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt the national model time standard as follows:

- 75% within 60 days**
- 90% within 90 days**
- 98% within 180 days**

- ✓ Criminal traffic cases are included.
- ✓ Criminal local ordinances cases are included.
- ✓ Petty offenses are included.
- ✓ DUI cases are excluded; these cases have separate case processing standards.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**COMMENT:** These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	Initial Appearance held within <b>24 hours</b> of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<b><u>Initial Appearance and Arraignment:</u></b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived.
Rule 14.1(e), Ariz.R.Crim.P.	<b><u>Combined Proceedings:</u></b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b> , and written notice of the arraignment date shall be delivered to defendant.
<b>Arraignment:</b>	

\* **Timelines or rules are different for superior court.**

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><b><u>Defendant in custody:</u></b> Arraignment shall be held within <b>10 days</b> after filing of complaint.</p> <p><b><u>Defendant not in custody:</u></b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b><u>Exceptions:</u></b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b><u>Telephonic Pleas:</u></b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b><u>Pleas by Mail:</u></b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p><b>Discovery:</b> Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><b><u>Supplemental Disclosure:</u></b> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><b><u>Additional Disclosure Upon Request:</u></b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b><u>Time for Disclosure by Defendant:</u></b> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).*</p> <p><b><u>Change of Judge:</u></b> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>
<p><b>Trial:</b> Rule 8.2, Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment</p>
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.*</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 26.3(b), Ariz.R.Crim.P.	<p><b><u>Pre-Sentence Hearing:</u></b> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt.</p> <p><b>(Measurement Stops Here)</b></p>

\* **Timelines or rules are different for superior court.**

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL – DUI MISDEMEANOR CASES**

**National Center for State Courts Model Time Standards for Misdemeanor Cases:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal – DUI Misdemeanor Cases Only**

The Arizona Case Processing Standards Steering Committee recommends that Arizona continue to use the existing case processing standards as follows:

- 85% within 120 days**
- 93% within 180 days**

- ✓ Criminal misdemeanor cases are excluded.
- ✓ Criminal traffic cases are excluded.
- ✓ Criminal local ordinance cases are excluded.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**Background:** In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	Initial Appearance held within <b>24 hours</b> of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<b><u>Initial Appearance and Arraignment:</u></b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if

\* **Timelines or rules are different for superior court.**

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 14.1(e), Ariz.R.Crim.P.	<p>counsel is present or waived.</p> <p><b>Combined Proceedings:</b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b>, and written notice of the arraignment date shall be delivered to defendant.</p>
<p><b>Arraignment:</b> Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><b>Defendant in custody:</b> Arraignment shall be held within <b>10 days</b> after filing of complaint.</p> <p><b>Defendant not in custody:</b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b>Exceptions:</b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b>Telephonic Pleas:</b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b>Pleas by Mail:</b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p><b>Discovery:</b> Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><b>Supplemental Disclosure:</b> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><b>Additional Disclosure Upon Request:</b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b>Time for Disclosure by Defendant:</b> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).*</p> <p><b>Change of Judge:</b> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Trial:</b>            Rule 8.2, Ariz.R.Crim.P.            [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment</p>
<p><b>Sentencing:</b>            Rule 26.3(a), Ariz.R.Crim.P.</p> <p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.*</p> <p><b><u>Pre-Sentence Hearing:</u></b> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt.  <b>(Measurement Stops Here)</b></p>

\* **Timelines or rules are different for superior court.**

## Commission on Victims in the Courts

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Meeting Date:	Type of Action Required:	Subject:
May 17, 2013	<input type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Amended Rule Petitions from the Wireless Committee

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**FROM:** Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings (the “Wireless Committee”)

**PRESENTER(S):** Mark Meltzer, Wireless Committee staff, is submitting written materials to COVIC in lieu of a presentation during the May 17 meeting.

**DISCUSSION & TIME ESTIMATE:** Supreme Court Rule 122 concerns the use of cameras in the courtroom. The Court adopted this rule in 1993. The Wireless Committee reviewed Rule 122 as part of its charge under A.O. 2012-22. Wireless Committee staff made a presentation to COVIC at its September 2012 meeting regarding a draft of proposed amendments to Rule 122. The Wireless Committee considered COVIC’s input on that draft, and filed its rule petition in January 2013, rule petition R-13-0012. The Wireless Committee filed a second rule petition in January, R-13-0013, proposing a new Supreme Court Rule 122.1 concerning the use of portable electronic devices in the courthouse. The Court opened both petitions for an initial, formal comment period. The Wireless Committee reconvened following the close of the initial comment period, and on May 7, 2013, it filed amended rule petitions. The proposed rules submitted with the Wireless Committee’s amended petitions are included on pages following this cover sheet. Please note:

Rule 122: There is no mention of victims in the current rule. The Wireless Committee’s proposed rule mentions victims over a dozen times, as shown by boldface font and highlight on the attachment.

Rule 122.1: There is no specific mention of victims in this proposed rule. However, please see section (c)(2), which is highlighted. This provision prohibits a person from taking a photo or making a recording of any individual (including a victim) outside a courtroom without the individual’s consent. (Rule 122 governs photography inside a courtroom.)

**RECOMMENDED MOTION (IF ANY):** The comment period for the amended petitions closes on June 5, 2013. Comments from COVIC are welcome.

**Rule 122. Use of Recording Devices in a Courtroom** (This is a “clean” version of proposed amendments to Supreme Court Rule 122, as set forth in rule petition R-13-0012.)

**a. Purpose.** This rule allows the use of recording devices in a courtroom, subject to specified requirements and limitations. A court must use reasonable means to inform the public of the provisions of this rule.

**b. Definitions.** The following definitions apply in this rule. A term defined in the singular includes the plural.

(1) A “*camera*” is an electronic or mechanical device used to photograph, record, or broadcast still or moving images.

(2) A “*courtroom*” is an area of a “*courthouse*,” which is defined in Rule 122.1, where a judge or judicial officer conducts a proceeding.

(3) “*Cover*” and “*coverage*” refer to a person’s use of a recording device during a proceeding.

(4) A “*judge*” is a judicial officer in an appellate, superior, or limited jurisdiction court presiding over a proceeding.

(5) A “*person*” includes an individual and any organization except the court.

(6) A “*personal audio recorder*” is a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device.

(7) A “*proceeding*” is an event concerning a court case that takes place in a courtroom.

(8) A “*recording device*” is an electronic or mechanical apparatus and related equipment used to capture and store sound or images, or both, or from which a person can retrieve or broadcast sound or images. A camera, a smart phone, and an audio recorder are examples of recording devices.

(9) A “**victim**” has the same meaning as set out in Rule 39 of the Rules of Criminal Procedure.

**c. Request to cover a proceeding.** Except as provided in sections (h) and (i) of this rule, a person who wishes to use a recording device during a proceeding must submit a written or electronic request to cover the proceeding, as follows.

(1) *Requirements for submission of a request:* The person must submit the request to the judge who will conduct the proceeding, or to an office of the court authorized to receive requests under this rule. A person who submits a request to

cover a proceeding has standing on the request, but the submission of a request does not confer upon that person the status of a party to the case.

(2) *Time limit for submission of a request:* A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

(A) If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date.

(B) If the proceeding is not a trial, a person must submit a request as soon as possible, and no less than forty-eight hours before the start of the proceeding.

(C) If the court schedules any proceeding on less than seventy-two hours notice, a person must file the request as soon as reasonably possible before the proceeding as not to delay or interfere with it.

(3) *Court action upon receiving a request:* The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

(4) *Time for a party to object to a request:* A party waives an objection to a request for coverage of a proceeding if the party does not object to the request in writing or on the record no later than the start of the proceeding.

(5) *Time for a **victim** or witness to object to a request:* A **victim** or a witness may object to coverage at any time. A **victim's** attorney, a prosecutor's **victim** advocate, as well as anyone who calls a witness to testify, has a responsibility to notify that **victim** or witness of coverage, and his or her right to object, prior to the **victim's** appearance or the witness' testimony at the proceeding.

**d. Denial or limitation of coverage.** A properly submitted request for coverage should generally be approved, but a judge may deny or may limit the request as provided in this section. A judge's decision on a coverage request, or on an objection to coverage, is reviewable only by special action.

(1) *Denial of coverage:* A judge on his or her own motion may deny a request for coverage, or may sustain a party's objection to coverage, only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the following factors, and that the harm outweighs the benefit of coverage to the public.

(A) The impact of coverage upon the right of any party to a fair hearing or trial;

(B) The impact of coverage upon the right of privacy of any party, **victim**, or witness;

(C) The impact of coverage upon the safety and well-being of any party, **victim**, witness, or juror;

(D) The likelihood that coverage would distract participants or that coverage would detract from the dignity of, or would disrupt, a proceeding;

(E) The adequacy of the physical facilities of the court;

(F) The timeliness of the request pursuant to section (c)(2) of this rule;

(G) Whether the person making the request is engaged in the dissemination of news to a broad community; and

(H) Any other factor affecting the administration of justice.

*(2) Limitation of coverage:* A judge may allow coverage as requested, or may impose the following limitations on coverage after making specific, on-the-record findings based on the factors in subsection (d)(1), or based on paragraph (C) below:

(A) In a criminal proceeding, a judge on his or her own motion or upon request of a defendant or a **victim** may order that no one may photograph, record, or broadcast the defendant or the **victim** in the courtroom.

(B) A judge on his or her own motion or upon request of a party, **victim**, or witness, may order that video coverage must effectively obscure the face and identity of that party, **victim**, or witness, or that there be only audio coverage of the testimony of a party or a witness.

(C) A judge on his or her own motion or upon request of a witness may prohibit coverage of the testimony of that witness upon a determination that coverage would have a substantial adverse impact upon that witness or his or her testimony.

**e. Manner of coverage.** The judge will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting the proceeding, and all equipment and personnel will be restricted to the designated area. Recording devices may not be moved about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may disrupt or detract from the dignity of the proceeding. The

judge may order a restriction or cessation of coverage during a proceeding in furtherance of the interests of justice.

**f. Equipment.** A person must not install, move, or take recording equipment, other than a personal audio recorder, from the courtroom during a proceeding. A person must hide wiring as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect equipment used to provide coverage to an existing courtroom electronic system, if possible, but a person must not connect equipment to a court's digital recording system without the judge's express approval. A person must not bring flash devices, strobe lights, or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under section (c). The judge may direct whatever modifications or improvements are deemed necessary, but the judge may not require use of public funds to make or to maintain any such modifications or improvements. Microphones, cameras, and other equipment used for coverage must be as unobtrusive as recording devices in general use in the community where the courtroom is located, and must not produce distracting sounds or otherwise disrupt the proceeding.

