

MARICOPA ASSOCIATION OF GOVERNMENTS
 REGIONAL DOMESTIC VIOLENCE COUNCIL
 MEETING MINUTES – OCTOBER 27, 2011

MEMBERS ATTENDING

Celeste Adams, Save the Family
 +Christina Avila, City of Avondale
 *Lt. Robert Bates, Phoenix Police Dept.
 John Belatti, City of Chandler Prosecutor's Office
 John A. Blackburn, Jr., Arizona Criminal Justice Commission
 Elizabeth Ditlevson for Allie Bones, Arizona Coalition Against Domestic Violence
 *Town Manager Rick Buss, Town of Gila Bend
 Chris Christy, Salt River Pima-Maricopa Indian Community
 *JoAnn Del-Colle, Phoenix Family Advocacy Center
 Councilmember Roy Delgado, City of El Mirage
 *President Diane Enos, Salt River Pima-Maricopa Indian Community
 Kristen Scharlau for Naomi Farrell, City of Tempe
 Patricia George for Will Gonzalez, City of Phoenix Prosecutor's Office
 Laura Guild, Arizona Dept. of Economic Security
 *Cmdr. Kim Humphrey, City of Phoenix Police Dept., Chair
 *Lynette Jelinek, Glendale Fire Dept.
 Alice Ghareib for Mary Lynn Kasunic, Area Agency on Aging
 Patricia Klahr, Chrysalis Shelter Inc.
 *Councilmember Suzanne Klapp, City of Scottsdale
 +Councilmember Sheri Lauritano, City of Goodyear
 *Councilmember Phil Lieberman, City of Glendale
 Jodi Beckley Liggett, Arizona Foundation for Women

Barbara Marshall, Maricopa County Attorney's Office, Vice Chair
 Mary Murphy, Governor's Office for Children, Youth, and Families
 Maribel Castro for Dottie O'Connell, Chicanos Por la Causa
 Connie Phillips, Sojourner Center
 Lynn Potts for John Pombier, City of Mesa Prosecutor's Office
 *Kerry Ramella, City of Phoenix Fire Dept.
 Sarah Youngblood, Community Legal Services

OTHERS PRESENT

Jonnie Arnold, US Vets
 Catrina Boppart, Sojourner Center
 Kristina Bunch, Goodyear Police Department
 Rita Coronado, Peoria Police Department
 Carl Mangold, Private Practice
 Jon Eliason, Maricopa County Attorney's Office
 Betty McEntire, Office of the Secretary of State
 Leah Meyers, Governor's Office for Children, Youth and Families
 Sgt. Kevin Moran, Peoria Police Department
 Sarabeth Seer, Elim House
 Kelly Shore, Avondale Police Department
 Sara Steffan, Glendale Fire Department
 Betsy Jo Fairbrother, Chandler Police Department

 Rachel Brito, MAG
 Amy St. Peter, MAG
 Renae Tenney, MAG

+Those attending by video/audio conference
 * Those not present or represented by proxy

1. Call to Order

Vice Chair Barbara Marshall, Maricopa County Attorney's Office, called the meeting to order at 1:36 p.m. Introductions ensued.

2. Call to the Audience

An opportunity was provided for members of the audience to address the Council on non-agenda items that fall under the jurisdiction of MAG, or agenda items for discussion but not for action. No comments were made.

3. Approval of the August 25, 2011 and August 30, 2011, Meeting Minutes

Vice Chair Marshall called for approval of the August 25, 2011, MAG Regional Domestic Violence Council meeting minutes. Connie Phillips, Sojourner Center, motioned to approve the minutes. John Belatti, City of Chandler, seconded the motion. The motion passed unanimously.

Vice Chair Marshall called for approval of the August 30, 2011, MAG Regional Domestic Violence Council meeting minutes. Mr. Belatti motioned to approve the minutes. John Blackburn, Jr., Arizona Criminal Justice Commission, seconded the motion. The motion passed unanimously.

