

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

October 7, 2016

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by APAAC Chair Sheila Polk on Friday, October 7, 2016, 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 Beauchamp	Gila County Attorney
John Belatti	Mesa City Prosecutor
Ryan Glover	Glendale City Prosecutor (telephonic)
Vicki Hill	Phoenix City Prosecutor
Alan Merritt	Tucson City Prosecutor (telephonic)
Marc L. Miller	Dean, University of Arizona College of Law (telephonic)
Bill Montgomery	Maricopa County Attorney
Derek Rapier	Greenlee County Attorney
Tony Rogers	La Paz County Attorney (telephonic)
Tobin Sidles	Oro Valley Town Prosecutor
Jon Smith	Yuma County Attorney (telephonic)
Matt Smith	Mohave County Attorney

COUNCIL MEMBERS PRESENT BY PROXY

Mark Brnovich	Arizona Attorney General Proxy Paul Ahler
David Byers	Arizona Supreme Court Administrative Director Proxy Jerry Landau (telephonic)
Brad Carlyon	APAAC Vice-Chair, Navajo County Attorney Proxy Derek Rapier
Barbara LaWall	Pima County Attorney Proxy Kathleen Mayer
George Silva	Santa Cruz County Attorney Proxy Liliana Ortega
Michael Whiting	Apache County Attorney Proxy Sheila Polk

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Diana Cooney	Office Manager
Hayley Zimmerman	Administrative Assistant

GUESTS PRESENT

Jeremy Ford	Greenlee County Chief Deputy Attorney
Andrew LeFevre	Executive Director, AZ Criminal Justice Commission
Aaron Ludwig	Managing Director, The Counter Racketeering Group
Jaime Watson	PIO/Legislative Liaison, AZ Criminal Justice Commission

CONSENT AGENDA

Ms. Sheila Polk presented the consent agenda, including minutes from the September 8, 2016, Council meeting, for approval. Mr. Tobin Sidles made a motion, seconded by Ms. Kathleen Mayer, to approve the consent agenda. Motion carried.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz announced that APAAC staff has completed the second round of applicant interviews for its new Legislative and Communication Liaison position. Ms. Ortiz will be moving forward with the strongest candidate to emerge. Ms. Ortiz is optimistic that an offer of employment will be made and accepted within the next week.

Ms. Ortiz reported that APAAC is an honorary member of ALELAA (the Arizona law enforcement liaison group). She and several APAAC members attended a recent luncheon and training on drones, including legislation and community safety issues.

Ms. Ortiz presented a schedule setting forth the 2017 APAAC Council meeting dates.

Ms. Ortiz recently attended the Maricopa County Bar Association's (MCBA) Bench & Bar Conference. Ms. Ortiz is looking forward to collaborating with MCBA's Executive Director Allister Adel for networking opportunities to involve the prosecution community.

Ms. Ortiz introduced Administrative Assistant Hayley Zimmerman, who gave a presentation to Council members on APAAC's newly implemented outreach program. Ms. Zimmerman reported that APAAC staff recently toured a homeless shelter in East Phoenix on October 5, 2016, prepping food in the kitchen and serving lunch to its residents. APAAC will plan quarterly service programs as staff schedules permit.

Ms. Ortiz announced that APAAC staff will be hosting its second annual pajama drive to benefit kids in crisis. Council offices who want to participate in the drive should deliver donations to the APAAC office by December 1, 2016. A gift certificate for one night's stay at the JW Marriott Starr Pass Resort in Tucson will be awarded for the most donations. An email announcement will be sent out with the details of the pajama drive.

Ms. Ortiz reported that, as a result of the trending decrease in CJEF funding, AzPOST plans to cut by 50% its Law Enforcement Forensic Interviewing Training. Guest Andrew LeFevre, Director of the Arizona Criminal Justice Commission (ACJC), recommended Council offices contact the Arizona Department of Public Safety (DPS) for training that may be available under the Victims of Crime Act (VOCA) assistance funds.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's Financial Reports for August 2016, as recommended for approval by the Finance Committee. Mr. Rapier made a motion, seconded by Mr. Matt Smith, to approve the APAAC Financial Reports for August 2016. Motion carried.

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. Jon Smith reported that the Legislative Policy Committee is scheduled to meet on October 13, 2016, at 2:00 p.m. Mr. Smith encouraged Council members to send any agenda items for LPC consideration to APAAC before the meeting date.

