

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

February 12, 2016

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair Sheila Polk on Friday, February 12, 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 (telephonic)
Ryan Glover	Glendale City Prosecutor (telephonic)
Vicki Hill	Acting Phoenix City Prosecutor
Alan Merritt	Tucson City Prosecutor (telephonic)
Tony Rogers	La Paz County Attorney
David Rozema	Coconino County Attorney (telephonic)
Jon Smith	Yuma County Attorney (telephonic) <i>(at 1:10 p.m.)</i>
Matt Smith	Mohave County Attorney (telephonic)
Lando Voyles	Pinal County Attorney <i>(at 1:33 p.m.)</i>
Michael Whiting	Apache County Attorney (telephonic)

COUNCIL MEMBERS PRESENT BY PROXY

Brad Carlyon	APAAC Vice-Chair, Navajo County Attorney Proxy Tony Rogers
Mark Brnovich	Arizona Attorney General Proxy Paul Ahler
David Byers	Arizona Supreme Court Administrative Director Proxy Jerry Landau
Barbara LaWall	Pima County Attorney Proxy Kathleen Mayer
Brian McIntyre	Interim Cochise County Attorney Proxy Sheila Polk
Bill Montgomery	Maricopa County Attorney Proxy Barbara Marshall
Derek Rapier	Greenlee County Attorney Proxy Jon Smith (telephonic) <i>(at 1:10 p.m.)</i>
Tobin Sidles	Oro Valley Town Prosecutor Proxy Sheila Polk

STAFF PRESENT

Elizabeth Ortiz	Executive Director (telephonic) <i>(until 2:15 p.m.)</i>
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager

GUESTS PRESENT

Rachel Caldwell	APAAC Legislative Extern; ASU O'Connor College of Law
Kathy Waters	Division Director, Adult Probation Services Division, Arizona Administrative Office of the Courts

CONSENT AGENDA

Ms. Sheila Polk presented the consent agenda, including minutes from the January 29, 2016, Council meeting, for approval. Mr. Tony Rogers made a motion, seconded by Mr. Brad Beauchamp, to approve the consent agenda. Motion carried.

PRETRIAL SERVICES PROJECT PRESENTATION

Guest Speaker, Kathy Waters, Adult Probation Services Division Director for Arizona's Administrative Office of the Courts, provided a PowerPoint presentation on Pretrial Services – Overview, Public Safety Assessment. Her presentation was based on Chief Justice Bales' Strategic Agenda's Goal 2 – "Advancing Justice Together" to "Improve and expand the use of evidence-based practices to determine pre-trial release conditions for low-risk offenders." Ms. Waters provided a handout of her PowerPoint presentation to Council Members and encouraged all to participate in stakeholders' trainings to be offered statewide near the end of the fiscal year.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz reported telephonically that she is currently in transit from Salt Lake City where she has been teaching a "Train the Trainer" course from February 8-12, 2016, for the Utah Prosecution Council. That Council requested the curriculum for *Lessons from the Holocaust: What You Do Matters* to be used for one of their training courses at their annual conference in May 2016.

Ms. Ortiz announced she will be reaching out to Council offices in search of volunteers to assist with the International Association of Arson Investigations (IAAI) April 2016 training to be held in Mesa. Ms. Ortiz reminded Council that APAAC secured an arrangement with IAAI for prosecutors to attend its basic arson training course at no cost in exchange for APAAC's assistance at this training with their courtroom exercises; i.e., volunteers to act as judges, defense attorneys, prosecutors, etc., in the trainings.

Ms. Ortiz stated the Judicial College Board met on February 5, 2016, and decided to form a working group to develop forensic science training for judges. The training is offered to assist the judges in making informed decisions on evidentiary issues at trial.

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. Jon Smith reported the Legislative Policy Committee (LPC) made recommendations for the following bills and suggested the Council vote on every item within one group at the same time:

A. Support:

HB2374	Child Prostitution; Offense	P - F - T
HB2539	Sex Offender Registration; Petition; Termination	P - F - T
SB1126	Prisoner Transition Program; Eligibility; Termination	P - F - T
SB1214	Criminal Trials; Location	P - F - T
SB1227	Animal Cruelty; Sentencing; Bond	P - F - T
SB1246	Corrections Dept.; Revolving Fund Uses (DOC)	P - F - T

SB1247	Prisoners; Community Reentry; Work Program (DOC)	P - F - T
SB1281	Animal Cruelty; Classification	P - F - T
SB1282	Public Records; Unduly Burdensome Requests	P - F - T
SB1286	Internet Sex Offender Website; Offenses	P - F - T
SB1293	Mediation; Confidential Communications; Exception	P - F - T
SB1308	Juvenile Charged as Adult; Detention (CSA)	P - F - T
SB1412	Incompetent; Nonrestorable Defendants Involuntary Commitment	P - F - T

Ms. Polk requested to pull SB1282 from the above **Support** list, so it can be considered separately by the Council.

Ms. Kathleen Mayer made a motion, with a second by Mr. Lando Voyles, to accept the LPC's recommendation for Council to **Support** the bills from Agenda Item VI (A), with the exception of SB1282. Motion carried, with Mr. Jerry Landau abstaining.

Discussion was held concerning SB1282. Ms. Kim MacEachern provided an overview of the proposed bill. Ms. Mayer made a motion, with a second by Mr. Paul Ahler, to **Support** SB1282. Motion carried, with Mr. Landau abstaining.

