

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

February 21, 2014

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, February 21, 2014, at 10:00 a.m., at the APAAC Office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney
Jon Smith	APAAC Co-Chair, Yuma County Attorney (telephonic)
Brad Carlyon	Navajo County Attorney (telephonic)
Barbara LaWall	Pima County Attorney (telephonic)
Derek Rapier	Greenlee County Attorney
Ed Rheinheimer	Cochise County Attorney
Tony Rogers	La Paz County Attorney
Tobin Sidles	Oro Valley Town Prosecutor
Matt Smith	Mohave County Attorney (telephonic)
P. Rob Walecki	Glendale City Prosecutor (telephonic)

COUNCIL MEMBERS PRESENT BY PROXY

David Byers	Arizona Supreme Court Proxy Jerry Landau
Aaron Carreon-Ainsa	Phoenix City Prosecutor Proxy Jessica Breedlove
Baird Greene	Tucson City Prosecutor Proxy William Mills (telephonic)
Tom Horne	Arizona Attorney General Proxy Paula Alleman
Bill Montgomery	Maricopa County Attorney Proxy Rebecca Baker
Lando Voyles	Pinal County Attorney Proxy Richard Wintory (telephonic)

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager
Chandra Mansfield	APAAC Legislative Extern

VISITORS

Kellie Johnson	Chief Deputy Pima County Attorney
Kathleen Mayer	Deputy Pima County Attorney
Liliana Ortega	Chief Deputy Santa Cruz County Attorney
Chelsea Stacey	Legislative Intern for the Courts

CONSENT AGENDA

Ms. Sheila Polk presented the minutes from the January 16, 2014, Council meeting for approval by Council. No motion was made; therefore, the consent agenda was tabled.

CHAIR'S REPORT

Ms. Polk attended the Community Anti-Drug Coalitions of America (CADCA) 24th Annual National Leadership Forum in Washington D.C. on February 6, 2014, where MATFORCE received the "Coalition of the Year" Award. Ms. Polk encouraged other Council members to consider attending future CADCA conferences held twice a year.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz reported on her recent visits to the following Council offices: Phoenix City Prosecutor's Office on January 22, 2014, for Gary Verburg's retirement event; Navajo County Attorney's Office on January 31, 2014, to appear on Navajo County's public access channel's program, "Shooting Straight," along with Mr. Brad Carlyon and the Navajo County Sheriff; and, La Paz County on February 14, 2014, to appear for a court hearing on a conflict case.

Ms. Ortiz updated the Council on the status of APAAC's options with regard to their current office space lease expiring on August 31, 2014: 1) negotiate renewal of lease for existing space; 2) negotiate new lease to expand into adjacent suite for additional square footage; or 3) negotiate a new lease for available space in the State Bar of Arizona's building. Ms. Ortiz will make her recommendation to the Finance Committee for their approval and subsequent consideration by the Council at a future meeting.

Ms. Ortiz reminded Council that she sits in an advisory capacity on the Judicial College Board which recently met on February 7, 2014, to review training for our Arizona judges. Ms. Ortiz encouraged Council members to send her any feedback and/or opinions they would like her to express on their behalf at these quarterly meetings.

As a board member for the State Bar's CLE Institute, Ms. Ortiz announced it will be launching a new "Train the Trainer" program. Council members are encouraged to provide Ms. Ortiz with the names of any individuals in their respective offices who might benefit from this training, as she will be putting together the faculty for that program.

Ms. Ortiz is a member of the State Bar's CLE Precertification Committee, which will make a recommendation to the State Bar Board of Governors regarding whether Arizona should require precertification of CLE programming. Arizona is the only mandatory CLE state that does not require precertification. The Committee will be making a recommendation on that subject to the Board of Governors in the next several weeks. Ms. Ortiz encouraged Council members to provide any feedback they wish her to share with the Committee.

Ms. Ortiz provided Council a copy of her letter to the State Bar of Arizona addressing their proposal for creation of an Indigent Defense Commission. Ms. Ortiz will also email to Council members a copy of the State Bar's proposal that is referenced in her letter. Mr. Brad Carlyon stated this issue is not only in Arizona, but is a national movement.

The Victims' Rights Week luncheon is scheduled for Wednesday, April 9, 2014, at the Kroc Center in Phoenix. APAAC will email an invitation to all Council members. Council will vote at its next meeting on the recipient of APAAC's inaugural award to be presented at the ceremony.

Ms. Ortiz announced that an Executive Training session has been scheduled for Council and Chief Deputies at 8:30 a.m. on Friday, March 21, 2014, in the APAAC office, followed by the Council Meeting at 10:00 a.m. Ms. Kristine Hamann, Visiting Fellow with the Department of Justice's Bureau of Justice Assistance, will present a 90-minute training program on "Best Practices in Prosecution." APAAC will email an invitation to Council members with details regarding the training.

Ms. Ortiz stated that the Nevada State Sentencing Committee recently invited her, on behalf of APAAC, to give a presentation on March 5, 2014, regarding Dr. Fischer's "Prisoners in Arizona" report.

STAFF ATTORNEY REPORT

Ms. Kim MacEachern introduced APAAC's legislative extern, Ms. Chandra Mansfield, a law student at the Arizona Summit School of Law. Ms. Mansfield presented a document she prepared that condenses Arizona's lobbying requirements in a one-page summary. Council welcomed Ms. Mansfield and thanked her for this useful resource for lobbyists.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's Financial Reports for December, 2013, as previously reviewed by the Finance Committee, for approval by the Council. Mr. Rapier also presented a new Profit & Loss report, as recommended by the Finance Committee, which eliminates subcategories and provides a one-page reporting of all income and expense accounts. Mr. Rapier made a motion, seconded by Mr. Tobin Sidles, to approve the December 2013 Financial Reports. Motion carried.

