

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

September 25, 2015

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, September 25, 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
Brad Carlyon	Navajo County Attorney
Vicki Hill	Acting Phoenix City Prosecutor
Barbara LaWall	Pima County Attorney (telephonic)
Brian McIntyre	Interim Cochise County Attorney
Bill Montgomery	Maricopa County Attorney
Tony Rogers	La Paz County Attorney
David Rozema	Coconino County Attorney (telephonic)
Tobin Sidles	Oro Valley Town Prosecutor
Lando Voyles	Pinal County Attorney <i>[until 1:15 p.m.]</i>

COUNCIL MEMBERS PRESENT BY PROXY

Mark Brnovich	Arizona Attorney General Proxy Don Conrad
David Byers	Arizona Supreme Court Administrative Director Proxy Jerry Landau
Baird Greene	Tucson City Prosecutor Proxy William Mills (telephonic) <i>[joined at 1:15 p.m.]</i>
George Silva	Santa Cruz County Attorney Proxy Liliana Ortega (telephonic)
Matt Smith	Mohave County Attorney Proxy Sheila Polk
Michael Whiting	Apache County Attorney Proxy Sheila Polk

STAFF PRESENT

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

GUESTS PRESENT

Kevin Crestin	Extern, Arizona Office of the Courts
Jennifer Hancock	Extern, Arizona Office of the Courts
Dr. Deborah Kurth	Research Manager, Arizona Office of the Courts
Kathleen Mayer	Deputy Pima County Attorney / Legislative Liaison
David Redpath	Operations Manager, Juvenile Justice Services Division, Arizona Office of the Courts
Sohil Sheth	APAAC Extern, Arizona Summit School of Law
Dr. John P. Vivian	Administrator, Arizona Department of Juvenile Corrections

CONSENT AGENDA

Ms. Sheila Polk presented the consent agenda, including minutes from the August 13, 2015, Council meeting, for approval by the Council. Mr. Tobin Sidles made a motion, seconded by Mr. Lando Voyles, to approve the consent agenda. Motion carried.

5th STATEWIDE EQUITABLE TREATMENT OF MINORITY YOUTH REPORT CARD

Guest Speaker, David Redpath, provided a PowerPoint presentation on the Arizona Supreme Court's Commission on Minorities' 2015 Report "Equitable Treatment of Minority Youth" on the subject of disproportionate minority contact (DMC). Funded as a statewide report, the Commission has also partnered with local jurisdictions to review data on DMC in lower courts. Mr. Redpath was accompanied by guests, Dr. John P. Vivian and Dr. Deborah Kurth. Follow-up discussion on the report data is available upon request.

CHAIR'S REPORT

Ms. Polk asked Ms. Elizabeth Ortiz to share recent changes to APAAC's committee assignments, namely: Mr. Brad Carlyon has agreed to be the APAAC Vice-Chair, and Mr. Jon Smith has agreed to be Chair of the Legislative Policy Committee (LPC). Mr. Carlyon will continue as an LPC member.

Ms. Polk, as Chair of the Victim Services' Committee of the Governor's Council on Human Trafficking, reported on the best practices model protocol being drafted to assist with the statewide reporting of children involved in human trafficking. The committee has scheduled a "Solutions Summit" on November 16, 2015, to review and examine the draft model protocol before it is finalized. Council members will receive an invitation via email to the Solutions Summit, and Ms. Polk encouraged all to attend.

EXECUTIVE DIRECTOR'S REPORT

On behalf of APAAC, Ms. Ortiz acknowledged Ms. Kellie L. Johnson, Deputy Pima County Attorney, as the 2015 Michael C. Cudahy Criminal Justice Award Winner.

Ms. Ortiz, together with Mr. Jon Smith and City of Phoenix Assistant Prosecutor Ms. Patricia George, are members of Governor Ducey's Commission to Prevent Violence Against Women. Ms. Ortiz reported on the Commission's September 17, 2015 meeting and presentations from the Governor's Youth Commission and the "Coaching Up" program, both promoting anti-violence and respect toward women. Also, October is "Domestic Violence Awareness" month; related events include "Lighting Arizona Purple" on October 1, 2015, from 6-7 p.m. and "Wear Purple Day" on October 15, 2015.

As Chair of the State Bar's CLE Committee, Ms. Ortiz announced that applications are now available for the CLE Institute's second "Train the Trainer" program, a two-day commitment for the afternoons of October 30, 2015, and November 6, 2015. She encourages interested individuals to apply for this great opportunity.

Ms. Ortiz will be attending the 2015 National Association of Justice Information Systems (NAJIS) Conference October 5-8, 2015, in Orlando, Florida. The 2016 NAJIS Conference will be held in Tucson, Arizona, for those interested in attending.

Ms. Ortiz announced that the APAAC December Council Meeting will no longer be held in conjunction with the 2015 AACo Phoenix Conference, but is scheduled for Thursday, December 10, 2015, at 10:00 a.m. in the APAAC office.