**g. Number of recording devices; pooling.** A request submitted under section (c) may ask the judge to approve audio coverage, video camera coverage, or coverage by still camera. The presumptive limits are one microphone and recording device for audio coverage, or one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use additional recording devices. If a judge approves requests by more than one person to cover a proceeding, those persons must pool their resources to limit recording devices in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

**h. Personal audio recorders; required notice to the court.** A person may use a personal audio recorder during a proceeding, but the person must notify the judge or the judge's staff prior to using the device. A person who uses a personal audio recorder is not required to submit a request under section (c) of this rule, but a person who wishes to record or broadcast the audio portion of a proceeding with a device that is not on the person must do so. The use of a personal audio recorder must not be obtrusive, distracting, or otherwise prohibited, and use is subject to the prohibitions of section (k) of this rule.

**i. Approving use of a recording device for celebratory or ceremonial proceedings, or while court is not in session.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a recording device in a courtroom to photograph or to record a celebratory or ceremonial proceeding. If a person wishes to use a recording device in any courtroom when that courtroom is not in session, prior to using the device, the person must obtain the express permission of the presiding

judge of that jurisdiction or an office of the court authorized by the presiding judge to approve requests under this section.

**j. Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

**k. Prohibitions.** A person is not permitted to photograph, record, or broadcast a proceeding in the following circumstances:

*(1) No use of recording devices while the judge is off the bench:* A person may use a recording device in a courtroom only when the judge is on the bench, and use of a recording device must terminate when the judge leaves the bench.

*(2) No jurors:* Cameras must be placed to avoid showing jurors in any manner. Audio recordings or broadcasts of jurors' statements or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

*(3) No attorney conferences:* Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

*(4) No readable documents:* A person may not use a camera to take readable images of the contents of documents or other materials, whether in electronic or other form, that are located at counsel tables, the judge's bench, the work area of judicial staff, or the jury box.

*(5) No juvenile proceedings:* Photographing, recording, or broadcasting of juvenile court proceedings is only as allowed by Arizona law, or as provided in section (i).

**l. Other governing law.** A person whose request under section (c) of this rule has been approved may photograph, record in, or broadcast from, locations in a courthouse other than a courtroom as provided in Supreme Court Rule 122.1. The law generally applicable to inclusion or exclusion of the press or the public at court proceedings or during the testimony of a particular witness applies to persons who submit a request or notice under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

**Rule 122.1: Use of portable electronic devices in a courthouse [New]** (This is a “clean” version of a new Supreme Court Rule proposed in rule petition R-13-0013.)

**a. Purpose.** This rule specifies the permitted and prohibited uses of portable electronic devices in a courthouse. A court must use reasonable means to advise courthouse visitors of the provisions of this rule. A violation of this rule may be punishable as contempt.

**b. Definitions.** The following definitions apply in this rule:

(1) A “*portable electronic device*” is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.

(2) A “*courthouse*” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court.

(3) *Other definitions:* This rule incorporates other definitions found in Supreme Court Rule 122(b).

**c. Photography and audio or video recording.** Photography, audio recording, and video recording in a courthouse are permitted, but the following restrictions apply:

(1) *In a courtroom:* In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording unless that use is allowed under Rule 122.

**(2) *Outside a courtroom:* In areas of a courthouse other than courtrooms, no one may photograph or record an individual without that individual’s express consent.**

(3) *Local orders:* By local administrative order, a court may adopt further reasonable limits on photography and audio or video recording in a courthouse that are not inconsistent with this rule or with Rule 122.

**d. Jurors and witnesses.** The following restrictions apply to use of portable electronic devices by jurors, including prospective jurors, and by witnesses.

(1) *Jurors:* Jurors must turn off their portable electronic devices while present in a courtroom and while present in a jury room during the jury’s deliberations and discussions concerning a case. Jurors may use their devices for allowable purposes during breaks.

(2) *Witnesses:* A witness must silence any portable electronic device while in a courtroom, and may use a device while testifying only with permission of a judge.

**e. Attorneys, parties, and members of the public.** The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public. Any allowed use of a portable electronic device under this section is subject to the authority of a judge to terminate activity that may be disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice.

(1) *Allowed uses:* Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information, to access the internet, and to send and receive text messages or information.

(2) *Prohibited uses.* A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for other audible functions while court is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom.

(3) *Use of a personal audio recorder:* Attorneys, parties, and members of the public may use a personal audio recorder in a courtroom only as provided by Rule 122.

**f. Use of a portable electronic device outside a courtroom; limitations.** Except as provided in sections (c), (d) and (e) of this rule, a person may use a portable electronic device in a courthouse, subject to the authority of judges, court administrators, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Juvenile Detention/Advisory hearings w/in 24 hours

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**FROM:** Yavapai County Attorney's Office

**PRESENTER(S):** Pam Moreton, Yavapai County Victim Services

**DISCUSSION & TIME ESTIMATE:**

Discussion of the potential conflict between Rules of Juvenile Court, Rule 28 (B) and the Victims' Rights statutes §8-389 and §8-390.

20 minutes

**RECOMMENDED MOTION (IF ANY):**

# Juvenile Procedure

If a juvenile is detained, the advisory hearing shall be held within 24 hours of the filing of the petition.

# Juvenile Procedure

Rule 23. Detention and probable cause hearing.

- **C. Length of detention.** No juvenile shall be held in detention for more than 24 hours unless a petition... or criminal complaint has been filed.

# Juvenile Procedure

## Rule 28. Advisory Hearing

- **A. Purpose.**

This paragraph does not address the victim or their rights.

- **B. Time Limits.**

- **1. Detained Juvenile.** If the juvenile is detained, the advisory hearing shall be held within 24 hours of the filing of the petition.

# Juvenile Procedure

## Rule 28. Advisory Hearing

- **C. Procedure.** At the advisory hearing the court shall:
  - 6. Determine whether the victim of the offense has requested to be present and be heard if a plea agreement is to be presented to court...
    - a. The prosecutor advises the court that reasonable efforts were made to confer with the victim...
    - b. Reasonable efforts were made to advise the victim of the plea proceeding and of the victim's right to be present and heard....

# Juvenile Procedure

## Victims' Rights

- Statute 8-389. Preliminary notice of rights
  - A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following...

# Juvenile Procedure

## Victims' Rights

- Statute 8-390. Notice of proceedings
  - B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.

# Juvenile Procedure

## Conflicts

- Rule 23 does not indicate an advisory hearing only that a hearing take place. A detention hearing complies.
- Rule 28 has conflicts with itself. A. Purpose does not mention victim participation and C.6 (a) & (b) direct the court to comply with Victims' Rights.
- Statute 8-389.A "at the time of the charging... prosecutor shall give victim notice" is confusing
- Statute 8-390.B only provides for the detention hearing to be exempt from 5 days notice from the courts.

## Juvenile Procedure

### **8-389. Preliminary notice of rights**

A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following:

1. All of the victim's rights through disposition under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article and court rules.

2. The charge or charges against the accused and a clear and concise statement of the procedural steps involved in a delinquency prosecution.

3. The procedures a victim shall follow to invoke the victim's right to confer with the prosecuting attorney pursuant to section 8-399.

4. The person within the prosecutor's office to contact for more information.

B. Notwithstanding subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor, before the decision not to proceed is final, shall notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of the victim's right on request to confer with the prosecutor before the decision not to proceed is final.

### **8-390. Notice of proceedings**

A. The court shall give notice to the prosecutor's office in a timely manner of any changes in scheduled proceedings.

B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.

C. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office pursuant to subsection B, the court shall state in the record why it was not reasonable to provide five days' notice.

D. On receiving the notice from the court, the prosecutor's office shall, on request, provide notice to the victim in a timely manner of scheduled proceedings, any changes in the schedule and that a predisposition or disposition proceeding may occur immediately following adjudication.

## Juvenile Procedure

17B A.R.S. Juv.Ct.Rules of Proc., Rule 23

Arizona Revised Statutes Annotated [Currentness](#)  
Rules of Procedure for the Juvenile Court ([Refs & Annos](#))

▣ Part II. Delinquency and Incurrigibility

▣ 2. Delinquency and Incurrigibility Proceedings

### ➡ **Rule 23. Detention and Probable Cause Hearing**

**A. Report To Court.** Except for an arrest pursuant to a warrant, any person who brings a juvenile to a juvenile court detention facility shall make a report to the authorized juvenile court officer in the manner prescribed by the juvenile court in each county setting forth the reasons why the juvenile should be detained.

**B. Admission to detention.** Upon admission to the detention facility, the authorized juvenile court officer shall:

1. Notify the juvenile of the reason for admission;
2. Notify the parent, guardian or custodian of the juvenile of the reason for admission and inform such persons of the location, date and time of the detention hearing. The detention hearing may be held without the presence of the juvenile's parent, guardian or custodian, if they cannot be located or fail to appear for the hearing;
3. Make a written record of the time and manner of notification;
4. Make a determination of whether the juvenile's conduct endangers or could endanger the safety of other detained juveniles and if so, restrict the juvenile's contact with other detained juveniles;
5. Advise the juvenile of the right to telephone a parent, guardian or custodian and counsel immediately after admission to a detention facility;
6. Advise the juvenile of the right to visitation, in private, by the parent, guardian or custodian and counsel. After the initial visit, the juvenile may be visited during normal visiting hours or by special appointment if required to prepare for a hearing and;
7. If the juvenile was arrested for an offense listed in A.R.S. Section 13-610(O)(3), obtain from the arresting agency proof of compliance with A.R.S. Section 13-610(K).

**C. Length of Detention.** No juvenile shall be held in detention for more than twenty-four (24) hours unless a petition alleging incorrigible or delinquent conduct or a criminal complaint has been filed. No juvenile shall be held longer than twenty four (24) hours after the filing of a petition unless so ordered by the court after a hearing. If a hearing is not held within twenty-four (24) hours of the time of filing of the petition, the juvenile shall be released from the detention facility to a parent, guardian, custodian or other responsible person. If no parent, guardian, custodian or other responsible person can be located, the court shall release the juvenile to the Department of Economic Security.

**D. Detention Hearing.** Probable cause may be based upon the allegations in a petition, complaint or referral filed by a law enforcement official, along with a properly executed affidavit or sworn testimony. If the charging document is an Arizona Ticket and Complaint form, the complaint shall also serve as an affidavit. The affidavit may serve as the oath before a magistrate for purposes of Rule 2.4, Ariz. R. Crim. P. The victim of the offense has the right to be heard at the detention hearing, as provided by law. A juvenile shall be detained only if there is probable cause to believe that the juvenile committed the acts alleged in the referral, petition, or complaint, and there is probable cause to believe;

1. The juvenile otherwise will not be present at any hearing; or

## Juvenile Procedure

2. The juvenile is likely to commit an offense injurious to self or others; or
3. The juvenile must be held for another jurisdiction; or
4. The interests of the juvenile or the public require custodial protection; or
5. The juvenile must be held pending the filing of a complaint pursuant to A.R.S. 13-501.