B. Oppose

HB2426	Disorderly Conduct	P - F - T
HB2514	Restricted Vehicle Use, DUI, Repeal	P - F - T
HB2554	Veterans Court; Establishment; Mandatory Referrals	P - F - T
HB2590	DUI; Ignition; Interlock Requirement; Drugs	P - F - T
SB1228	DUI; Drugs; Ignition Interlock Requirement	P - F - T
SB1229	Executive Clemency Board; Executive Session	P - F - T
SB1230	Wrongful Arrest; Record Clearance	P - F - T
SB1240	Private Postsecondary Institutions; Police Officers (GCU)	P - F - T
SB1272	Criminal Charges; Unlawful Orders; Reimbursement	P - F - T
SB1273	Criminal Cases; Arrests; Records; Erasure	P - F - T
SB1275	Arizona Criminal Justice Commission; Membership	P - F - T
SB1295	DUI; Watercraft; Medical Practitioner; Authorization	P - F - T
SB1352	Electronic Communications; Privacy Rights	P - F - T
SB1471	Criminal Justice Commission; Membership; Report	P - F - T

Mr. Landau requested to pull HB2554 from the above **Oppose** list so it may be considered separately by the Council.

Ms. Mayer made a motion, with a second by Mr. Ahler, to accept the LPC's recommendation to **Oppose** the bills listed under Agenda Item VI (B), with the exception of HB2554. Motion carried, with Mr. Landau abstaining.

Mr. Landau made a motion, with a second by Ms. Mayer, to accept the LPC's recommendation to **Oppose** HB2554. Motion carried.

C. Information Only:

HB2224	Private Firearm Transactions; Prohibited Encumbrances	P - F - T
HB2446	Prohibited Weapon Definition; Exclusions	P - F - T
HB2524	Uniform Firearms Transfer Compact (CDL)	P - F - T
HB2586	Dependency; Households; Felony Reports	P - F - T
HB2593	Intersection; Definition	P - F - T
SB1231	Racial Profiling; Prohibition; Reporting	P - F - T
SB1242	Attorney General; Initiation of Action	P - F - T
SB1274	Length of Parole; Juvenile Offenders	P - F - T
SB1276	Board of Executive Clemency; Membership	P - F - T
SB1277	Parole Reform Study Committee	P - F - T
SB1278	Forfeitures; Allocation of Monies	P - F - T
SB1283	Controlled Substances Prescription Monitoring Program	P - F - T
SB1285	Aggressive Solicitation; Approaching Stopped Vehicle	P - F - T
SB1307	Community Property; Life Sentence; Spouse	P - F - T
SB1339	Firearm Sales; Transfers; Background Checks	P - F - T
SB1340	Hiring Practices; Limitations; Criminal History	P - F - T
SB1349	Sentencing; Aggravating Factor; Texting	P - F - T
SB1377	Sentence Enhancements; Unlawful Presence; Release	P - F - T
SB1406	Reporting; Untested Sexual Assault Kits	P - F - T
SB1410	Sexual Assault Victim Advocates; Privilege	P - F - T
SB1439	Prisoners; Mental Health; Transition Program	P - F - T
SB1449	Unmanned Aircraft; Prohibited Operations	P - F - T
SB1452	Unlawful Executive Actions; Second Amendment	P - F - T
SB1481	Theft; Bicycle from School Grounds	P - F - T

Mr. Ahler stated for the record that the Attorney General's Office supports its own bill, SB1242, listed as "Information Only" on the above list.

Ms. Mayer made a motion, seconded by Mr. Landau, to accept the LPC's recommendation of **Information Only** for the bills listed under Item VI (C). Motion carried.

D. Other:

SB1298	Probation; Juvenile; Adult (ABSTAIN)	P - F - T
SB1453	Judicial Elections; Term; Requirements (NO REC.)	P - F - T

Mr. Jon Smith stated the LPC deferred to Council for its positions on both SB1298 and SB1453. Discussion followed.

Ms. Polk suggested SB1298 be moved to the "Information Only" list. Mr. Landau made a motion, with a second by Ms. Vicki Hill, to move SB1298 to the "Information Only" list. Motion carried.

Ms. Polk suggested SB1453 be moved to the "Information Only" list. Ms. Mayer made a motion, with a second by Mr. Voyles, to move SB1453 to the "Information Only" list. Motion carried.

SELECTION OF 2016 APAAC VICTIM ADVOCATE OF THE YEAR AWARD

Ms. Ortiz announced the 2016 Victim Advocate 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 Victim Advocate Conference on March 4, 2016, in Prescott.

UPDATE ON FISCHER REPORT

Ms. Barbara Marshall expressed Mr. Bill Montgomery's concerns about delays in the Council's receiving updates on the Fischer Report. In light of Mr. Montgomery's inability to attend the Council meeting due to illness, Ms. Marshall made a motion, with a second by Ms. Mayer, to table any update on the Fischer Report so Mr. Montgomery can participate in the discussion. Motion carried; matter tabled.

NACo / AACo REPORT

Mr. Voyles announced that he will be attending the NACo Legislative Conference in Washington D.C. on February 20-24, 2016, which will focus on legislative issues facing county government.

NDA REPORT

No report.

CALL TO THE PUBLIC

None.

NEXT COUNCIL MEETING

The next Council meeting is scheduled for Friday, February 26, 2016, at 1:00 p.m. at the APAAC office.

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 2.36 p.m.