NDAА REPORT

Mr. Rapier, Arizona's NDAA Director, attended their Capital Conference held in Washington, D.C. from February 10-12, 2014, along with APAAC representatives Ms. Ortiz, Mr. Tony Rogers, Mr. Lando Voyles, Mr. Richard Wintory, and Ms. Amelia Cramer. The Arizona contingent met with eleven of Arizona's legislative representatives to discuss this year's hot topics at NDAA's conference.

Mr. Rapier reported that, following the recent resignation of NDAA's Executive Director, Scott Burns, their Executive Committee has identified three top candidates as finalists for that position. The candidates' resumes will be emailed to Council members. Mr. Rapier requested any feedback be emailed him by February 28, 2014.

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. Carlyon introduced the list of bills that APAAC is tracking and the LPC's recommended position for the Council's consideration. Several bills were pulled for discussion and separate action.

Mr. Sidles made a motion, seconded by Mr. Rapier, to accept the LPC recommended position on all remaining bills as identified by group on the agenda. The motion carried, with Mr. Jerry Landau abstaining.

The following action was taken by the Council on those bills that were pulled for further discussion:

- **H2164** – Mr. Carlyon made a motion, seconded by Mr. Rapier, to “Support” this bill in its original form and to “Oppose” its current proposed amendment. Discussion ensued. Motion carried, with Mr. Landau abstaining.
- **H2376** – Mr. Sidles made a motion, seconded by Ms. Rebecca Baker, to be “Neutral” on this bill. Discussion ensued. Motion carried, with Mr. Landau abstaining.
- **H2461** – Mr. Landau made a motion, seconded by Mr. Sidles to “Support” this bill. Motion carried.
- **H2599** – Mr. Rapier made a motion, seconded by Mr. Sidles, to direct Ms. MacEachern to continue her efforts in “Support” this bill. Discussion ensued. Motion carried.
- **S1342** – Ms. Rebecca Baker made a motion, seconded by Mr. Sidles, to take an “Info Only” position on this bill. Discussion ensued. Motion carried.
- **H2307** – Ms. Baker made a motion, seconded by Mr. Sidles, to take an “Info Only” position on this bill. Discussion ensued. Motion was withdrawn. Mr. Sidles made a subsequent motion, seconded by Mr. Rapier, to “Oppose” this bill as it is currently written. Mr. Landau made a friendly amendment to direct Ms. MacEachern to continue working to shape the language of this bill. Amendment was accepted. Motion carried.
- **H2338** – Mr. Rapier made a motion, seconded by Ms. Baker, to take an “Info Only” position on this bill. Discussion ensued. Motion carried.

- **S1062** – Ms. Baker made a motion, seconded by Mr. Ed Rheinheimer, to take an “Info Only” position on this bill, which has passed both houses and is ready for the Governor to sign into law. Discussion ensued. Motion carried.
- **S1064** – Ms. MacEachern noted that this bill may soon be **S1366** (Striker). Mr. Sidles made a motion, seconded by Mr. Rapier, to “Oppose” **S1064** and take an “Info Only” position on S1366, with direction for Ms. MacEachern to continue working on **S1366**. Discussion ensued. Motion carried.
- **S1156** – Mr. Sidles made a motion, seconded by Mr. Rapier to “Oppose” this bill. Discussion ensued. Motion carried.
- **H2339** – Mr. Sidles made a motion, seconded by Mr. Rapier, to “Oppose” this bill. Discussion ensued. Ms. Baker recommended authorizing Ms. MacEachern to change position to “Neutral” if sponsor is willing to give an exemption. Discussion ensued. Motion carried.
- **H2640** – Mr. Sidles made a motion, seconded by Ms. Baker, to continue an “Info Only” position on this bill. Discussion ensued. Motion carried.
- **H2680** – Mr. Sidles made a motion, seconded by Mr. Rapier, to continue an “Info Only” position on this bill. Discussion ensued. Motion carried.

RULES COMMITTEE REPORT

Ms. Liliana Ortega stated the Rules Committee has identified fourteen proposed rules that merit discussion. Ms. Ortega will introduce the Rules Committee Working Group at the Chief Deputies’ meeting to involve them in the discussion. Comments for the majority of the proposed rules are due May 20, 2014; however, one is due April 15, 2014. The Rules Committee will bring their proposed comments for consideration at the March 2014 Council meeting.

TRAINING COMMITTEE REPORT

Mr. Sidles shared with Council the agenda attachment that reports attendance at APAAC’s seminars in January and February, 2014. In addition, APAAC On Demand’s “Special Actions: A-Z” course had 46 viewers in January 2014. Mr. Sidles recognized Ms. Barbara LaWall, Mr. Bill Montgomery, and Mr. Lando Voyles, for working to help finalize the keynote speaker for APAAC’s 2014 Annual Conference this summer

CALL TO THE PUBLIC

Mr. Landau reported on a recent meeting with the National Rifle Association (NRA) to discuss their position on the status of H2322, namely: 1) the mental health component; 2) moving the NICS information to law enforcement; and, 3) advising law enforcement when the court has stated, as a condition of release, that a perpetrator cannot possess a firearm. Mr. Landau said the NRA indicated that issues #1 and #3 may be resolved without legislation; however, issue #2 may require more discussion.

NEXT COUNCIL MEETING

An Executive Training for Council members and Chief Deputies is scheduled at APAAC on Friday, March 21, 2014, from 8:30 – 10:00 a.m. Immediately following the training, APAAC will hold its next Council meeting at 10:00 a.m.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 11:55 a.m.