**E. Release From Detention.** The court may release the juvenile and set such terms and conditions of release as deemed appropriate. Upon release from any detention facility, the court shall advise the juvenile that any violation of release conditions or the failure to appear at future proceedings could result in the issuance of a warrant for the arrest and detention of the juvenile and that the court may proceed with future hearings in the juvenile's absence. Upon request of the victim, the court shall provide the victim with a copy of the terms and conditions of the juvenile's release, as provided by law.

**F. Violation of Conditions of Release.** The juvenile probation officer responsible for supervising the juvenile or the prosecutor may file a written request with the court to revoke the juvenile's release if there is probable cause to believe the juvenile has violated a condition of release. The request shall state the substance of the conduct which is alleged to have violated the conditions of release previously imposed. The court shall proceed in accordance with the requirements of this rule. If the probation officer or prosecutor does not file a motion to revoke release, nothing shall preclude the victim from filing the request directly with the court, as provided by law.

**G. Revocation of Release; DNA Testing.** The juvenile probation officer responsible for supervising the juvenile or the prosecutor may file a written request with the court to revoke the juvenile's release if there is probable cause to believe that a juvenile who has been ordered as a condition of release to provide a DNA sample pursuant to A.R.S. § 8-238 and to provide proof of compliance has not complied with that order, and the court having jurisdiction over the juvenile shall issue a warrant or summons to secure the juvenile's presence in court. The court shall proceed in accordance with the requirements of this rule and A.R.S. § 8-238.

**H. Order for DNA Testing.** Upon petition of an arresting authority or custodial agency, submitted under penalty of perjury, stating that the juvenile is detained for an offense listed in A.R.S. § 13-610(O)(3) and that the juvenile refused to provide a sample of buccal cells or other bodily substances, the court shall order that the juvenile appear at a designated time and place and permit the taking of a sample of buccal cells or other bodily substances for DNA testing. The arresting authority or custodial agency shall provide to the juvenile a copy of the court order prior to or at the time of taking the sample.

**I. Release to County Jail.** Upon the filing of a criminal complaint charging a juvenile with an offense listed in A.R.S. § 13-501, the juvenile may be released from the juvenile detention facility to the county jail. The filing of a criminal complaint shall be the date of arrest for purposes of Rules 4 & 8.2, Ariz. R. Crim. P.

**J. Review of Detention.** The court may review the detention status of a juvenile upon written motion of the juvenile, the prosecutor or upon the court's own motion. The motion must allege material facts not previously presented to the court. A hearing on the motion to review detention status shall be held within five (5) days of the filing of the motion. The victim has the right to be heard concerning the release of the juvenile and the conditions of release, as provided by law. Acceleration of the motion may be granted upon written request demonstrating extraordinary circumstances and that the acceleration is necessary in the interests of justice.

CREDIT(S)

Added Oct. 27, 2000, effective Jan. 1, 2001. Amended nunc pro tunc, Jan. 11, 2001, effective Jan. 1, 2001. Amended on emergency basis effective Sept. 26, 2008. Adopted on a permanent basis and amended September 3, 2009, effective Jan. 1, 2010.

## Juvenile Procedure

### APPLICATION

<Rules 9 through 35 shall apply to cases in which the offense occurred on or after January 1, 2001; Rules 36 through 66 shall apply to cases filed on or after January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced on or after January 1, 2001.>

### HISTORICAL NOTES

Former Rule 23, Local Rules by the Juvenile Court, was repealed by order dated Oct. 27, 2000, effective Jan. 1, 2001.

17B A. R. S. Juv. Ct. Rules of Proc., Rule 23, AZ ST JUV CT Rule 23

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## Juvenile Procedure

17B A.R.S. Juv.Ct.Rules of Proc., Rule 28

Arizona Revised Statutes Annotated [Currentness](#)  
Rules of Procedure for the Juvenile Court ([Refs & Annos](#))

Part II. Delinquency and Incurrigibility

2. Delinquency and Incurrigibility Proceedings

### ➔Rule 28. Advisory Hearing

**A. Purpose.** After the filing of a petition alleging delinquent or incorrigible acts, including a petition filed pursuant to Rule 40, Ariz. R.Cr.Pr., the court shall set an advisory hearing for the purpose of advising the juvenile, parent, guardian or custodian of the allegations against the juvenile as set forth in the petition and determining whether the juvenile admits or denies the allegations. Copies of the petition shall be given to the juvenile, parent, guardian or custodian and counsel representing any party unless the parties were served notice pursuant to Rule 26.

### **B. Time Limits.**

**1. Detained Juvenile.** If the juvenile is detained, the advisory hearing shall be held within twenty-four (24) hours of the filing of the petition.

**2. Juvenile Not Detained.** If the juvenile is not detained, the hearing shall take place within thirty (30) days of the filing of the petition.

**C. Procedure.** At the advisory hearing the court shall:

1. Advise the juvenile, parent, guardian or custodian of the right of the juvenile to be represented by counsel, including the right to be appointed counsel if the juvenile is indigent, as provided by law;
2. Advise the parties of the juvenile's right to remain silent throughout the proceeding;
3. Advise the parties of the juvenile's right to call witnesses on the juvenile's behalf;
4. Advise the parties of the right to confront witnesses presented by the state;
5. Determine whether the juvenile understands the constitutional rights set forth by the court and whether the juvenile knowingly, intelligently and voluntarily wishes to waive those rights;
6. Determine whether the victim of the offense has requested to be present and be heard if a plea agreement is to be presented to the court. The court shall not accept a plea agreement unless:
  - a. The prosecutor advises the court that reasonable efforts were made to confer with the victim concerning the proposed plea;
  - b. Reasonable efforts were made to advise the victim of the plea proceeding and of the victim's right to be present and to be heard; and
  - c. The prosecutor advises the court that to the best of the prosecutor's knowledge the notice requirements were complied with and the prosecutor advises the court of the victim's position, if known, regarding the proposed plea agreement.
7. Determine whether the juvenile wishes to admit or deny the allegations;

**a. Admission.** If the juvenile wishes to admit to allegations, the court shall accept the admission or plea if supported by a factual basis and a finding that the juvenile knowingly, intelligently and voluntarily waives the rights enumerated above. The factual basis may include evidence other than the statements of the juvenile.

## Juvenile Procedure

**b. Denial.** If the juvenile denies the allegations in the petition, the court shall set an adjudication hearing as required by these rules.

8. Set conditions of release, if any, and advise the juvenile that any violation of the terms and conditions of release may result in the issuance of a warrant for the arrest and detention of the juvenile. If the juvenile has been arrested for an offense listed in A.R.S. section 13-610(O)(3) and the juvenile has been summoned to appear at an advisory hearing, the judicial officer shall order as a condition of release that the juvenile report within five days to the law enforcement agency that arrested the juvenile, or to the agency's designee, and submit to DNA testing, and provide proof of compliance at the next scheduled court proceeding. The judicial officer shall advise the juvenile that willful failure to comply with this order shall result in revocation of the juvenile's release, including arrest and detention for violation of a condition of release, as provided in Rule 23 G.

9. Determine how a verbatim record of the adjudication hearing will be made.

**D. Findings and Orders.** At the conclusion of the hearing, the court shall make its findings in writing, in the form of a minute entry or order. If the juvenile admits the allegations in the petition, the court must find there was a valid waiver of constitutional rights and that a factual basis in support of the admission exists.

**E. Disposition.** Following an admission, the court shall adjudicate the juvenile delinquent or incorrigible and proceed with a disposition hearing or may set a disposition hearing. The court may defer acceptance of the plea until the time of disposition. The juvenile shall be subject to orders of the court under the supervision of a probation officer pending the adjudication or disposition hearing.

CREDIT(S)

Added Oct. 27, 2000, effective Jan. 1, 2001. Amended Sept. 18, 2006, effective Jan. 1, 2007. Amended and effective Dec. 14, 2007. Amended on emergency basis effective Sept. 26, 2008. Adopted on a permanent basis and amended Sept. 3, 2009, effective Jan. 1, 2010.

APPLICATION

<Rules 9 through 35 shall apply to cases in which the offense occurred on or after January 1, 2001; Rules 36 through 66 shall apply to cases filed on or after January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced on or after January 1, 2001.>

HISTORICAL NOTES

Former Rule 28, Petition for Review, was adopted Dec. 31, 1971, effective Feb. 1, 1972, was amended May 7, 1985, effective July 1, 1985; Sept. 15, 1987, effective Nov. 15, 1987; April 19, 1988, effective May 1, 1988; May 24, 1989, effective Aug. 1, 1989; March 28, 1990, effective July 1, 1990; Feb. 28, 1996, effective June 1, 1996; Oct. 21, 1997, effective Jan. 1, 1998, and was repealed by order dated Oct. 27, 2000, effective Jan. 1, 2001.

17B A. R. S. Juv. Ct. Rules of Proc., Rule 28, AZ ST JUV CT Rule 28

Current with amendments received through 2/15/13

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## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Sentencing rules/practice in misdemeanor cases

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**FROM:** Arizona Attorney General's Office of Victim Services

**PRESENTER(S):** Kirstin Flores, Director of Victim Services

**DISCUSSION & TIME ESTIMATE:**

Discussion of conflict between statute requirements and actual practice of victim notification in misdemeanor cases and potential solutions.

**RECOMMENDED MOTION (IF ANY):**

## Reference material for Victims' Rights compliance agenda item

### **RULE 26.3. DATE OF SENTENCING; EXTENSION**

#### a. Date of Sentencing.

(1) Superior Court. Upon a determination of guilt, the court shall set a date for sentencing. Sentence shall be pronounced not less than 15 nor more than 30 days after the determination of guilt unless the court, after advising the defendant of his or her right to a pre-sentence report, grants his or her request that sentence be pronounced earlier.

(2) Courts of Limited Jurisdiction. In limited jurisdiction courts, sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of a party or victim, orders that sentence should be pronounced at a later date, not more than 30 days after determination of guilt.

b. Extension of Time. If a pre-sentencing hearing is requested under [Rule 26.7](#), or if good cause is shown, the trial court may reset the date of sentencing within 60 days after the determination of guilt.

### **RELEVANT STATUTES**

#### 13-4409. [Notice of criminal proceedings](#)

A. Except as provided in subsection B, the court shall provide notice of criminal proceedings, for criminal offenses filed by information, complaint or indictment, **except initial appearances and arraignments**, to the prosecutor's office at least five days before a scheduled proceeding to allow the prosecutor's office to provide notice to the victim.

B. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office under subsection A, the court shall state in the record why it was not reasonable to provide five days' notice.

C. On receiving the notice from the court, the prosecutor's office shall, on request, give notice to the victim in a timely manner of scheduled proceedings and any changes in that schedule, including any continuances.

#### 13-4408. [Pretrial notice](#)

A. **Within seven days after the prosecutor charges a criminal offense** by complaint, information or indictment and the accused is in custody or has been served a summons, the prosecutor's office shall give the victim notice of the following:

1. The victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation and court rule.
2. The charge or charges against the defendant and a clear and concise statement of the procedural steps involved in a criminal prosecution.
3. The procedures a victim shall follow to invoke his right to confer with the prosecuting attorney pursuant to section 13-4419.
4. The person within the prosecutor's office to contact for more information.

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

**October 18, 2013 Meeting Agenda**

1501 W. Washington St. Phoenix, AZ 85007

State Courts Building, Conference Room 106

Conference Phone Number: (602) 452-3288 or (520) 388-4330 Access Code: 2900

**Call to Order**

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Approval of May 2013 Meeting Minutes**</i>	
	Identify 2014 tentative meeting dates **	

**Old Business**

10:10 a.m.	Legislative Update	Jerry Landau
10:20 a.m.	Strategic Agenda Presentation	Cindy Trimble
10:40 a.m.	Victim ID Protection Rule Implementation Update	Hon. Ron Reinstein

**New Business**

11:05 a.m.	Juvenile Violation hearings and victim rights	Dimple Smith
11:30 a.m.	Conditions of Release/ LJC judge cheat sheet	Kirstin Flores
11:55 a.m.	Call to the Public	

**Adjourn**

***\*\*Important Voting Items***

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Kelly Gray at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

## Commission on Victims in the Courts

**Friday, May 17, 2013**

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

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**Present:** Judge Ronald Reinstein; Chair; Michael Breeze; Judge Peter Cahill; Shelly Corzo-Schaffer (*telephonically*); Sydney Davis; Judge Timothy Dickerson; Karen Duffy; Captain Larry Farnsworth (*telephonically*); Judge Elizabeth Finn; Kirstin Flores; John Gillis (*proxy for Keli Luther*); Michael Lessler; Judge Evelyn Marez; Pam Moreton; Karyn Rasile; Barbara Marshall (*proxy: Elizabeth Ortiz*); Judge Sally Simmons (*telephonically*); Dimple Ann Smith; Judge Richard Weiss; Judge Joseph Creamer (*proxy for Judge Joseph Welty*), Chief Cindy Winn (*telephonically*).

**Absent/Excused:** Daniel Levey; Leslie James; Sgt. Ret. Jim Markey; Doug Pilcher;

**Presenters/Guests:** Aaron Nash, COVIC Victim Identification Workgroup; Judge Antonio Riojas, Arizona Case Processing Standards Steering Committee; Cindy Cook, AOC, Arizona Case Processing Standards Steering Committee; John Gillis, Victims Services, Maricopa County Attorney's Office; Barbara Marshall, Victims Services, Maricopa County Attorney's Office; Judge Joseph Creamer, Maricopa County Superior Court.

**Staff:** Carol Mitchell, AOC; Kelly Gray, AOC; Jerri Media, AOC.

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### **I. Regular Business**

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

The May 17, 2013 meeting of the Commission on Victims in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:01 a.m.

The Chair asked for Commission member roll call and introductions of staff and guests.

The Chair recognized all outgoing Committee members. The Chair acknowledged the contributions of the outgoing members including Judge Antonio Riojas, Judge William O'Neil, Dr. Kathryn Coffman, and Judge Anna Montoya-Paez.

The Chair welcomed the new Committee members and gave background information on each new member:

- Judge Sally Simmons, Presiding Judge, Arizona Superior Court in Pima County
- Judge Joseph Welty, Presiding Criminal Judge, Arizona Superior Court in Maricopa County
- Judge Timothy Dickerson, Sierra Vista Justice of the Peace and City of Sierra Vista Magistrate.
- Michael Lessler, Chief Deputy County Attorney, Coconino County
- Karyn Rasile, Supervisor, Scottsdale Healthcare Forensic Nurse Examiners
- Dimple Ann Smith, Lead Advocate, Pima County Attorney's Office, Victim Services Division
- Daniel Levey, Executive Director, National Organization of Parents of Murdered Children.

The Chair acknowledged all the reappointments to the committee including Judge Peter Cahill, Pam Moreton, Judge Elizabeth Finn, and Leslie James.

The Chair introduced the guests including Barbara Marshall (proxy for Elizabeth Ortiz), Aaron Nash, John Gillis (proxy for Keli Luther), Judge Joseph Kreamer (proxy for Judge Joseph Welty), and Cindy Cook.

## **B. Approval of January 25, 2013 Minutes**

The draft minutes from the January 25, 2013 meeting of the Commission on Victims in the Courts were presented for approval. The Chair called for any omissions or corrections to the minutes from January 25, 2013 meeting.

- Motion was called by Judge Richard Weiss for the approval of minutes presented; Sydney Davis seconded; motion passed unanimously.

The Chair reminded members the next COVIC meeting is on Friday, October 25, 2013.

## **II. Old Business**

### **A. Victim ID Protection Rule Implementation Update:**

Aaron Nash, Chair of the Implementation Workgroup, presented an update on the process of executing some of the new/changed court rules (approved rule petition R-12-2004) that will take effect on September 1, 2013.

Since the last COVIC meeting, this workgroup met on March 20, 2013 and May 7, 2013. Mr. Nash believes that implementation of the rule changes is on track to meet the September 1, 2013 target. The technology seems to be in place for Pima, Maricopa, and AJACS users to implement on time.

The workgroup first focused on how this rule applies to victims in juvenile cases and victims of sex crimes, then dealt with how prosecutors and clerks should handle these cases, and finally made recommendations about how to implement these changes. Information online will be restricted in any case where the victim is a juvenile or in which a defendant is charged with any offense listed in A.R.S. §§ 13-1401, -3201, -3501, and -3551. Prosecutors and clerks will have to communicate that the case falls within the parameters when entering case data into case management systems. Accurate coding of these cases by clerks will prevent the information from appearing online. Though the rule does not define a victim identifier, the workgroup recommends numbering of victims in court documents. For example: Victim 1, Victim 2, etc.

Carol Mitchell emphasized that cases need to be identified at the beginning. Prosecutors and clerks should code these cases properly when charging defendants. Judge Reinstein would like to speak to the Arizona Prosecuting Attorneys' Advisory Council (APAAC), and possibly to the State Bar of Arizona, to help reinforce the importance of prosecutors notifying clerks when charging, and clerks properly coding and indentifying these cases in case management systems.

The Administrative Office of the Courts (AOC) intends to draft a letter from the Court Services Division Director to judges, Clerks of Court, and court administrators. The draft "Use of Victim Names in Court Records and Online" document submitted in this meeting is a communication piece to courts that will likely be merged into other documentation to be developed by the AOC for advertising and implementing the rule change. The biggest impact will be on prosecutors and clerks' offices.

There was discussion about implementation of the rule on new cases vs. older/appeals cases, the affect of the rule inside the courtroom, and courts effected by this change. Discussion points included:

- The September 1, 2013 implementation date applies to new cases only.
- There have already been over 300 old appellate cases where victims' names have been removed.
- Loss of identity of the victim can create problems in the courtroom where the judge has to make decisions based on a "person" not an "it".
- The intention of the rule was not use pseudonym in the courtroom; it was intended for online access/records purposes, not to depersonalize the victim in the courtroom. The victim can "Opt Out" of this rule provision.
- When prosecutors are developing pseudonym procedures, it was recommended that they seek input from the Defense Bar. This may help reduce duplications of charging documents.
- The rule change appears to primarily impact general jurisdiction courts.

## **B. Strategic Agenda Recommendations:**

The Supreme Court creates a five (5) year Strategic Agenda. All committees under the Supreme Court were asked to give input on the issues that affect their committee. COVIC created a workgroup to help in this process. COVIC authorized the workgroup to make recommendations on behalf of the Commission in order to meet the submission deadline. Based on what this Commission has discussed before as priorities, the workgroup came up with several ideas:

- Strengthening the Administration of Justice
  - Using technology efficiently: Encourage the coordination of technology solutions to ensure victim safety by making terms and conditions of release readily accessible to law enforcement.
  - Improving Public Access, Transparency, and Accountability:
    - Create uniform procedures for processing and collecting on restitution judgments and
    - Extend language access services to victims and victim families in court proceedings.
      - Concerns were raised about the general nature of the restitution goal. It was suggested that there be more specific language regarding the process of restitution collection and follow-up activities, i.e. including a reporting requirement to the Chief Justice, be incorporated in the goal. This point was acknowledged and it was suggested that all the goals presented were made intentionally broad in order to achieve progress in every county. If there is suggested language on any of the goals, please forward your proposed verbiage to Carol Mitchell.
    - There was discussion about making language access a targeted Strategic Agenda item as there are still issues with how non-English speaking members of a victim's family are handled in the court.
- Improving Communications
  - Communication with Other Branches of Government and Justice System Partners: Improve intra-court communications between judicial officers on family, juvenile and/or the criminal bench for cases involving child victims to reduce conflicting contact orders.
- Protecting Children, Families, and Communities
  - Protecting Vulnerable Children and Families: Evaluate the resource entitled, "Multidisciplinary Protocol for the Investigation of Child Abuse" to suggest revisions to court-related victim impacts within the judicial, juvenile court, juvenile and adult probation, mental health and victim services chapters.
  - Protecting Communities: Revise criminal benchbook for judicial officers to include information on impact of trauma on children, child accommodations for court proceedings and best practices

that help reduce delay in processing violent crimes involving children.

These ideas will be submitted to the AOC. The AOC will review them and submit them to the Supreme Court for consideration and possible inclusion in the Strategic Agenda. This process should be complete by June 2013. It is possible that none of the goals outlined will be incorporated into the Strategic Agenda. Regardless of the outcome this Committee may decide to address these tasks.

### **C. Arizona Case Processing Standards Steering Committee:**

Judge Antonio Riojas and Ms. Cindy Cook presented the proposed case processing standards from the Arizona Case Processing Standards Steering Committee. The committee has completed a review of the national model, the Arizona rules and statutes and the comments received, and have developed final recommendations for case processing standards for all case types except probate case types. The comment deadline for probate types is May 31, 2013. The Comment Forum can be found at:

<http://www.azcourts.gov/caseprocessingstandards/login.aspx?ReturnUrl=%2fcaseprocessingstandards%2fhome.aspx>.

