

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

April 23, 2015

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Thursday, April 23, 2015, at 1:00 p.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 Vice-Chair, Yuma County Attorney (telephonic)
John Belatti	Mesa City Prosecutor
Brad Carlyon	Navajo County Attorney (telephonic)
Vicki Hill	Acting Phoenix City Prosecutor
Brian McIntyre	Interim Cochise County Attorney
Bill Montgomery	Maricopa County Attorney
Derek Rapier	Greenlee County Attorney
Tony Rogers	La Paz County Attorney
Michael Whiting	Apache County Attorney

COUNCIL MEMBERS PRESENT BY PROXY

Mark Brnovich	Arizona Attorney General Proxy Mike Bailey
David Byers	Arizona Supreme Court Proxy Amy Love
Baird Greene	Tucson City Prosecutor Proxy William Mills (telephonic)
Barbara LaWall	Pima County Attorney Proxy Kathleen Mayer
Tobin Sidles	Oro Valley Town Prosecutor Proxy Brad Carlyon (telephonic)
Lando Voyles	Pinal County Attorney Proxy Bill Montgomery

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager
Luke Coyne	APAAC Fellow

GUESTS PRESENT

Anne Marie Bruno	Legislative Intern, Arizona Office of the Courts
Liliana Ortega	Chief Deputy, Santa Cruz County Attorney's Office (telephonic)

CONSENT AGENDA

Ms. Sheila Polk presented the minutes from the March 27, 2015, Council meeting for consideration and approval by the Council. Mr. Bill Montgomery made a motion, seconded by Mr. John Belatti, to approve the minutes. Motion carried.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz attended the Arizona Forward Conference on April 3, 2015, co-hosted by the Arizona Supreme Court and the State Bar Association. The conference focused on how technology in legal practice can be more efficient and effective, to make legal services more affordable.

Ms. Ortiz reported that the State Bar CLE Institute is planning a second program in October/November of 2015. Application information for the program will be sent to all Council members when it becomes available, to encourage prosecutor participation.

Ms. Ortiz stated that she recently taught a trial advocacy course for the Conference of Western Attorneys General (CWAG) in Mexico City, which uses federal funds to train Mexican prosecutors, police officers, and criminalists to develop their oral trial skills. Council members were encouraged to recommend staff to Ms. Ortiz for consideration as trainers for CWAG.

Ms. Ortiz recently participated in the National Computer Forensics Institute, a federally funded training program of the Secret Service. The course was so informative that Ms. Ortiz has asked the Best Practices Committee to recommend the Council approve APAAC's offering a modified computer training course in the next CLE year. As an alumnus, Ms. Ortiz may nominate an Arizona prosecutor for a future academy. In addition, Ms. Ortiz has information regarding how local law enforcement can apply to the Secret Service to attend the course.

Ms. Ortiz reported that, at the request of Mr. Tony Rogers, APAAC recently collaborated with AZPost to provide La Paz County with joint prosecutor / law enforcement training on investigations, report writing, and trial testimony. Mr. Rogers commented that he found the training to be extremely valuable in bringing together police officers and prosecutors in partnership to create stronger cases from the street to the courtroom. Ms. Ortiz invited interested Council members to contact her to schedule this training.

Ms. Ortiz updated the Council regarding the status of the following cases in which APAAC has filed *amicus curiae* briefs: *LaWall v. Robertson*; *State v. Simcox*; and *Milke v. Mroz*.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's financial reports for March 2015 for review and approval. Mr. Rapier made a motion, seconded by Mr. Kathleen Mayer, to accept and approve the March 2015 financial reports. Motion carried.

Mr. Rapier introduced the first draft of the Proposed APAAC Budget for FY2015-16 and highlighted areas of interest in both projected revenue and anticipated expenses for the

Council to consider. Mr. Rapier encouraged Council feedback as the budget continues to be fine-tuned until the final version is presented for vote at the May or June meeting.

BEST PRACTICES COMMITTEE REPORT

Ms. Ortiz referred to the seminar report attachment showing the APAAC sponsored trainings in March 2015 (10) and April 2015 (4); including multiple “What You Do Matters, Lessons from the Holocaust” trainings during that period. APAAC’s three Criminal Year in Review courses co-sponsored with CLE West are ongoing in April. Ms. Ortiz noted that APAAC’s 1st Annual Victim Advocate Conference held in Prescott on March 6, 2015, was a great success.