Ms. Ortiz reported that APAAC hosted a mock oral argument on September 21, 2015, for the Mesa City Prosecutor's Office as they prepared for their oral argument before the Arizona Supreme Court in the matter of Dobson/Anderson v. Hon. McClennen/Mesa City Prosecutor on October 1, 2015, in Show Low, Arizona. Ms. Ortiz will be in attendance and will report back to the Council.

Ms. Ortiz advised that APAAC's next Executive Training session is scheduled for October 23, 2015, and will feature *Murder in the Park*, a documentary based on a true crime story. Immediately following the movie, guest facilitator, the Hon. Michael Jones, will lead a discussion on the subject matter.

FINANCE COMMITTEE REPORT

Ms. Polk presented APAAC's financial reports for July 2015 and August 2015, as reviewed and recommended by the Finance Committee. Mr. Sidles made a motion, seconded by Mr. Bill Montgomery, to accept the financial reports. Motion carried.

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. Carlyon introduced for adoption a revised version of APAAC's Mission/Core Value/General Statement, which incorporates changes previously recommended by the Council, to serve as a guideline for APAAC staff when dealing with legislative issues. Mr. Montgomery moved that the statement be amended again to include APAAC's resolution to "oppose the adoption of any increase in the juvenile jurisdiction age." Discussion followed. The amendment was accepted. Mr. Montgomery made a motion, seconded by Mr. Brian McIntyre, to approve the Mission/Core Value/General Statement, as amended. Motion carried, with Mr. Jerry Landau abstaining.

Ms. Liliana Ortega presented a proposed bill to amend A.R.S. §13-109.B.3, which would address crimes committed on foot that occur between counties. Mr. Montgomery made a motion, seconded by Mr. McIntyre, to support the proposed amended legislation for a change to the statute and to support as an APAAC bill. Motion carried, with Mr. Landau abstaining.

Ms. Kathleen Mayer presented a two-part bill from the Pima County Attorney's Office addressing incompetent and non-restorable defendants, adding that both parts of this proposed bill have been approved by APAAC in prior years in an effort to help bridge the gap between criminal justice and mental health. Pima County is asking for APAAC support based on the concepts reflected in the attachment, as these may run as separate bills. Ms. Barbara LaWall made a motion, seconded by Mr. Sidles, to support the proposed bill. Motion carried.

BEST PRACTICES COMMITTEE REPORT

Mr. Sidles referred Council to the seminar report attachment showing the APAAC sponsored trainings in August and September/October 2015. Mr. Sidles highlighted several APAAC training seminars, including: Appeals, Juvenile, Sexual Assault, and Fundamentals of Trial Advocacy. Further, Mr. Sidles announced the Best Practices Committee will be making a recommendation to cap the attendee registration at next year's APAAC Annual Prosecutor Conference.

NACo / AACo REPORT

Mr. Carlyon stated that NACo's quarterly Public Safety Commission meeting is December 2-5, 2015, in Colorado Springs, Colorado. A discussion on safer counties is on the agenda. The AACo Conference is scheduled for November 16-17, 2015, at the Phoenix Sheraton Crescent Hotel; and will include an ACASA meeting at 2:00 p.m. and a County Attorneys' meeting at 3:00 p.m., both on November 16, 2015. Mr. Carlyon announced that Mr. Jon Smith is looking for someone interested in serving as the County Attorney affiliate for NACo / AACo, a position Mr. Smith currently holds.

NATIONAL DISTRICT ATTORNEY'S ASSOCIATION (NDAA) REPORT

Ms. Ortiz will be attending the NDAA Board Meeting in San Diego, California, on November 19-21, 2015. NDAA is also hosting a National Symposium on Domestic Violence on October 28-29, 2015. NDAA's Executive Director, Ms. Kay Chopard Cohen, is scheduled for a presentation at the NAJIS Conference in Orlando, Florida, concerning issues related to the impact of body-worn cameras.

CALL TO THE PUBLIC

Mr. Landau stated that he recently attended the U.S. Department of Intelligence's Informational Sharing Environment Conference in Virginia and was asked to pass on well wishes to APAAC from NDAA's Executive Director Ms. Cohen.

Mr. Carlyon reminded Council members that APAAC meetings are open to the public and non-Council members may be in attendance via teleconference.

Mr. Don Conrad advised that the Attorney General's office has cancelled plans for a meeting to discuss possible RICO legislation.

On behalf of APAAC, Ms. Ortiz acknowledged the hard work and expertise of Ms. Amelia Cramer and Ms. Regina Nassen of the Pima County Attorney's Office, as part of the Arizona Supreme Court committee that revised the conflict of interest rule applying to government lawyers, which was recently adopted.

NEXT COUNCIL MEETING

The next Council meeting is scheduled for Friday, October 23, 2015, at 1:00 p.m. at the APAAC office.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 2:03 p.m.