The final recommendations have been or will be presented to most of the standing committees for recommendation to the Arizona Judicial Council on October 24, 2013.

The administrative order signed by the Chief Justice will include language that the standards are provisionally adopted pending development of reports, validation and clean-up of data, and training. These reports will be for court use only so they can manage their cases and will not be released publicly until the data is validated and we have re-visited the standards in light of this data. Pursuant to Rule 123(e)(6) preliminary reports for the courts use are not available to the public

Three (3) case types were presented in this meeting including criminal felony, criminal misdemeanor, and criminal misdemeanor DUI.

- Criminal Felony
  - There were no changes since the last time this issue was presented to the Commission.
    - 65% within 90 days
    - 85% within 180 days
    - 96% within 365 days
    - Death Penalty cases will be included as part of the 4% disposed after 365 days
- ***Motion was called by Judge Richard Weiss to approve the criminal felony case standards as presented with the proviso that reports will be***

***developed, the data will be validated and cleaned-up, and training will be provided. Michael Breeze seconded; motion passed unanimously.***

- Criminal Misdemeanor
  - Since the last time this issue was addressed, there was a statement added that petty offenses will be included; there were no other changes made.
  - The Committee stayed with the national model standard but added the following comment: “These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.”
  - The Arizona Case Processing Standards Steering Committee recommends that Arizona comport with the national model:
    - 75% within 60 days
    - 90% within 90 days
    - 98% within 180 days
      - Criminal traffic cases are included.
      - Petty offenses are included.
      - Criminal local ordinance cases are included.
      - DUI cases are excluded.

To come up with the standard, the Committee began with the national standards, compared data from eight (8) different Arizona courts (that included justice and city courts; rural and urban) and solicited input from the local courts. Local courts agreed with the standard. Criminal felony and misdemeanor DUI have different standards, and the time in which the defendant is in a diversion program is excluded.

- ***Motion was called by Judge Ronald Reinstein to approve the criminal misdemeanor case standards as presented with the proviso that reports will be developed, the data will be validated and cleaned-up, and training will be provided. Judge Richard Weiss seconded; motion passed unanimously.***

- Criminal Misdemeanor DUI
  - There were no changes since the last time this issue was presented to the Commission.
  - This is an existing standard and the standard has been piloted in Arizona and the Arizona Case Processing Standards Steering Committee is recommending that this standard be adopted at the same time as the other standards are adopted.
    - 85% within 120 days
    - 93% within 180 days
      - Criminal misdemeanor cases are excluded.
      - Criminal traffic cases are excluded.

- Criminal local ordinance cases are excluded
- ***Motion was called by Judge Ronald Reinstein to approve the criminal misdemeanor DUI case standards as presented with the proviso that reports will be developed, the data will be validated and cleaned-up, and training will be provided. Michael Breeze seconded; motion passed unanimously.***

#### **D. Amended Rule Petition from Wireless Committee:**

In September of 2012, Mark Meltzer gave a presentation to COVIC regarding wireless devices in the courtroom. During that meeting, COVIC had given input in the rules petition process with the goal of having an automatic victim “opt-out” statement; victims should not have to specifically request that the proceeding not be recorded. Under the new language proposed in Ariz. R. Sup. Ct. 122(c)(5), a victim’s attorney, a prosecutor’s victim advocate, as well as anyone who calls a witness to testify, has a responsibility to notify that victim or witness of coverage, and his/her right to object, prior to the victim’s appearance or the witness’ testimony at the proceeding. Judge Richard Weiss pointed out that the way this rule may be set up, the victim may never know there is a request to cover a proceeding. In turn, the victim may be harmed more as he/she may not have the opportunity to timely file their objection to the coverage.

Further, a new proposed rule was developed, Ariz. R. Sup. Ct. 122.1, which addresses the use of portable electronic devices in a courthouse. There was discussion regarding the use of the word “terminate” vs. “prohibit” in Ariz. R. Sup. Ct. 122.1(e). Judge Elizabeth Finn argued that the word “terminate” in the sentence implies that the judge would only take action *after* the disturbance has occurred; whereas use of the word “prohibit” would allow the judge to take action *before* the disturbance even occurs. Judge Finn and others intend to file a comment on this issue

A counterpoint to this argument was presented by Ms. Barbara Marshall (proxy for Elizabeth Ortiz). Outright prohibition of use of portable electronic devices in the court may cause difficulty in the courtroom as many attorneys are transitioning to a paperless system in which a mobile device is necessary to retrieve data about the case. If an attorney is prohibited from using his/her device in the courtroom, there may be issues with answering the judge’s question regarding the case, scheduling proceeding, etc.

Discussions centered around the judge controlling the courtroom. During the formulation of this proposed rule, the “terminate” vs. “prohibit” argument was made. The Committee decided specifically to keep the word “terminate”. Judge Antonio Riojas argued that commonsense usually prevails regarding use of a mobile device in the courtroom, and a judge should have the ability to use his/her own discretion in the courtroom. Judge Ronald Reinstein recommended to Ms. Barbara Marshall that APAAC submit a comment regarding this issue in the comment forum.

Another issue was brought up by Judge Ronald Reinstein regarding the use of mobile devices in the jury selection process. During the voir dire process an attorney can look up information on the Internet to find out more about potential jurors, influencing the process of selecting a jury. As technology improves, issues regarding the use of a mobile device in the courtroom will continue to occur.

Members of the committee may file separate comments to these proposed rules, as individuals, or on behalf of their organization/employer. This Committee will not be filing a comment as a group.

An Amended Rule Petition has been filed for both of these proposed rules and the comment period closes on June 5, 2013. The comments forum can be found at:

<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topics/forumid/7/Default.aspx>

### **III. New Business**

#### **A. Juvenile Detention/Advisory Hearings within 24 hours:**

Ms. Pam Moreton shared her concerns of a potential conflict between rules of juvenile court and the victim's right statutes dealing with juvenile cases. Specifically, there seems to be a conflict in the area of detention and advisory hearings regarding victim notification.

Ms. Pam Moreton identified four (4) potential conflicts:

- Ariz. Juv. Ct. R. 23, which addresses detention of the juvenile, does not indicate an advisory hearing be held within 24 hours, only that "a hearing" take place. The detention hearing complies with this requirement if performed within 24 hours. An advisory hearing is not mentioned.
- Ariz. Juv. Ct. R. 28, which addresses the advisory hearing, seems to conflict with itself. In Ariz. Juv. Ct. R. 28(A) the purpose outlined does not mention victim participation; however in Ariz. Juv. Ct. R. 28(C)(6)(a-b) the rule directs the court to comply with Victims' Rights.
- A.R.S § 8-389, which addresses preliminary notice of rights given to the victim, says "at the time of the charging or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following..." This statement is unclear as to the meaning. Does this mean that the prosecutor must notify the victim immediately if the juvenile is in custody?
- A.R.S § 8-390, which addresses how the prosecutor's office and victim are notified of scheduled proceedings, A.R.S § 8-390(B) only provides for the detention hearing to be exempt from five (5) days notice from the courts to the prosecutor's office. The prosecutor is required to notify

victims of scheduled proceeding in a timely manner, which can be up to five (5) days in advance.

Yavapai County is now setting 'detention/advisory hearings' that require prosecution and the defense be present. The judges reset the advisory hearing to comply with the five (5) day notification requirement in A.R.S § 8-390. If a detention hearing (without the advisory portion) is scheduled on the weekend, prosecutors and defense attorneys are not available. The advisory hearing is scheduled for the following Monday at 9:00am and the prosecutors do not have time to comply with the victim notification statues.

Victim notification of proceedings in juvenile cases seems to be an issue in most counties. Each county handles this issue differently, however the issues are similar. Judge Peter Cahill, who is the Chair of the Commission on Juvenile Courts (COJC), suggests that Pam Moreton, Chad Campbell (AOC Juvenile Services), and Carol Mitchell meet to discuss this matter and present it to the COJC.

### **B. Sentencing Rules/Statutes in Misdemeanor Cases:**

Ms. Kirstin Flores, Director of the Arizona Attorney General's Office of Victim Services discussed the services provided by her office.

In addition to victims' rights advocacy, the office has a support component that provides assistance and funding to 58 different criminal justice programs around the state. As part of the funding, the Victim Services Office conducts audits to ensure that the funds are being spent correctly and that they are in compliance with all victims rights laws.

Ms. Flores reviewed an audit finding of a county attorney's office where the court in that jurisdiction had a practice of sentencing misdemeanor cases during the initial appearance when the defendant has plead guilty. In these instances, the prosecutor was not present, so the County Attorney's office was never aware of the case to provide victims' rights. The audit found that this practice was in violation of some victims' rights laws. This prompted an informal statewide survey, and it was found that 8 of the 15 offices had similar procedures.

The first thought of the OVS was that there be a rule amendment to Ariz. R. Crim. P. 26.3, however this idea was abandoned after receiving some input from other COVIC member. Instead the OVS is looking to make procedural changes and training initiatives with various AOC committees/commissions and stakeholders. The Arizona Attorney General's Office is considering altering law enforcement forms to notify victims that sentencing could occur at that initial appearance. The office is also considering conducting training in affected counties and facilitate discussion with the Justice of the Peace offices.

It was discussed that Initial Appearance procedures vary greatly throughout the state in limited jurisdiction courts after input from Judge Elizabeth Finn, Judge Timothy Dickerson, Judge Antonio Riojas, and Judge Ronald Reinstein.

Judge Ronald Reinstein suggested that this matter be discussed with Paul Julien at Judicial Education Services, who is involved with judicial training and sending out information regarding limited jurisdiction courts. He also suggested that he, Ms. Flores, and Carol Mitchell attend the next LJC meeting on August 21, 2013 to present this issue.

#### **IV. Call to Public**

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

Judge Ronald Reinstein commented that any commission member can bring up any issue at any time. This Commission provides an avenue for victims/victims representative to speak to stakeholders. If any commission members know of someone that would like to speak to the committee, please invite that person to do so.

#### **V. Adjourn**

**A. Motion to adjourn at 11:49 a.m. by Michael Breeze. Motion was seconded by Judge Timothy Dickerson; motion passed.**

**B. Next Committee Meeting Date:**

Friday, October 25, 2013

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

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
October 18, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Legislative Review

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**FROM:** AOC Government Affairs Office

**PRESENTER(S):** Jerry Landau

**DISCUSSION & TIME ESTIMATE:**

Approximately 10 minutes; A review of victim rights-related legislation.