4. Address Confidentiality Program

Vice Chair Marshall invited Betty McEntire, Office of the Secretary of State (SOS), to present on the Address Confidentiality Program (ACP). Ms. McEntire advised the program was passed into law on April 19, 2011, and is administered by the SOS. Ms. McEntire and Lucy Mason, Assistant Director, are the program contacts.

Ms. McEntire advised the ACP is to be used in conjunction with a safety plan. There are two parts to the program: 1) individuals must be certified program participants to use the SOS address as their lawful address of record; and 2) the SOS serves as a mail forwarding service. One key aspect of the program is that the applicant must relocate. The program is not effective for survivors who remain in a residence known by their abuser.

The program is self-funded through a \$50 levied assessment on persons convicted of crimes outlined in the statutes. Arizona is the 27th state to implement the ACP; legislation is based on Colorado's program. Ms. McEntire noted many programs are modeled after the State of Washington's program which has been in existence for 20 years. Arizona and Colorado are the only two states where the program is supported by an assessed fine.

Ms. McEntire discussed eligibility and enrollment. The program requires participants to enroll through a trained and registered Applicant Assistant. The goal is to have 100 assistants throughout the state. Participants must relocate within 90 days or be planning to relocate. Participants may be adults and/or children. Ms. McEntire advised parents may enroll their children in the program and serve as their primary advocate. Co-applicants may participate if living with an ACP participant.

Participants initiate use of the ACP substitute address by presenting an ACP authorization card. An overview of the process for disclosure and non-emergency requests for

disclosure was provided. Ms. McEntire noted ACP staff shall not disclose a participant's actual address and telephone number unless required by direction of a court order or if law enforcement is conducting a criminal investigation. However, participants may voluntarily disclose their address. The State of Washington has only had five requests for disclosure, and of those, only one was legitimate. All applicants are provided information about the disclosure policies prior to entering the program.

Committee members inquired about the time limit for participation in the program and the anticipated number of participants. Ms. McEntire advised participants are initially enrolled for four years. Applicants may renew their participation prior to the expiration date. She recognized Ken Bennett, SOS, for acknowledging the importance of having a program director with a background working in the domestic violence community. Ms. McEntire noted Arizona is the only state with this insight. She stated Colorado has 1,200 participants; Washington State has 5,900; and Arizona estimates 1,200 will enroll in the first two years.

Committee members asked how the amount of the assessment fee was determined. Ms. McEntire said a formula was used to determine the \$50 assessment fee. The amount will cover some of the program's expenses and is an amount that will likely be recouped because it is considered to be affordable by persons convicted. The SOS has until December 2012, to have the program up and running however, they hope to have the program in place by Spring 2012.

5. Forfeiture by Wrongdoing

Vice Chair Marshall invited Jon Eliason, Maricopa County Attorney's Office, to present on forfeiture by wrongdoing (FBW). Mr. Eliason provided an overview on the history of Forfeiture by Wrongdoing, the vulnerability of domestic violence cases to witness intimidation, and case law outlining how to bring these cases to court.

Mr. Eliason noted victim intimidation is both a legal and a factual problem for those who want to hold the domestic violence offender accountable. It is a legal problem because legal rules bar most statements when the domestic violence victim does not appear at trial. It is a factual problem because the jury fails to hear the facts of the domestic violence crime from the victim. Mr. Eliason advised one way to address this issue is the doctrine of FBW. He noted FBW has been around since the 1600s and is an equitable way to introduce victim testimony.

Mr. Eliason further discussed problems and common misconceptions in domestic violence cases and provided statistics on the number of domestic violence victims that do not cooperate with the prosecution. Domestic violence is not a one-time event, but incurs multiple offenses. He noted victims often avoid accessing services and if they attend the court proceedings, they often will minimize the abuse. Common methods of witness intimidation were noted and a case in Washington State involving a series of jail calls was discussed.

