

Commission on Victims in the Courts

Friday, March 22, 2019

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

Conference Room 329/330

1501 West Washington Street

Phoenix, Arizona 85007

Present: Judge Ron Reinstein (chair), Timothy Agan, Michael Breeze, Colleen Clase, Judge Maria Elena Cruz, Sydney Davis, Jon Eliason, Amy Bock (proxy for Kristin Flores), Vanessa Helms, Leslie James, Judge Kellie Johnson Christine Kelly, Captain John Leavitt, Dan Levey, Sergeant James Markey (Ret.), Chief Rod McKone, Judge Sam Myers, Jane Nicoletti-Jones, Elizabeth Ortiz, William Owsley, Laura Penny, Judge Richard Weiss

Telephonic: Judge Antonio Riojas, Kimberly Chichester

Absent: Judge Evelyn Marez, Karyn Rasile

Presenters/Guests: Beckie Miller, R. Keith Perkins, Chris Groninger, Jerry Landau

Staff: Sabrina Nash, Susan Pickard, Administrative Office of the Courts (AOC)

I. REGULAR BUSINESS

- A. **Welcome and Opening Remarks** - With a quorum present, the March 22, 2019, meeting of the Commission on Victims in the Courts (COVIC) was called to order at 10:03 a.m. by Judge Ronald Reinstein, Chair.

Judge Reinstein made the following announcements:

- Acknowledged Judge Maria Elena Cruz's candidacy for the Supreme Court and wished her well.
- Reminded members of the Victim Right's Week Awards Luncheon, April 10, 2019 at the Shriners Auditorium.
- Noted the "What's Next for the Death Penalty" Symposium at ASU on March 20, 2019.
- Welcomed Susan Pickard and Sabrina Nash as current staff to COVIC.

- B. **Approval of Minutes** - The draft minutes from the October 19, 2018 meeting of the COVIC were presented for approval.

Motion: To approve the October 19, 2018 minutes as amended. **Moved:** Sydney Davis **Second:** Judge Sam Myers. **Vote:** Passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Legislative Update (taken out of order)

Jerry Landau, AOC Government Affairs Director, speaking telephonically, noted that the criminal justice reform bills that resulted from the Fair Justice Task Force will not be moving, however, there will be further discussion of these bills during the summer. Mr. Landau also noted that HB 2466 – the Attorney General’s cleanup bill on victims’ rights is now a strike everything bill.

B. Parents of Murdered Children (POMC)

Becky Miller, PMOC, Valley of the Sun Chapter, provided a brief history of POMC and shared their mission to provide support and assistance to all survivors of homicide victims through on-going emotional support, education, prevention, advocacy, and awareness. POMC provides monthly grief support meetings, accompanies survivors to court, and has programs that help survivors with their need for action and in some instances closure. She outlined some of the issues that families of murdered children encounter:

- Long wait times - average 3-4 years before going to trial.
- The expense of travel and housing to attend out-of-county or state court hearings.
- Delayed justice and restitution.
- Death penalty appeal process is too long.
- Restitution not paid in full before perpetrator is released.

C. Never Again Foundation

R. Keith Perkins, Never Again Foundation (NAF), discussed the now 20-year-old foundation and the provision of legal services to victims of domestic violence. Mr. Perkins presented the numerous changes in laws impacting the abuse of women as property (civil tort) to the abuse of women as persons (domestic tort). He explained domestic torts as the legal means to claim damages for financial losses and emotional suffering inflicted on victims of domestic violence. These judgments can establish garnishment of the abuser’s wages and affect the distribution of life insurance (when there is a homicide) and marital property in divorces, child custody, and termination of parental rights. The awarded judgment helps provide victims with a sense of hope and justice.

D. Arizona Coalition for Victims Services (ACVS)

Amy Bock, AZ Coalition for Victims Services Chair, stated that ACVS is non-profit network of individual victim services providers and community stakeholders focused on networking, improving services to crime victims through education and advocacy, and offering nationally accredited training to service providers at all governmental and non-profit levels who work with crime victims. One of their biggest components to assist victims is the accredited Arizona Victims Assistance Academy which provides training for victim advocates both experienced and new to the field. Training topics includes:

- How to communicate with victims and their families,
- How to deal with restitution issues,
- How to deal with trauma,
- Self-care for advocates and
- Sex trafficking.

Ms. Bock also stated that ACVS has a small relocation project in Maricopa County for victims who need to relocate to a place of safety. The project is not limited to domestic or sexual assault survivors.

E. Advancing Technology to Assist Arizona Crime Victims

Chris Groninger, Arizona Bar Foundation for Legal Services and Education (Foundation), noted that the Foundation's mission is to increase access to legal information, referral assistance, and justice to all Arizonans with civil law issues. Ms. Groninger informed the COVIC members of a technology grant that the Foundation received in October 2018. The two-year grant is the first step in determining litigant need and identifying the technology that would be most helpful to them. Ms. Groninger invited COVIC members to participate and provide input on family law and housing issues.

F. Restitution Workgroup Update

Amy Bock, Arizona Coalition for Victims Services Chair (proxy for Kirstin Flores) noted that the *Judges Restitution Reference Manual* has been finalized and submitted. The manual will include quick links in Wendell to Rule 39, the Victims Bill of Rights, victims' rights statutes, case law, the AOC restitution resource page, and the Order to Show Cause Bench Card. The workgroup's next steps are to better understand the garnishment process, create a bench card for judges, and incorporate information about how the process works along with forms for victims on the AOC Restitution webpage.

G. Case Law Update (Judge Cruz left the room during the discussion of Item b.)

Judge Reinstein, discussed:

- a death penalty case in which the victim was trying to get the more expansive Arizona Victims' Bill of Rights to apply in the federal system.
- a trial court decision in Pima County from December 2018, that dealt with future economic loss that may head to the Court of Appeals.
- the Mohave County Attorney's Office petition seeking a local rule that would allow the deposition of crime victims when the victim is not cooperative. The question, "what if the victim didn't want to testify or be deposed and wanted to maintain their privacy?" arose.

III. Good of the Order/Call to Public

A. Judge Reinstein noted:

1. that those COVIC members whose terms were expiring in June inform Susan Pickard or himself about the member's wishes regarding reappointment by April 15th.

2. that the meeting packet contained a list of rule change petitions developed by Mark Meltzer, AOC, that may be of interest to COVIC and encouraged them to review the list.
- B. Colleen Clase asked that R-19-0016 be placed on the June 14 agenda.
 - C. Judge Cruz asked to present Mexico's laws regarding victims as parties.

Call to the Public: None present.

Adjournment: Meeting adjourned at 12:00 p.m.

Next Meeting:

Friday, June 14, 2019

10:00 a.m. to 3:00 p.m.

State Courts Building, Room 119

1501 West Washington Street

Phoenix, Arizona 85007