**RECOMMENDED MOTION (IF ANY):**

Criminal Restitution Orders - 2014 legislative session – DRAFT language

2014-E

Proposed change is in strikethrough

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-805, Arizona Revised Statutes, is amended to read:

13-805. Jurisdiction

A. The trial court shall retain jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.

B. At the time the defendant is ordered to pay restitution by the superior court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant's period of probation or the defendant's sentence ~~or the defendant absconds from probation or the defendant's sentence~~, the court shall enter both:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

D. The clerk of the court shall notify each person who is entitled to restitution of the criminal restitution order.

E. A criminal restitution order may be recorded and enforced is enforceable as any civil judgment, except that a criminal restitution order does not require renewal pursuant to section 12-1611 or 12-1612. Enforcement of a criminal restitution order by any person who is entitled to restitution or by the state includes the collection of interest that accrues at a rate of ten per cent per annum. A criminal restitution order does not expire until paid in full.

F. All monies paid pursuant to a criminal restitution order entered by the superior court shall be paid to the clerk of the superior court.

G. Monies received as a result of a criminal restitution order entered pursuant to this section shall be distributed in the following order of priority:

1. Restitution ordered that is reduced to a criminal restitution order.
2. Associated interest.

H. The interest accrued pursuant to subsection e of this section does not apply to fees imposed for collection of the court ordered payments.

I. A criminal restitution order is a criminal penalty for the purposes of a federal bankruptcy involving the defendant.



# Request for Legislation

51<sup>st</sup> Legislature, Second Regular Session 2014

Due to AACo by August 16, 2013

Legislative proposals by AACo affiliate members for the 2014 Legislative Session are utilized as a tool to assist AACo staff to describe and analyze the type of legislative changes sought during the 2014 Legislative Session. Please take a moment to complete this form — doing so will assist and help direct AACo staff in preparing the proposed legislative package for the upcoming session. If additional time is required for thorough completion, the deadline may be extended until September 1, 2013. However, please adhere to the August deadline to ensure adequate time for staff analysis.

### Requested by (proponent):

Affiliate: Arizona Association of Superior Court Clerks  
President: Debbie Young  
Proposed by: Debbie Young County: Coconino  
Date: 8/7/2013

### Is the proposed statutory change technical or substantive in nature?

Note: A technical change updates or grammatically clarifies statutory language but does NOT revise, create, or eliminate the current underlying policy.  **Technical**  **Substantive**

### Problem Statement:

Please describe the problem in detail that requires legislative attention. Include any and all relevant background and supporting information.

Mandatory creation of a Criminal Restitution Order (CRO) at the time a defendant absconds from probation (failure to report) or absconds from sentence (escape) was presented as HB2404 and signed into law by Governor Brewer on April 26, 2011 during the 50th Legislature, First Regular Session and became effective on July 20, 2011, modifying ARS 13-805. Discretionary creation of a CRO at any time at or after the finding of guilt was presented as HB2556 and signed into law by Governor Brewer on April 17, 2012 during the 50th Legislature, Second Regular Session and became effective on April 1, 2013, again modifying ARS 13-805. Requiring a CRO when a defendant absconds can be detrimental to a victim because each new CRO creates new and more moving parts for the court system. This includes separate orders accruing interest at different times, and opportunity for error with data entry, collections and billing. A defendant's failure to report can result in absconder status, which can result in multiple CROs in a single case. Mandatory CROs for absconders requires additional labor and resources from the courts with diminishing returns for victims. Defendants who had been paying toward their obligations can mistake multiple CROs as "piling on" insurmountable requirements, leading to reduced compliance or non-compliance.

### Solution and Proposed Statutory Change:

Explain how the proposed statutory change will solve the stated problem.

The proposed change, a single strike-through in section (C), takes advantage of the judge's discretion to issue a CRO as authorized by HB2556 (ARS 13-805(B)) and eliminates the requirement from HB2404 to issue a CRO for an absconder (ARS 13-805(C)). Under the proposal, the judge could issue a CRO against an absconder at any time on his or her own initiative or in response to a request from a victim, the prosecution or the probation department. The proposed change maintains victim rights while giving discretion to the bench. The statutes provide an avenue to request, rather than require, a CRO in absconder situations. Focusing on those victims and defendants where a CRO would be most effective would provide the optimal results for victims and taxpayers.

Affected Statute(s):

**Please explain the alternative administrative or procedural methods that have already been utilized to address the problem.**

Current statute 13-805 requires Criminal Restitution Orders when a defendant is in absconder status. There are no alternatives to the resources required to establish, track, and monitor these CROs.

**Have any other states enacted or proposed similar legislation? If so, please specify the state(s) and the legislative/statutory reference.**

The proposal blends Arizona's existing requirements with former practice.

**Will seeking this change impact other Arizona counties and their programs?**

Please indicate the counties/programs and how they will be affected.

The highest volume and use of resources is in Maricopa County, but the advantages of the proposal translate to all counties.

**Which individuals, groups, or organizations might OPPOSE the proposed statutory change and why?**

Please list in detail, including the impact and reason(s) for opposition.

The Attorney General's Victim Services Division advocated for mandatory CROs for victims when defendants were placed in absconder status. Under the former process, a CRO would not enter until the defendant's probation or sentence were completed, which might never occur if the defendant could not be located. HB2404 proposed to solve that problem with mandatory CROs at the time of absconding. After HB2404 took effect in 2011, HB2556 took effect in 2013 that allowed a CRO to be entered at any point in time after a finding of guilt. This later addition to ARS 13-805 is more effective at targeting appropriate situations for a CRO against a defendant who has actually absconded and whose whereabouts are unknown, as opposed to defendants who failed to report but later contacted their probation officer and got back on track with their payments and sentence. In practice, mandatory CROs upon absconder status create an unnecessary roadblock to defendant compliance by creating confusion, multiple orders, and increased resources from the court with negative return on investment for the taxpayers.

**Which individuals, groups, or organizations might SUPPORT the proposed statutory change and why?**

Please list in detail, including the impact and reason(s) for support.

The proposal maintains victim rights and makes the most effective use of the courts' time by targeting situations based on individual circumstances. The Clerks of Superior Court are sponsoring the proposal and the demonstrated need should garner support from court administrators, judicial officers, probation departments, victim rights groups, and funding authorities.

Please identify up to two internal champions in the event that one is not available when needed.

Name: Aaron Nash  
Title: Special Counsel and Public Information Officer  
Address: 620 W. Jackson St., Ste 3017, Phoenix, AZ 85003  
Telephone: 602-506-2309 Fax: \_\_\_\_\_  
Email: nasha@cosc.maricopa.gov

Name: Becky Magana  
Title: Deputy Director - Maricopa County Clerk's Office  
Address: 620 W. Jackson St., Ste 3017, Phoenix, AZ 85003  
Telephone: 602-372-3890 Fax: \_\_\_\_\_  
Email: maganar@cosc.maricopa.gov

**Please include below or attach any additional pertinent information that may assist staff in researching, drafting, and preparing the proposed legislation for the upcoming session, including any draft language.**

Before July 2011, Arizona had a process where one Criminal Restitution Order would enter at one point in time: when the defendant completed probation or served their sentence. This streamlined process allowed one-time calculations for monies owed to victims, fines and fees, interest, and collections costs. Mandating CROs for monies owed to victims when a defendant absconds (failure to report, or escape-and-recapture during probation or serving a sentence) created multiple CROs, thus compounding the number of orders and resources required from the courts. Monies owed to non-victims (fines and fees) are not reduced to a CRO until the defendant completes probation or their sentence. The proposed change is a combination of maintaining the effective, streamlined process with the option for victims to pursue a judgment and collections at any point after a finding of guilt. Proposed draft language is attached.

## Commission on Victims in the Courts

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October 18, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Supreme Court Strategic Agenda

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**FROM:**

**PRESENTER(S):** Ms. Cindy Trimble

**DISCUSSION & TIME ESTIMATE:**

Approximately 20 minutes; The Supreme Court drafted a proposed set of initiatives for the future five year strategic agenda and the proposal is being shared with the Supreme Court Committees and Commissions.

**RECOMMENDED MOTION (IF ANY):**

# Strategic Agenda

July 2014 – June 2019

**DRAFT**

October 2, 2013

## **Justice for All Arizona: Courts Serving Communities**

[Introduction to Agenda]

### **Goal #1: Promoting Access to Justice**

Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona's judicial branch must work to ensure that all Arizonans have effective access to justice. Access to justice initiatives not only include identifying and implementing new methods of assisting modest to low-income and unrepresented litigants but also include initiatives to enhance and evaluate ongoing planning, training, resource development, coordination among justice system partners, and technology-based delivery systems designed to promote and enhance access to justice.

#### **1. Access to Justice**

Initiatives within this strategic agenda seek to identify the legal needs of modest to low-income individuals at all levels of the judicial system, developing strategies to meet those needs, and ensuring the legal assistance delivery system works as intended.

- A. Create a "blue-ribbon commission," including members of the public, to study access to justice issues and recommend ways to promote access to justice.
- B. Identify ways to promote participation by lawyers in access to justice initiatives and recognize them for their professional and financial contributions.
- C. Identify ways to enhance and improve funding for the judicial branch to ensure the courts' ongoing ability to provide access to courts and court services for all Arizona citizens.

#### **2. Services for Unrepresented Litigants**

Many of our citizens do not have the financial means or choose not to obtain legal representation to help them navigate the judicial system and its many and varied processes. Consequently, the courts must be prepared to assist those individuals in understanding court processes and legal procedures. To that end, courts need to review and revise forms, instructions, and other informative tools in a way that is understandable to all citizens. Courts also need to explore other ways to provide assistance to those who need it to access courts.

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- A. Provide access to more web-based forms, e-filing, and information on court procedures, court terms, and navigating the court system.
- B. Ensure court forms and other information provided to the public, whether in electronic or paper form, is provided in easy to understand terms.
- C. Using evidenced-based research, expand self-represented services and identify and experiment with other specialized services and support for litigants without lawyers.
- D. Collaborate with legal services agencies to develop strategies to expand legal and other self-help services for modest to low income litigants.
- E. Provide front-end triage and referral services to assist unrepresented litigants in identifying and obtaining the appropriate services.
- F. Explore availability of programs like JusticeCorps to assist courts in meeting the needs of self-represented litigants by recruiting and training college students to work in legal self-help centers to:
  - Assist with legal workshops,
  - Help complete legal forms, and
  - Provide information and referrals.
- G. Explore the potential use of technology-based solutions being developed or experimented with in other courts.

### **3. Services for Limited English Proficient Litigants, Defendants, and Other Court Participants**

Lacking proficiency in the English language should not be a barrier to access justice. Arizona's courts have made significant strides in improving access to court interpreters and interpreter services, and translated forms, instructions and information about courts. But more work is needed to enable those individuals with limited English proficiency the same level of access and service as their English speaking counterparts.

