

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

May 16, 2014

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, May 16, 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
John Belatti	Mesa City Prosecutor
Brad Carlyon	Navajo County Attorney
Aaron Carreon-Ainsa	Phoenix City Prosecutor
Baird Greene	Tucson City Prosecutor (telephonic)
Bill Montgomery	Maricopa County Attorney
Derek Rapier	Greenlee County Attorney
Ed Rheinheimer	Cochise County Attorney
Tony Rogers	La Paz County Attorney
David Rozema	Coconino County Attorney (telephonic)
Tobin Sidles	Oro Valley Town Prosecutor (telephonic)

COUNCIL MEMBERS PRESENT BY PROXY

Jon Smith	APAAC Co-Chair, Yuma County Attorney Proxy Roger Nelson (telephonic)
David Byers	Arizona Supreme Court Proxy Jerry Landau
Tom Horne	Arizona Attorney General Proxy Paula Alleman (telephonic)
Barbara LaWall	Pima County Attorney Proxy Amelia Cramer (telephonic)
Matt Smith	Mohave County Attorney Proxy Sheila Polk
Douglas Sylvester	Dean, ASU Sandra Day O'Connor College of Law Proxy Chad Noreuil (telephonic)
Lando Voyles	Pinal County Attorney Proxy Chris Ward (telephonic)
P. Rob Walecki	Glendale City Prosecutor Proxy John Belatti

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager

VISITORS

Dr. Joseph Cuffari	Governor's Office Public Safety Policy Advisor*
Kathleen Mayer	Deputy Pima County Attorney & Legislative Liaison
Dennis McGrane	Chief Deputy Yavapai County Attorney (telephonic) **
Chelsea Stacey	Legislative Intern for the Courts

**departed meeting at 10:05 a.m.*

***departed meeting at 10:25 a.m.*

CALL TO THE PUBLIC

Dr. Joe Cuffari thanked APAAC for assisting him through his first legislative session as the Governor's Public Safety Policy Advisor.

CONSENT AGENDA

Ms. Sheila Polk presented the minutes from the April 24, 2014, Council meeting for consideration by the Council. Mr. Derek Rapier made a motion, seconded by Mr. Brad Carlyon, to approve the minutes. Motion carried.

CHAIR'S REPORT

Ms. Polk announced that the new date and time for APAAC's June Council Meeting is Wednesday, June 25, 2014, at 11:00 a.m., to coincide with the Arizona Association of Counties' Conference at the J.W. Marriott Desert Ridge Resort and Spa in Phoenix. Additional details will be provided by APAAC staff via email prior to the meeting.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz reported that she visited the Maricopa County Attorney's Office on May 1, 2014, to teach Ethics, and that she visited the Pinal County Attorney's Office on May 7, 2014, for an Extraditions presentation with Maricopa County Attorney's Office staff.

On April 26-29, 2014, Ms. Ortiz attended the Lifesavers Conference in Nashville, Tennessee, a multidisciplinary conference dedicated to vehicular crime, which provided an opportunity to view trends, meet vendors, and get ideas for training.

Through her role as a member of the Judicial College Board, Ms. Ortiz obtained a copy of an ethics opinion from the Arizona Supreme Court that concerns the use of social

and electronic media by judges and judicial employees. Ms. Ortiz will distribute this information to Council members via email.

Ms. Ortiz reminded Council that the State Bar Board of Governors' elections are currently running and will close on May 21, 2014. Elections are by district and the voting is electronic.

STAFF ATTORNEY'S REPORT

Ms. Kim MacEachern reported on the success of the recent Problem Solving Court Conference on April 28-29, 2014, in Prescott. There were 367 total attendees, including 13 prosecutors. In addition to dynamic open forum breakout sessions by discipline, there was an informative panel on Drug Use and Emerging Trends. Ms. MacEachern recommended the Council consider an APAAC working group to encourage networking between prosecution agencies. Further, conference speaker, Robert Hood, from the Association of Prosecuting Attorneys was recommended as a presenter for a future Council meeting on the topic of problem solving courts from a national perspective.

Ms. MacEachern presented the Proposed Revised Deferred Prosecution Guidelines, for Council consideration. Mr. Dennis McGrane, chair of APAAC's Chief Deputies Working Group, appeared telephonically to address the updates to the proposed guidelines and stated that this version reflects the criteria outlined by the current statutes, as well input received from various county attorney offices.

Ms. Amelia Cramer suggested that the reference to "alcohol" in Item B.6 on page 2 be replaced with "substance abuse treatment."

Mr. Bill Montgomery made a motion, seconded by Mr. John Belatti, to approve the updated Deferred Prosecution Guidelines, as amended. Motion carried, with Mr. Jerry Landau abstaining.

Ms. MacEachern stated that she will follow up with the American Friends Service Committee to continue a dialog with them on the merits of deferred prosecution.

FINANCE COMMITTEE REPORT

Mr. Rapier presented APAAC's March 2014 financial reports, which were previously reviewed by the Finance Committee. Mr. Rapier made a motion, seconded by Mr. Montgomery, to approve the March 2014 Financial Reports. Motion carried.

RULES COMMITTEE REPORT

On behalf of Ms. Liliana Ortega, Ms. MacEachern presented for Council's consideration the final draft of APAAC's comments to the Arizona Supreme Court's Rules petitions due May 20, 2014. Discussion was held. Mr. Montgomery made a motion, seconded by Mr. Rapier, to approve all the comments as drafted for Items A-F, and request Ms. Polk sign and file all on behalf of APAAC. Motion carried, with Mr. Landau abstaining.

TRAINING COMMITTEE REPORT

Mr. Sidles shared the training seminar report which provides attendance numbers at APAAC's 7 seminars from April 2014, and lists the 4 scheduled seminars in May 2014.

Mr. Brad Carlyon asked if "APAAC on Demand" attendance numbers are tracked. Ms. Ortiz stated that, while those numbers are dynamic due to the ongoing nature of the online training, APAAC does track the attendance and that future seminar reports will include those numbers. Ms. Ortiz also clarified that APAAC provides "APAAC on Demand" viewers with documentation upon course completion.

SELECTION OF APAAC'S 2014 SUPPORT STAFF OF THE YEAR

Ms. Ortiz announced the Support Staff of the Year nominees. A hand vote of the Council members was taken to determine the winner, who will be announced at APAAC's 2014 Support Staff Annual Conference on June 13, 2014, in Prescott.

CALL TO THE PUBLIC

Mr. Carlyon reported that one of the recommendations that came out of the recent Arizona Town Hall meeting called for sentencing reform by the legislature to address mandatory sentencing.

Mr. Montgomery provided an update on the child welfare system reform. The objective of the Office of Child Welfare System will continue, with additional functions specified in concept by recent statute, including an investigative function for non-criminal conduct cases. This should assist in how social services are identified for delivery to families, with the intent of mitigating a trend toward any criminal context. The impact on prosecution agencies would be that the criminal conduct cases they receive are more serious cases, not the result of multiple CPS referrals. Further, it was recognized that the legislature will need to provide funding for additional OCWI personnel in order to expand its resources into rural areas, as well as providing a more thorough application of the joint investigative protocols to strengthen cases for prosecutors.

NEXT COUNCIL MEETING

The next Council meeting is scheduled for Wednesday, June 25, 2014, at 11:00 a.m. at the JW Marriott Desert Ridge Resort & Spa, in conjunction with the AACo Conference.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 11:00 a.m.