

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

March 31, 2016

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by Council member John Belatti, on behalf of Chair Sheila Polk who was travelling out of state and appeared telephonically, on Thursday, March 31, 2016, at 1:00 p.m. at the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

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| Sheila Polk | APAAC Chair, Yavapai County Attorney (telephonic) |
| John Belatti | Mesa City Prosecutor |
| Ryan Glover | Glendale City Prosecutor (telephonic) |
| Vicki Hill | Phoenix City Prosecutor (telephonic) |
| Derek Rapier | Greenlee County Attorney (<i>at 1:20 p.m.</i>) |
| Tony Rogers | La Paz County Attorney |
| Matt Smith | Mohave County Attorney (telephonic) (<i>at 1:20 p.m.</i>) |
| Lando Voyles | Pinal County Attorney (<i>until 2:15 p.m.</i>) |

COUNCIL MEMBERS PRESENT BY PROXY

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| Mark Brnovich | Arizona Attorney General Proxy Zora Manjencich |
| David Byers | Arizona Supreme Court Administrative Director Proxy Jerry Landau |
| Barbara LaWall | Pima County Attorney Proxy Kathleen Mayer |
| Bill Montgomery | Maricopa County Attorney Proxy Mark Faull |
| Alan Merritt | Tucson City Prosecutor Proxy M.J. Raciti (telephonic) |
| Tobin Sidles | Oro Valley Town Prosecutor Proxy Sheila Polk (telephonic) |
| George Silva | Santa Cruz County Attorney Proxy Liliana Ortega |
| Jon Smith | Yuma County Attorney Proxy Derek Rapier |
| Michael Whiting | Apache County Attorney Proxy Sheila Polk (telephonic) |

STAFF PRESENT

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

GUESTS PRESENT

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| Jon Eliason | Deputy Maricopa County Attorney (<i>until 1:58 p.m.</i>) |
| Marc Peoples | CJ Systems Improvement Manager for the Arizona Criminal Justice Commission (<i>until 1:33 p.m.</i>) |

CONSENT AGENDA

Mr. John Belatti presented the consent agenda, including minutes from the February 26, 2016, Council meeting, for approval. Mr. Mark Faull made a motion, seconded by Mr. Tony Rogers, to approve the consent agenda. Motion carried.

ARIZONA CRIMINAL JUSTICE COMMISSION PRESENTATION

Mr. Marc Peoples, the Arizona Criminal Justice Commission's (ACJC) Criminal Justice Systems Improvement Manager, gave a presentation on the ADRS and FDR process. He highlighted ACJC's FY16 priorities that focus on moving from research and pilot programs to implementation in several criminal justice areas, including: NICS records, e-filing, failure to appear, mobile fingerprinting in courts, among others. He encouraged feedback and input.

STANDARD LETHALITY ASSESSMENT PRESENTATION

Mr. Jerry Landau gave an update on the group assembled by retired Maricopa County Superior Court Judge Ron Reinstein to develop a statewide standardized lethality risk assessment tool, which would not be mandated by the courts or legislature, but would be optional within each jurisdiction. Mr. Landau stated that, while the courts would be involved in educating and training its judges on use of the final assessment tool, they are asking APAAC to consider taking over the program to move it forward. Mr. Jon Eliason then gave an overview of the current program's work, including research involving Dr. Neil Websdale of NAU, along with ongoing pilot programs in agencies statewide.

Mr. Lando Voyles made a motion, seconded by Mr. Landau, to direct the APAAC Best Practices Committee to review current research on the standard lethality assessment tool and to develop a proposal to bring back to the Council for consideration. Discussion followed. Mr. Faull offered a friendly amendment that APAAC instead establish a work group to gather research data from various sources already participating in programs to develop the standard lethality assessment tool and report back to the Council. Mr. Voyles and Mr. Landau accepted the friendly amendment. Motion carried.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz reported on the Arizona Supreme Court Forensics Workgroup that was established to develop forensic training for judges.

As a board member of the National Association of Justice Information Systems (NAJIS), Ms. Ortiz shared its "Save-The-Date" card and trifold brochure announcing the 2016 NAJIS National Conference at the Ventana Canyon Resort in Tucson from October 31-November 3, 2016. Ms. Ortiz urged Council members to send their legal and technology staff to the conference.

STAFF ATTORNEY REPORT

Ms. Kim MacEachern provided an update on the Administrative Office of the Courts' (AOC) Warrant Forms Standardization, including minutes from AOC's meeting on March 4, 2016. The Court-approved revised Rule 41, Rules of Criminal Procedure, with a new mandatory form, became effective January 1, 2016. Mr. Landau, who chairs the AOC Warrant Committee, provided additional comment. Due to some stakeholders' concerns, AOC will hold two more meetings for additional input before finalizing the revised form. If approved, the new warrant form will be effective immediately and mandatory in July 2016.