Mr. Eliason explained what happens when a domestic violence victim does not appear for trial. He noted cases are dismissed as prosecution is unable to proceed without the victim's statements and offenders are not held accountable. Mr. Eliason advised when

and if there is an admissible statement, the case may still move forward without the victim through use of a hearsay and confrontation clause exception. Confrontation clause states that in all criminal prosecutions, the accused has the right to confront the person bearing witness against him. A history of case law involving the confrontation clause and challenges presented in domestic violence cases was provided.

Mr. Eliason discussed Rule 804(b)(6): Witness Unavailable, Hearsay Exception. He noted hearsay may be admissible during hearings. He noted one has to show wrongdoing was done with the intent to keep the victim from coming to court. For the rule to apply, two things must occur. The defendant has to do something with the intent to silence the victim and the victim cannot show up for court.

Mr. Eliason discussed FBW hearings. He noted four questions used by the Phoenix Police Department as examples for collecting information for these hearings. Additional recommendations included listening to jail calls; looking for other non-police witnesses; police disclosing evidence of wrongdoing as it is discovered; prosecutors disclosing evidence of wrongdoing as it becomes available; filing a motion for FBW; and identifying witnesses for FBW hearings. He noted the Arizona Rules of Evidence follow the federal rules. The benefits of using FBW are more offenders being held accountable and more victims feeling empowered. Vice Chair Marshall thanked Mr. Eliason for his presentation. There were no questions from the Committee.

6. Law Enforcement and Prosecutors Training Video

Vice Chair Marshall invited Leila Gamiz, MAG, to provide an update on the training video for law enforcement and prosecutors. Amy St. Peter, MAG, acknowledged Ms. Gamiz for her work and assistance on the Protocol Evaluation Project (PEP) and related efforts.

Ms. Gamiz introduced herself as a member of the MAG Communications Division. This division will be producing the PEP Law Enforcement and Prosecutors Training Video. She gave a brief report on the five topics to be covered. They include victim's rights, maintaining the integrity of a domestic violence crime scene, strangulation and suffocation, the lethality assessment, and techniques for interviewing children. Ms. Gamiz noted interviews were conducted with experts presenting on these topics during the PEP training event for inclusion in the video. Renae Tenney and Jason Stephens, MAG, will be narrating the storyline. The video will be completed prior to the end of the year.

Ms. St. Peter requested input on any other topics that should be covered in the video. She stressed the importance of developing a training video that will be beneficial to those using it.

7. Data Collection Report

Vice Chair Marshall invited Renae Tenney, MAG, to offer an update on the domestic violence crime data report. Ms. Tenney advised MGT of America, Inc., has reviewed existing data in Arizona to determine what is working and what areas can be strengthened. Best practices from across the country were also researched. Ms. Tenney advised data currently being collected is primarily for reporting to funders. This

information is not typically analyzed or used to provide insight for improvements or changes to better serve clients. MGT's research indicates data collection related to addressing domestic violence through the criminal justice system is very limited across the nation. There is tremendous room for growth and improvement in this area. Drilling further down into this issue will position PEP for groundbreaking work.

Ms. St. Peter asked for input from the Committee on whether or not the research being conducted resonates with what is being experienced. She asked for input on local or national best practices, and any recommendations for gathering additional information. Recommendations included best practices coming out of San Diego, California, as well as contacting Sarah Buel and Ellen Pence.

Ms. St. Peter advised there is a need to determine what data would best help to measure success. She noted there not being a lot of consensus on the data that should be collected.

8. STOP Grant Update

Vice Chair Marshall invited Ms. St. Peter to provide an update on submission of the STOP Grant. Ms. St. Peter thanked the Governor's office for their support with the current STOP grant. She advised the STOP Grant application was submitted on October 24, 2011. The application proposes continuing the Protocol Evaluation Project with some expansions. She advised the current process focuses on domestic violence at the misdemeanor level. Efforts will continue in this area to determine how arrest and prosecution at the misdemeanor level can be further enhanced.

Expansion of the project will focus on two target areas. The first will be an analysis of how best to support effective implementation at the felony level. The second will be statewide implementation of lessons learned. Ms. St. Peter expressed gratitude to statewide partners. She noted all primary partners from the project's first year have signed on to support continuing the work being done. She reviewed the list of partners in support of the project. Ms. St. Peter advised the program has engaged more than 500 people during the first one and one-half years of implementation.