BEST PRACTICES COMMITTEE REPORT

Mr. Sidles referred Council to the seminar report attachment showing APAAC-sponsored trainings in September and October 2016, including: APAAC's Juvenile Sex Offenders seminar on September 26, 2016, with 22 attendees; and, the Fundamentals of Trial Advocacy Course held September 19-23, 2016, with 28 prosecutors in attendance, plus 8 law enforcement officers for the "What You Do Matters: Lessons from the Holocaust" portion of the redesigned curriculum. Other upcoming APAAC trainings included the Professionalism course on October 14, 2016, and the Capital Litigation seminar on October 21, 2016.

Mr. Sidles stated that the Best Practices Committee met on October 7, 2016, to discuss parameters for APAAC's 2017 Annual Prosecutor Conference at the Arizona Grand Hotel in Phoenix. Mr. Sidles announced that the Committee, upon consideration of the current downward trend in CJEF revenue, made the following recommendations for Council approval as based on Option #5 of the agenda handout: 1) Conference registration numbers will be capped at 425 attendees requesting hotel accommodations and 75 attendees without a hotel room, for a total of 500 attendees; 2) No reimbursement for attendee meals and/or mileage expense; 3) Registration fee of \$120.00 per person to attend the 2017 APAAC Annual Prosecutor's Conference. Mr. Sidles made a motion, seconded by Mr. Rapier, to approve the recommendations of the Committee and adopt Option #5. Discussion followed. Motion carried.

Ms. Ortiz also acknowledged that APAAC will be considering Ms. Mayer's suggestion to offer a "live" webcast option for the 2018 APAAC Annual Prosecutor Conference.

RULES COMMITTEE REPORT

Mr. John Belatti reported that the Rules Committee met on September 13, 2016, to discuss R-16-0041, a Petition to Amend Rules 6, 7 and 41 of the Arizona Rules of Criminal Procedure. Mr. Belatti referred Council to the agenda attachment, which is the draft comment prepared by the Rules Committee for Council review. Mr. Belatti asked for Council input on each rule addressed in the draft comment. Discussion followed. Ms. Mayer made a motion, seconded by Mr. Rapier, to approve the Committee's recommendation to file a comment to R-16-0041 and to incorporate into the proposed draft comment the direction given during Council's discussion. Motion carried, with Mr. Jerry Landau abstaining.

AMENDED DEFERRED PROSECUTION GUIDELINES

Ms. Polk proposed a revised version of the APAAC Deferred Prosecution Guidelines for Council consideration and approval. The proposed version includes some minor changes, but also incorporates the statutory scheme into the guidelines, as well as

adding paragraph (F) concerning program fees, and amending paragraph (G) to provide an August 1st deadline for offices to send reports to APAAC, allowing adequate time for its staff to submit a comprehensive report by September 15th. Mr. Sidles made a motion, seconded by Mr. Bill Montgomery, to approve the proposed revisions to APAAC's Deferred Prosecution Guidelines. Discussion followed. Motion carried, with Mr. Landau abstaining.

NACo / AACo REPORT

Mr. Rapiere, reporting on behalf of Mr. Brad Carlyon, announced that Arizona Association of Counties' Winter Conference is scheduled on December 1-2, 2016, at the Carefree Resort and Conference Center in Carefree, Arizona.

NDAA REPORT

Mr. Montgomery announced that the National District Attorneys Association (NDAA) conference will be held on December 10-12, 2016, in Palm Springs, California.

CALL TO THE PUBLIC

Ms. Mayer stated that the governor's legislative study committee, tasked to review SB1510 and the issue of incompetent, non-restorable, dangerous defendants, sent out a survey to identify which defendants may have been considered for participation in the involuntary commitment process. Due to the low number of survey responses received, APAAC staff will resend the survey. Ms. Mayer encouraged all offices to respond. The study committee will review the survey results at its first meeting in the near future.

Mr. Paul Ahler updated the Council on the issue of secondary dissemination of ACIC/NCIC information. The matter is currently before the Director of the Department of Public Safety (DPS) for review. Any pending ACIC/NCIC audits are "on hold" until the DPS determination is received. Mr. Ahler also discouraged the continued practice of "cutting and pasting" information from the ACJIS by prosecutors.

Mr. LeFevre announced that an ACJC working group will meet on November 9, 2016, to look at the current trends of CJEF funding. Mr. LeFevre also introduced Ms. Jaime Watson as ACJC's new Public Information Officer (PIO) and Legislative Liaison.

NEXT COUNCIL MEETING

The next Council meeting will be held in conjunction with the 2016 AACo Conference at the Carefree Resort & Conference Center and is scheduled for Thursday, December 1, 2016, at 1:00 p.m.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 2:26 p.m.