ARIZONA SEXUAL ASSAULT EVIDENCE COLLECTION KIT TASK FORCE

Ms. Polk stated she is one of several county attorneys who are members of the Governor's task force directed to determine how many untested sexual assault evidence collection kits exist statewide. The Arizona Department of Public Safety (DPS) sent a survey to every law enforcement agency in the state to collect that data. In a coordinated effort with DPS to obtain this information, Ms. Polk, together with APAAC staff, will email the survey to Council members and request their respective offices work with local law enforcement to provide DPS with the requested information.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's financial reports for February 2016, as recommended for approval by APAAC's Finance Committee. Mr. Rapier noted that APAAC's share of the January 2016 CJEF funds received as February revenue was much lower than budget projections, likely due to non-reporting and/or reporting errors by courts statewide. APAAC has seen some self-correction already in the March 2016 CJEF reports. APAAC staff is monitoring any substantial impact that future funding variances may have on the remaining fiscal year budget. Mr. Rapier made a motion, seconded by Ms. Kathleen Mayer, to accept the financial reports. Motion carried.

Mr. Rapier provided Council members with a copy of the APAAC's audit report for the biennial period FY15 and FY14, from the firm of EideBailly, as recommended for approval by the Finance Committee. Mr. Rapier made a motion, seconded by Ms. Mayer, to accept the independent auditor's report for filing. Motion carried.

BEST PRACTICES COMMITTEE REPORT

Ms. Ortiz referred Council to the seminar report for attendance numbers on the Lessons from the Holocaust - What You Do Matters (WYDM) training courses in February 2016.

Ms. Ortiz announced that APAAC will be distributing copies of the book, All But My Life by Gerda Weissman-Klein in conjunction with the 2016 APAAC Annual Prosecutor Conference (APC) theme "Guardians of Freedom" from the WYDM material. Ms. Ortiz stated that Ms. Weissman-Klein offered to personally sign each copy of her book for APAAC, and that project is currently ongoing as her schedule will permit.

Ms. Ortiz reminded Council that registration for the 2016 APC was capped at 400 attendees due to facility and budgetary limitations. Any prosecutor not able to attend the conference can access CLE courses via “APAAC on Demand” webinars that are available 24/7 on the APAAC website.

Ms. Ortiz announced several upcoming nomination deadlines, including: April 8, 2016, for the Legal Assistant of the Year award and all APC attorney awards; and June 1, 2016, for the Support Staff Person of the Year.

Ms. Ortiz encouraged Council members to contact her to schedule in-office training of staff on *Batson* or other legal topics.

NDAAC REPORT

Mr. Rapier reported that NDAA held its quarterly board of directors’ meeting in Tucson on March 17-19, 2016. Mr. Rapier acknowledged several presentations by local agencies, including Ms. Barbara LaWall’s showcase of programs offered by the Pima County Attorney’s Office and Ms. Polk’s WYDM presentation. Mr. Rapier provided an update on NDAA’s ongoing efforts to address its financial issues.

Ms. Ortiz, who holds the NAJIS seat on the NDAA board, has negotiated with NDAA to bring its national training course on Homicide Prosecution to Arizona in May 2016. In exchange for APAAC’s assistance with the training and a no-cost venue courtesy of the Maricopa County Attorney’s Office (MCAO), NDAA has provided fifteen tuition-only scholarships that APAAC will make available through an application process. Also, as a member of NDAA’s training subcommittee on Capital Litigation, Ms. Ortiz has been working on that curriculum and will attempt to negotiate with NDAA to bring the training to Arizona in the fall of 2016. Further, Ms. Ortiz announced that MCAO has partnered with APAAC to host ChildPROOF, NDAA’s weeklong child abuse advocacy course, on April 18-22, 2016.

CALL TO THE PUBLIC

Mr. Landau shared that the defensive driving schools are looking for legislation to repeal the current \$45 crime lab fee assessment paid by their students and to substitute instead a surcharge increase on all violations. Mr. Landau cautions that this change may impact APAAC’s future revenue, which is dependent on court fines and fees.

Mr. Rapier reported that NDAA has partnered with Major League Baseball and the National Football League to raise awareness on domestic violence initiatives. Mr. Rapier encouraged anyone interested in being an NDAA liaison in Arizona for these issues to contact him directly for more information.

NEXT COUNCIL MEETING

The next Council meeting is scheduled for Friday, April 22, 2016, at 1:00 p.m.

ADJOURNMENT

Mr. Belatti declared the meeting adjourned at 2:34 p.m.