RULES COMMITTEE REPORT

Mr. Belatti presented the draft comments to the Supreme Court’s Rules Petitions for consideration and approval (filing deadline is May 20, 2015 unless otherwise noted):

- **R-14-0031** – Mr. Montgomery made a motion, seconded by Ms. Mayer, to approve the comment drafted by Mr. Ken Vick in opposition to this petition. Motion carried; with Ms. Amy Love abstaining.
- **R-15-0005** – Mr. Montgomery made a motion, seconded by Mr. McIntyre, to table the comment drafted by Mr. Belatti in support of this petition, allowing for additional time for the Arizona Office of the Courts to clarify the petition’s language. Motion to table carried; with Ms. Love abstaining.
- **R-15-0011** – Mr. Montgomery made a motion, seconded by Ms. Mayer, to approve filing of the comment drafted by Mr. Belatti and Mr. Vick, in opposition to this petition, with the language of the draft comment to be refined and finalized. Motion carried; with Ms. Love abstaining.
- **R-15-0018** – Ms. Mayer made a motion, seconded by Mr. William Mills, to adopt the comment drafted by Mr. Vick in opposition to this petition. Motion carried; with Ms. Love abstaining.
- **R-15-0024** – Ms. Mayer made a motion, seconded by Mr. Rapier, to approve the filing of the comment drafted by Mr. Belatti in support of this petition. Motion carried, with Ms. Love abstaining.
- **R-15-0025** – Mr. Belatti made a motion, seconded by Mr. McIntyre, to table the comment drafted by Ms. Mayer in support of this petition, to allow additional time for Council to review the definition of “free talk” as set out in the draft comment. Motion to table carried; Ms. Love abstained.
- **R-15-0026** – Mr. Belatti noted that the first round comments on this petition are due April 27, 2015, amended petition due May 20, 2015, and second round of comments due June 15, 2015. Ms. Mayer made a motion, seconded by Mr. McIntyre, to approve filing of the comment drafted by Mr. Belatti in support of this petition. Motion carried, with Ms. Love abstaining.

- **R-15-0029** – Due to an amendment to this petition, Mr. Montgomery made a motion, seconded by Ms. Mayer, to permanently table this item. Motion carried, with Ms. Love abstaining.

Ms. Polk thanked Mr. Belatti and members of the Rules Committee for their hard work in reviewing these petitions and drafting comments for consideration by the Council.

APAAC AWARD NOMINATION ELIGIBILITY PARAMETERS

Ms. Ortiz asked Council to clarify the parameters for APAAC award nominations eligibility. Ms. Mayer made a motion, seconded by Mr. McIntyre, to limit the recipient pool of APAAC awards to individuals employed by the state, county, or city prosecution offices in Arizona. Motion passed.

2015 APAAC LEGAL ASSISTANT OF THE YEAR AWARD

Ms. Ortiz announced the 2015 Legal Assistant of the Year Award nominees. A roll call vote of the Council members was taken to determine the winner, who will be announced at the APAAC Legal Assistant Conference on May 1, 2015, in Prescott.

Ms. Ortiz reminded Council that voting for the 2015 APAAC annual prosecutor awards will be held at the next meeting on May 15, 2015. Ms. Ortiz stated that APAAC will tape each nominee presentation and replay them during the awards luncheon at the APAAC Annual Prosecutor Conference in June before the winners are announced.

BODY CAMERA LEGISLATIVE STUDY COMMITTEE

Ms. MacEachern stated that SB1300, recently signed into law by the governor and effective January 1, 2016, establishes a 15-member Law Enforcement Officer Body Camera Study Committee to recommend policies and laws on the use of law enforcement officer body cameras and body camera recordings. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2015 and self-repeals July 1, 2016. Ms. MacEachern pointed out that SB1300 requires a state prosecutor sit on the committee. Mr. Rapier made a motion, seconded by Mr. Montgomery, to nominate Ms. Vicki Hill for that position. Ms. Hill accepted her nomination to the legislative study committee. Motion passed.

NACo / AACo REPORT

Mr. Carlyon reported that the NACo Annual Conference is scheduled for July 10-13, 2015, in Charlotte, NC.

Mr. Carlyon stated that the Arizona Association of Counties' (AACo) Leadership Conference is scheduled for June 22-24, 2015, at the Ritz-Carlton Dove Mountain in Marana, AZ. As the AACo representative for APAAC, Mr. Jon Smith will be scheduling a meeting of the County Attorneys at the conference.

As the AACo president Mr. Carlyon will be attending NACo's Western Interstate Region Conference in Kauai, Hawaii, on May 20-22, 2015.

NATIONAL DISTRICT ATTORNEY'S ASSOCIATION (NDAA) REPORT

No report, per Mr. Rapier.

CALL TO THE PUBLIC

Mr. William Mills asked for clarification regarding the relatively low number of APAAC attendees at the WYDM Lessons from the Holocaust training events, as reflected on the seminar report attachment under the Best Practices Committee Report. Ms. Polk stated that WYDM is hosted by AZPost at their training facility and class sizes are limited. It is a joint training for law enforcement and the prosecution community, and the attendance numbers reflect the ratio of the two groups: i.e., 15,000 law enforcement and 800 prosecutors.

NEXT COUNCIL MEETING

The next Council meeting will be held on Friday, May 15, 2015, at 1:00 p.m. in the APAAC Office.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 2:44 p.m.