

July 29, 2016

TO: Members of the MAG Regional Domestic Violence Council

FROM: Vice Mayor Robin Barker, City of Apache Junction, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 2:00 p.m. - 3:30 p.m.
Thursday, August 4, 2016
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next Regional Domestic Violence Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Domestic Violence Council may attend either in person, by video conference or by telephone conference call.

The meeting agenda and resource materials are also available on the MAG website at www.azmag.gov. In addition to the existing website location, the agenda packet will be available via the File Transfer Protocol (FTP) site at: <ftp://ftp.azmag.gov/RegionalDomesticViolenceCouncil>. This location is publicly accessible and does not require a password.

Please park in the garage underneath the building. Bring your ticket to the meeting, and parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

In 1996, the Regional Council approved a simple majority quorum for all MAG advisory committees. If the Regional Domestic Violence Council does not meet the quorum requirement, members who have arrived at the meeting will be instructed a legal meeting cannot occur and subsequently be dismissed. Your attendance at the meeting is strongly encouraged.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please contact Amy Robinson at arobinson@azmag.gov or (602) 254-6300.

MAG REGIONAL DOMESTIC VIOLENCE COUNCIL
TENTATIVE AGENDA
August 4, 2016

COUNCIL ACTION REQUESTED

1. Call to Order

1. Welcome and introductions.

2. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Domestic Violence Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Domestic Violence Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

2. Information.

3. Approval of the June Meeting Minutes

The draft minutes for the June 2, 2016 meeting are posted with the meeting materials.

3. Approval of the June 2, 2016 MAG Regional Domestic Violence Council meeting minutes.

4. Regional Plan to End Domestic Violence

The 2010 Regional Plan to End Domestic Violence contains fifteen strategies to end domestic violence in our region, over a five year period. Amy Robinson, MAG, will provide an update on the 2016 Regional Plan to End Domestic Violence and next steps.

4. Information and discussion.

5. Legislative Changes to Stalking Statute

Earlier this year, the legislature voted to make changes to the existing stalking statute. Ariel Serafin, Maricopa County Attorney's Office, will provide an overview of the revised law and detail the changes made.

5. Information and discussion.

6. Misdemeanor Protocol Model

6. Information and discussion.

The Misdemeanor Protocol Model contains best practices for investigation and arrest as related to domestic violence. It is updated annually through a collaborative review process. Amy Robinson, MAG, will provide information on how to become involved in the revision process.

7. Upcoming Events and Trainings

There are several upcoming opportunities for involvement. Amy Robinson, MAG, will provide an overview of upcoming events.

8. Call to Action

The committee will have an opportunity to discuss practical applications of information and best practices covered during the meeting

9. Requests for Future Agenda Items

Topics or issues of interest that the Regional Domestic Violence Council would like to have considered for discussion at a future meeting will be requested.

10. Comments from the Council

An opportunity will be provided for Regional Domestic Violence Council members to present a brief summary of current events, or share stories of success. The Regional Domestic Violence Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Adjournment

7. Information and discussion.

8. Information and discussion..

9. Information and discussion.

10. Information.

**MINUTES OF THE
MAG REGIONAL DOMESTIC VIOLENCE COUNCIL MEETING
June 2, 2016
MAG Office Building, Ironwood Room
Phoenix, Arizona**

<u>MEMBERS ATTENDING</u>	
<p>Celeste Adams, Save the Family * Zach Altman, City of Gilbert Prosecutor's Office Riann Balch, City of Phoenix Vice Mayor Robin Barker, City of Apache Junction, Chair John Belatti, City of Mesa Prosecutor's Office John A. Blackburn, Jr., Arizona Criminal Justice Commission Serene Carney, Apache Junction Police Department * Councilmember Samuel Chavira, City of Glendale Councilmember Eddie Cook, Town of Gilbert Hillary Weinberg for Jon Eliason, Maricopa County Attorney's Office Shaay Farago, City of Surprise # Kristin Scharlau for Naomi Farrell, City of Tempe Troy Finley, Phoenix Police Department # Maria Garay, Sojourner Center Amy Offenbergl for Will Gonzalez, City of Phoenix Prosecutor's Office Laura Guild, Arizona Dept. of Economic Security</p>	<p># Elizabeth Herbert, Chandler Prosecutor's Office Lynette Jelinek, Glendale Fire Department Mary Lynn Kasunic, Area Agency On Aging, Region One Patricia Klahr, Chrysalis Shelter Councilmember Sheri Lauritano, City of Goodyear Councilmember Kathy Littlefield, City of Scottsdale Gerardo Pena, Chicanos Por La Causa, Inc. Iva Rody, El Mirage Police Department Councilmember Terry Roe, City of Chandler Chief Steve Stahl, City of Maricopa Police Department Sherie Steele, City of Avondale # Kathleen Sullivan, Gilbert Police Department Yvonne Taylor, Arizona Coalition to End Sexual and Domestic Violence Councilmember Thelda Williams, City of Phoenix, Vice Chair Councilmember Cecil Yates, Town of Fountain Hills Sarah Youngblood, Community Legal Services</p>

<u>OTHERS PRESENT</u>	
Heather Bonné Arizona Criminal Justice Commission Mimi Kaplan, Jewish Family Services # Steve Foyer Town of Fountain Hills Moises Gallegos, City of Phoenix Andrew LeFever, Arizona Criminal Justice Commission Joan Mitchell, Shelter Without Walls Commission	Mark Peoples, Arizona Criminal Justice Commission Chris van Court for Judge Finn, Glendale City Court Maria Pina, MAG Amy Robinson, MAG

1. Call to Order and Introductions

Vice Mayor Robin Barker, City of Apache Junction, Chair, called the meeting to order at 2:04 p.m. Introductions ensued.