9. MAG Protocol Evaluation Project Training Event

Vice Chair Marshall invited Renae Tenney, MAG, to present an overview of the MAG Protocol Evaluation Project Training Event. Ms. Tenney advised the training event was a huge success. More than 200 people from across the state attended the event. Ms. Tenney acknowledged Mayor Hugh Hallman, City of Tempe, for his opening remarks emphasizing important work is being done and is being done differently because of PEP. This project is setting an example for the state and possibly the nation.

Ms. Tenney acknowledged special guests Steve Twist, and Gael Strack, along with all of the presenters for their support and efforts in making the event a success. She thanked MAG co-workers for their support.

10. Committee Officer Appointments

Vice Chair Marshall advised Commander Kim Humphrey is nearing the end of his second one-year term as Chair of the MAG Regional Domestic Violence Council. Per MAG policy, Vice Chair Marshall will ascend to the Chair position. She advised anyone

interested in serving as the new Vice Chair may submit a letter of interest to Mayor Hugh Hallman, Chair of the MAG Regional Council. The Chair and Vice Chair will be appointed by the MAG Executive Committee in November 2011.

11. Legislative Update

Vice Chair Marshall invited Elizabeth Ditlevson, Arizona Coalition Against Domestic Violence, to provide an update on legislation and Coalition activities. Ms. Ditlevson advised the Custody Bill and the budget will be the two items of focus this year.

She noted whether the Coalition will support the Custody Bill remains to be determined and will depend upon the bill's final language. The Coalition is working with the Domestic Relations Committee (DRC) and subcommittees to determine their support for the bill.

With regard to the budget, the Coalition will seek to eliminate further reductions to domestic violence funding. In previous years, domestic violence programs have been as diligent as possible to continue operations with limited funding. Additional funding reductions would result in closing programs entirely. Ms. Ditlevson noted preventing this will be the Coalition's main focus.

Workgroups are also considering predominant aggressor statutes in Arizona and expanding the length of time for orders of protection as topics for future legislative sessions.

Ms. Ditlevson advised Allie Bones will be on extended maternity leave until Fall 2012.

12. Request for Future Agenda Items

Committee members were given an opportunity to suggest topics or issues of interest they would like to have considered for discussion at a future meeting. No suggestions were made.

13. Comments from the Council:

Committee members were given an opportunity to share announcements.

Ms. Ditlevson advised a Community Engagement Day is scheduled for November 2, 2011 from 8:00 a.m. to 12:00 p.m. at the Scottsdale Plaza Resort. The event is free. Attendees are asked to RSVP. The event will debut an interactive activity illustrating immigration policies and their effects on women experiencing domestic violence. Additional information and registration information is available at www.azcadv.org.

Mary Murphy, Governor's Office for Children, Youth and Families, congratulated MAG on hosting the PEP Training Event. She noted it was a wonderful conference.

The Peoria Police Department will launch a Domestic Violence Support Group beginning November 2011. The group will meet the second and fourth Wednesdays of the month. Informational flyers were offered at the resource table. Rita Coronado, Peoria Police Department, advised small business cards advertising the support groups have been developed. Police officers will distribute the cards directly to victims of domestic

violence. The support groups will be offered both in English and Spanish. Childcare will be offered at reduced rates. Ms. Coronado noted they are looking for venues in Peoria to host the support group meetings. For more information, contact Ms. Coronado.

Celeste Adams, Save the Family, advised they are in their second year of receiving a subsidy for up to 12-months in case management. The primary eligibility is that participants come from shelters, including domestic violence shelters. For questions and/or more information, please contact Ms. Adams.

Vice Chair Marshall thanked everyone for their input and attendance. The meeting adjourned at 2:54 p.m. The next MAG Regional Domestic Violence Council meeting is scheduled for December 1, 2011, at 1:30 p.m. in the Saguaro Room of the MAG offices.