- A. Develop strategies for increasing availability and quality of court interpreters and interpreter services, including:
  - Expanding remote Video Interpreting Project, and
  - Identifying other opportunities to use technology in the provision of language assistance services to litigants, witnesses, and others requiring such services to access Arizona's courts.

# Strategic Agenda

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- B. Develop strategies for providing alternative language court forms, instructions, and court information either at the courthouse or online.

#### **4. Access to Courts and Court Information Using Technology**

Ongoing advancements in technology provide similar ongoing opportunities for the court system to enhance and increase access to courts, court proceedings and court information. Prior strategic agendas have set Arizona courts on a path to increased electronic access for the public and court community alike. This agenda continues those efforts and seeks to further advance the ability for court users to locate the information they need, file documents and receive court notifications electronically, and remotely participate in court proceedings.

- A. Increase public access to court information by expanding electronic access to court documents and data while maintaining the balance of security, privacy, and recoverability.
- B. Expand e-filing statewide.
- C. Establish web-based online payment system for drivers wanting to plead responsible and pay civil traffic tickets and minor misdemeanor charges as allowed by Supreme Court rules.
- D. Create electronic noticing system to remind parties, probationers, and other court participants of an upcoming court date.
- E. Identify other opportunities for using video/audio conference capability for video hearings and other remote electronic court appearances.

## **Goal #2: Protecting Children, Families, and Communities**

The Arizona Judiciary for many years has made it a priority to protect our state's most vulnerable populations. We have reformed our juvenile courts to provide timely hearings and due process in child neglect and dependency cases. We have reformed our probate rules and laws to ensure our elderly citizens have adequate protections against exploitation and abuse. And, every day we protect our communities by holding juvenile and adult probationers accountable and providing the treatment and rehabilitative services they need to once again become productive and law-abiding citizens within their community.

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Traditional court processes don't always solve today's cases and problems. While continuing our commitment to protecting the young and elderly, it is important that we also focus on developing and expanding the use of problem solving courts to better serve individuals who may have specialized needs. Courts have become a place where our communities want problems solved, not just cases decided.

Problem-solving courts must follow evidence-based practices, known as EBP, to succeed. The research on and experimentation with evidence-based problem solving court programs continues all around the nation. It is important that Arizona's courts stay current with this research and, where feasible to do so, lead the way by implementing that which works. The Arizona Center for Evidence Based Practices will provide the focus needed to continue these efforts. The Center will bring together judicial leaders, researchers, and practitioners to design the best programs possible that result in juvenile and adult offender accountability, rehabilitation, crime reduction, and community protection.

## 1. **Center for Evidence-Based Practices**

In recent years, the Arizona judiciary has successfully incorporated the use of evidence-based practices in its probation supervision programs; these inroads are just the beginning steps to finding ways to ensure individuals involved with court programs receive the services that most match their needs and are founded upon research that is evidence based. Many other opportunities exist to research and implement effective population specific evidence based programs and Arizona's judiciary has the talent and the experience to establish a research center to identify and implement the most effective and promising programs.

- A. Improve and expand the use of evidence-based practices to determine pre-trial release conditions for low-risk offenders.
- B. Evaluate and, as determined appropriate, implement new or expanded evidence-based programs for Arizona's Adult and Juvenile Probation Services. Programs to evaluate include, but are not limited to:
  - Supervision of the seriously mentally ill, consistent with the most recent research and best practices,
  - Positive adult mentoring of juvenile probationers.
  - Effective practices and programs to reduce the risk of violence, especially gun violence involving probationers,
  - Effective re-entry and transition of adults and youth from secure custody/care back into their communities,
  - "Family Inclusive" probation supervision and services, and
  - Effective programs such as community supervision programs to reduce adult and juvenile recidivism.

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- C. Encourage and support the use of evidence-based services and interventions for children and families for reunification and permanency in dependency cases.

## 2. **Problem Solving Courts**

While some courts around the state have implemented problem solving courts, there is a continuing need to create courts which are designed to serve the unique needs of certain individuals, such as homeless courts, drug courts, veterans' courts and mental health courts.

- A. Collaborate with justice partners, treatment providers, and other community services entities to expand problem solving courts including drug, homeless, veterans, mental health, and domestic violence courts.
- B. Develop evidence-based practices bench books, training, and other information for judges assigned to problem solving courts.
- C. Identify strategies, including statutory changes, allowing multi-court collaboration and use of technology to establish and expand problem solving courts across jurisdictional boundaries.

## 3. **Regulating the Practice of Law to Protect the Public**

The Supreme Court has unique responsibilities to protect the public through the regulation of the practice of law. This is accomplished by establishing and enforcing standards of competency and ethical conduct for those who are licensed to practice law in this state and by taking disciplinary action against those who violate these standards. Litigants who access the court system with the assistance of legal representation expect and deserve competency and professionalism from their lawyer. The following initiatives are intended to advance these important purposes.

- A. Review attorney admission requirements and protocols to determine if changes are needed to promote higher standards of lawyer competency and professionalism to protect the public.
- B. Review the current Supreme Court Rules establishing the State Bar to assess how well the current governance structure allows the State Bar to fulfill its mission of protecting the public and improving the profession of law.
- C. Review rule changes proposed by the ABA's "Commission on Ethics 20/20" to determine if changes to the ethical rules of conduct for Arizona attorneys are desirable.

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- D. Continue to evaluate the State Bar examination requirements to ensure the exam is evidence-based, tests lawyer competency, protects the public, and improves the profession of law.
- E. Develop training for best practices/guidelines for parents' counsel in juvenile dependency cases.
- F. Explore ways to enhance mentoring for new attorneys.

#### 4. **Human Trafficking**

Commonly referred to as modern-day slavery, states and state courts across the country are turning increased attention to identifying the scope and impact human trafficking has on some of our most vulnerable citizens. Often, it is our youth, and more specifically, those who have been involved in the foster care system or juvenile courts who become the targets for this type of criminal behavior. Human trafficking raises a variety of issues and challenges for state courts. Now is the time to begin the process of identifying and obtaining a better understanding of the types of human trafficking crimes and victims, develop strategies so our courts can be better prepared to handle such cases, provide assistance to the individuals victimized, and protect those at particular risk from becoming victims of such crimes.

- A. Collect and analyze information on the scope and impact of human trafficking-related cases filed in Arizona courts and develop recommendations on the appropriate role of the state court system in addressing this issue.

### **Goal #3: Improving Court Processes to Better Serve the Public**

Providing access to justice for all Arizona citizens requires our courts to continually strive to maintain and improve upon existing processes and systems which ensure effective and efficient case management and use of information and resources. Judges and court staff need the appropriate resources and training to ensure cases of all types are heard in a timely manner and processed efficiently. Also, our justice system partners and the public should be able to access the courts and court information in the most efficient ways possible. Much of the improvements will come from ongoing and planned technology improvements, but we must also find ways to improve existing operational practices, processes and policies to further ensure that public resources are used effectively, efficiently, and accountably.

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## 1. Judicial System Process Improvement

With a limited ability to increase staff resources to handle the increase in case filings and the number of people who pass through court doors and interact with the courts on a daily basis, the court system must continue to identify ways to improve judicial system processes. Key to this effort is to ensure judges, clerks, court administrators and their staff have the tools needed to ensure the timely and efficient processing of cases.

- A. Improve timeliness and efficiency of civil, criminal, juvenile, family, and probate case processing in Arizona courts by:
  - Adopting case processing time standards,
  - Revitalizing caseload management efforts statewide, including principles of differentiated case management, early and continuous court control over the pace of litigation, and compliance with rules governing case processing time requirements,
  - Providing case management system enhancements including report capabilities needed by judges and court management to process cases timely,
  - Providing judges with e-bench tools to allow them to access and adjudicate cases in a digital environment,
  - Providing judicial workload tools to assist presiding judges when making case assignments, and
  - Implementing relevant performance, customer service, and case management measures.
- B. Identify and implement ways to improve the process of jury selection and service for participants in our justice system.

## 2. Courthouse Facilities and Security

Courtrooms and courthouses are places where people go to have their disputes resolved, their rights protected, or crimes prosecuted. Emotions run high, uncertainty about outcome causes great stress, and sometimes violence occurs. Courthouses need to be a safe place for litigants, lawyers, jurors, witnesses, court employees, and judicial officers.

- A. Conduct a needs assessment for courthouse security infrastructure.
- B. Establish standards for new, remodeled, and updated courthouses, including minimum standards for courthouse and courtroom safety.
- C. Develop training standards and skill development opportunities for court security officers.

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## 3. Next Generation Case Management Systems

Case management systems (CMS) are essential to conducting the business of the courts and probation. Many of these systems have been operational for more than a decade and require updating or replacement. This effort will take time and considerable investment of human and financial capital.

- A. Modernize limited jurisdiction court automation by deploying the AJACS case management system in limited jurisdiction courts.
- B. Modernize juvenile courts by completing JOLTSaz implementation.
- C. Continue to integrate APETS functionality with AJACS to increase efficiencies in adult probation case management.
- D. Enhance or replace appellate case management system.

## 4. Court Data Repositories and Justice System Data Exchanges

Technology has enabled the court system to vastly improve court processes and provide quick access to court information. As new technologies and data exchange protocols are made available, new opportunities materialize for data sharing among and between justice system entities. The objective of these initiatives is for the criminal justice system participants to have access to accurate and complete data as required for each to perform their duties.

- A. Implement the Central Case Index (CCI) system to enable the flow of critical court data to and from federal, state and local justice system entities.
- B. Collaborate with other justice system entities to develop and implement data collection and exchange strategies that leverage technology, including:
  - Expanding e-warrants project to other justice system entities,
  - Modernizing state's warrant repository system,
  - Making mental health court orders available to appropriate criminal justice and treatment officials,
  - Making condition of release information available to appropriate criminal justice officials, and
  - Improving accuracy and completeness of the state's criminal history repository and National Instant Criminal Background Check System (NICS).

# Strategic Agenda

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## **Goal #4: Enhancing Professionalism Within Arizona's Courts**

Judicial excellence, staff competency and professionalism and the resources necessary to do the work of the court are foundational to maintaining Arizona's national reputation of innovation and leadership. From the judges on the bench, to judicial and executive management leadership, to the many staff in the courts and out in the field, it is essential to continue the level of service excellence and professionalism exhibited each and every day in courts across the state.

### **1. Judicial Excellence**

A highly respected judiciary is at the core of judicial excellence. The Judicial Branch must continue the professional development of new and veteran judges to ensure they adhere to the highest standards of competence, conduct, integrity, professionalism, and accountability.

- A. Examine the current systems for ensuring new and veteran judges are well-prepared for the courtroom, including but not limited to:
  - a. Assessing new judge training and orientation,
  - b. Establishing a skill enhancement program for experienced judges based on mentoring and education services, and
  - c. Ensuring an efficient and effective judicial oversight process is in place to monitor judges' performance and to address complaints received about judges from the public.
- B. Expand education opportunities for appellate judges.
- C. Collaborate with the State Bar on educational programs of mutual interest to judges and lawyers.
- D. Conduct a judicial education needs assessment to identify new or enhanced training for judges including, but not limited to:
  - Cultural competency and implicit bias,
  - Procedural fairness,
  - Forensic science,
  - Delinquency case processing, and
  - Effective use of technology on the bench, in chambers and remotely
- E. Develop web-based training on best judicial practices for protective order procedures and criminal case proceedings involving child victims.

# Strategic Agenda

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## 2. **Judicial Branch Leadership**

It is important to maintaining a high level of professionalism and competency within the Judicial Branch by ensuring our current and prospective judicial and court leadership is prepared to meet the challenges the judiciary is sure to face in the coming decade.

- A. Develop judicial leadership and leadership team programs.
- B. Prepare court leadership for next generation case management systems and technology.
- C. Promote continuity of effective judicial branch leadership through succession planning.

## 3. **Workforce Development**

As with our judicial leaders, we must continue to develop judicial branch employees so they have the tools and skills they need to properly and timely process cases, maintain the court records accurately, and properly supervise juvenile and adult offenders in the community. Our workforce development plans must include training methods which are convenient and topics which are timely and relevant to the changing technology and population of citizens who encounter our courts.

- A. Enhance use of web-based video/audio conference capability to train court employees.
- B. Develop guidelines on the use of social media by court employees in the workplace.
- C. Continue efforts to recruit and retain a culturally diverse workforce at all levels within the judicial branch.

## **Goal #5: Improving Communications and Community Participation**

Awareness and understanding of the roles and responsibilities of the Judicial Branch and what courts do on a daily basis is essential to ensuring the public's trust and confidence in a judicial system that is designed to provide fair and impartial access to all Arizona citizens. With so many multimedia and social networking choices available today, there is a multitude of ways for the courts to enhance and improve the level and frequency with which the public is informed about court programs, proceedings, events, decisions, and opportunities for the public to serve as volunteers.

# Strategic Agenda

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## 1. Volunteerism

Arizona's courts at all levels depend a great deal on volunteers to assist in fulfilling the judiciary's many functions and responsibilities – from judicial selection and performance review, to foster care review boards and CASA volunteers, to providing and increasing community outreach. While each component of the judiciary continually seeks out a talented and diverse volunteer base, the judicial branch as a whole can do more to enhance the importance and reward of serving as a volunteer in court programs.

- A. Establish public service recruitment and recognition programs to further engage citizen participation in our judicial system.
- B. Identify ways to enlist the help of retired judges and lawyers to provide community outreach and to act as “ambassadors” for the Judiciary.
- C. Continue efforts to seek a diverse volunteer base that represents the cultural make-up of the communities they serve.

## 2. Communications with the Public and Education Communities

In a world of oftentimes instantaneous access to information, Arizona courts must position themselves to be proactive in communication with the general public, community and elected officials, stakeholders and other government entities, to ensure the information available is accurate and clear, relevant and meaningful, and timely and accessible.

- A. Engage in more proactive communication with the public explaining why courts are important to a free society, the important role courts play in every community of the state, and significant accomplishments towards achieving the goals of this agenda.
- B. Continue to promote civic education about the role of courts through our partnership with the education communities across the state and by supporting programs such as “We the People” and Mock Trial, participating in Moot Court competitions, and conducting hearings and oral arguments in local schools and other community locations.
- C. Use juror “downtime” to provide prospective jurors with information about the role of courts and public involvement in the justice system.
- D. Update “Speaker’s Toolkit” for judges and other court leadership to use when making presentations.

# **Strategic Agenda**

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E. Increase use of social media to improve communications with the public.

### **3. Communications within the Branch and with Other Branches of State and Local Government**

The Judicial Branch is comprised of many parts in many places throughout the state, and while increased integration and technology have improved communication throughout the branch, Arizona courts should strive to further enhance communications across programs, jurisdictions, and branches of government.

- A. Reinstitute the “View from the Bench” program for Superior Court and limited jurisdiction courts and invite local and state policy makers to participate.
- B. Publish an electronic newsletter and identify other ways to improve communication within the branch regarding projects and other important events.
- C. Identify ways to improve communication among and between the branches at the county and city level of government.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
October 18, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Victim ID Rule Implementation Update

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**FROM:**

**PRESENTER(S):** Hon. Ron Reinstein

**DISCUSSION & TIME ESTIMATE:**

Approximately 10 minutes; Discuss implementation issues involved in new court rule that became effective 9/1/13 to protect victim identities.

**RECOMMENDED MOTION (IF ANY):**

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
October 18, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Juvenile Violation of Probation Hearings, Detention Hearings and Victims' Rights

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**FROM:** Dimple A. Smith, Member

**PRESENTER(S):** Dimple A. Smith

**DISCUSSION & TIME ESTIMATE:**

Time Estimate: 20 minutes

Discussion: What is the practice of juvenile courts/probation on victim notification and victims' rights or not at Violation of Probation (VOP) detention hearings across the state?

According to the Victims' Rights for Juvenile Offenses, Victims who opt in have the right to receive notification that a petition has been filed for a VOP. However, victims have routinely been excluded from providing input at VOP detention hearings because it's a violation of probation only.

ARS, Title 8, Chapter 3, Article 7

8-396 Notice of probation modification, termination or revocation disposition matters; notice of arrest

8-400 Proceedings; right to be present

8-401 Detention hearing

8-406 Probation modification, revocation disposition or termination proceedings

**RECOMMENDED MOTION (IF ANY):**

Determine if victims statutorily have the right to be heard at VOP detention hearings.

## Arizona Revised Statutes, Title 8, Chapter 3, Article 7

### **8-396. Notice of probation modification, termination or revocation disposition matters; notice of arrest**

A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:

1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.
2. Any hearing on a proposed modification of the terms of probation or intensive probation.
3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.

B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:

1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.

C. If a victim has requested post adjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the court shall notify the department of juvenile corrections of the victim's request.

D. On request of the victim, the department of juvenile corrections shall notify the victim of any of the following:

1. Any proceeding in which the department may revoke the conditional liberty of the delinquent who committed the delinquent act against the victim.
2. A modification of the terms of conditional liberty only if the modification will substantially affect the delinquent's contact with the victim or the safety of the victim or if the modification affects restitution or secure care status.
3. The arrest of a delinquent pursuant to a warrant issued for a conditional liberty violation.

### **8-400. Proceedings; right to be present**

The victim has the right to be present throughout all court hearings in which the accused or delinquent has the right to be present.

**8-401. Detention hearing**

The victim has the right to be heard at the detention hearing of the person suspected of committing the delinquent act against the victim.

**8-406. Probation modification, revocation disposition or termination proceedings**

A. The victim has the right to be present and be heard at any probation revocation disposition proceeding or any proceeding in which the court is requested to terminate the probation or intensive probation of a delinquent who committed a delinquent act against the victim.

B. The victim has the right to be heard at any proceeding in which the court is requested to modify the terms of probation or intensive probation of a delinquent if the modification will substantially affect the delinquent's contact with or safety of the victim or if the modification involves restitution or incarceration status.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
October 18, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Conditions of Release and victim notice

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**FROM:** Kirstin Flores, Director,  
Attorney General's Office of Victim Services

**PRESENTER(S):** Kirstin Flores

**DISCUSSION & TIME ESTIMATE:**

Approximately 5-10 minutes

- Terms and Conditions of Release. Provide an overview of identified issue regarding law enforcement's access to release orders and modifications to those orders. Report on actions taken to date and upcoming plans to address the issue in Maricopa County.
- Update on report from last meeting regarding sentencing at IAs for misdemeanors. Report on outcome from presentation to the LJCC and creating a judge's cheat sheet.

**RECOMMENDED MOTION (IF ANY):**

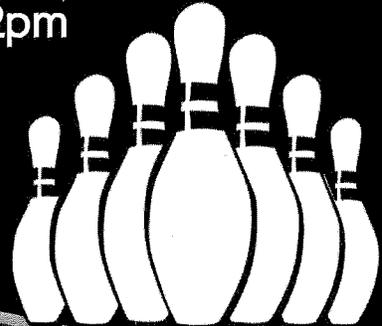
Possible subcommittee?

**Name:** "Strike Out Violence"

Parents Of Murdered Children Bowling Fundraiser

**When:** Sat, January 25, 2014, 12noon-2pm

**Where:** Brunswick Zone Glendale  
17210 North 59th Avenue  
Glendale, Arizona 85308  
(59<sup>th</sup> Ave & Bell Road)



*Please reserve early:  
space is limited!*

*Music • Raffle*

*Silent Auction • Fun DJ*

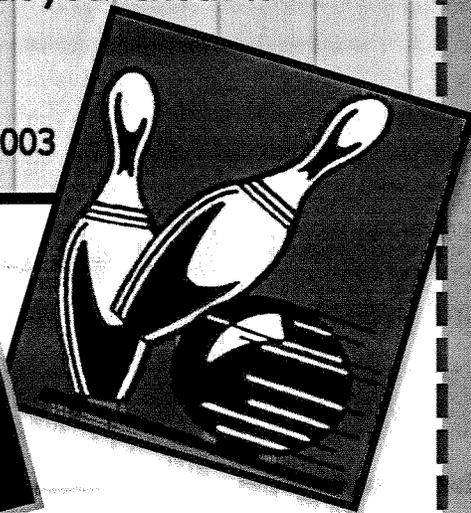
**COST**

\$30 Per person or \$120 for a team of 5 bowlers.  
Includes 2 games of bowling, shoe rental, & unlimited soda  
for all bowlers, plus 1 large pizza per lane.

Corporate or Individual Sponsorships Opportunities Available

To pay online go to [www.pomc.com](http://www.pomc.com) & go to the "Please donate now" box on  
the home page. Please be sure to put in Bowling Fundraiser in the comment  
section or you can mail your check to:

POMC  
P.O. BOX 625  
PHOENIX, ARIZONA 85003



For more information  
please contact  
Dan Levey:  
[dlevey@pomc.org](mailto:dlevey@pomc.org) or  
602-492-9205

Strike Out Violence is a  
fundraiser benefitting Parents  
Of Murdered Children, a  
501(c)3 nonprofit organization  
whose mission is to make a  
difference through on-going  
emotional support, education,  
prevention, advocacy, and  
awareness for homicide  
survivors. [www.pomc.com](http://www.pomc.com)