2. Call to the Audience

An opportunity was provided to members of the public to address the Regional Domestic Violence Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. JR Blackburn, Arizona Criminal Justice Commission, introduced Andy LeFever, Arizona Criminal Justice Commission, who will be taking over as Executive Director.

Joan Mitchell, Shelter Without Walls, raised concern about House of Refuge closing in the next ten days and that other transitional housing programs were affected by a funding cut. Ms. Mitchell requested clarification on information regarding the transitioning of programs into rapid rehousing program. Amy Robinson, MAG, directed Ms. Mitchell to speak to Anne Scott, MAG, or Moe Gallegos, City of Phoenix or Riann Balch, also with the City of Phoenix. Chair Barker expressed thanks for bringing up issue. She indicated that the Department of Housing and Urban Development (HUD) had rearranged some funds, which would impact several areas. No other comments.

3. Approval of the Regional Domestic Violence Council Meeting Minutes

Chair Barker called for any revisions and approval of the MAG Regional Domestic Violence Council meeting minutes from April 7, 2016. Ms. Robinson indicated the date on the minutes had been corrected and that "Vice Chair Barker" would be updated to "Chair Barker". Kathleen Sullivan, Town of Gilbert Police Department, clarified she had attended the April 7, 2016 meeting. Ms. Robinson indicated it would be noted. John Belatti, City of Mesa Prosecutor's Office, made a motion to approve the minutes. The motion was seconded by Mr. Blackburn. All voted and the motion passed.

4. Risk Assessment Project

Chair Barker introduced Ms. Robinson to provide an update to the consultant selection for the DV risk assessment project. Ms. Robinson indicated that MAG was preparing to contract with a consultant to conduct a risk assessment of the current methods used to respond or intervene in DV instances. MAG issued an RFQ for a consultant to best achieve the best assessment of the current response and intervention for victims and survivors. Two submissions were received and reviewed by a review panel, which was announced in the April meeting.

Ms. Robinson thanked the review panel, and indicated the review panel came to a unanimous decision to contract a consultant. The panel requested and received clarification from the consultant, and MAG has begun drafting the contract. The contractor will begin with a stakeholder's meeting, slated for June 21, 2016. The exact time has not yet been established. Ms. Robinson clarified that the consultant would begin work as soon as the contract was executed, adding that MAG's role would be to help facilitate communication between stakeholders.

5. ACJC Sharing of Conditions of Release Program

Chair Barker invited Mark Peoples, Arizona Criminal Justice Commission, to present to the committee on the Maricopa County Attorney's Office (MCAO) Conditions of Release Enforcement (C.O.R.E.) project.

Mr. Peoples began with a brief overview, stating that in July, 2015, the Arizona Criminal Justice Commission began working with MCAO to pursue implementing conditions of release statewide as they pertain to the restriction of firearms, meaning that anyone with a firearm restriction would be reported to National Instant Criminal Background Check System (NICS). This allowed MCAO permission to solicit an analysis that details Arizona's conditions of release (COR).

Mr. Peoples indicated the first step was to determine feasibility in carrying out the study from a technology standpoint. Once the analysis is complete, the next step would be to connect the technology systems, and make the information transmittable from the court to law enforcement and to law enforcement vehicle displays.

Mr. Peoples continued with the background of the analysis of the project, detailing that there are different procedures between different courts, even within the same county. MCAO was interested in reviewing the sharing of conditions of release prohibiting firearms/deadly weapons with NICS, as well as sharing conditions of release with Arizona law enforcement. Mr. Peoples indicated that when a judge orders a Condition of Release (COR) and prohibits firearms, that information is not always available to law enforcement.

Mr. Peoples anticipates the following timeline: After the analysis is completed at the end of 2016, the Arizona Criminal Justice commission would use the data to seek funding to proceed with building a new infrastructure. In January, 2017, the commission will have a policy/commission meeting, after which Mr. Peoples will present on his finding. The grant is expected to be written in April/May, 2017 and if funded, the commission hopes to begin work in October, 2017.

Mr. Peoples indicated that although it could be costly to change to a standardized system, there are numerous benefits, such as to simplify the process by posting electronically, keeping information in a central location, lessening the workload, enforcing firearms prohibitions, and others.

Chief Steve Stahl, City of Maricopa Police Department, expressed that the commission's findings were in line with reducing recidivism and the threat assessment.

6. Regional Plan to End Domestic Violence

Chair Barker again welcomed Amy Robinson, Maricopa Association of Governments, to provide a report on the Regional Plan to End Domestic Violence. Ms. Robinson announced that previous community meetings had been successful and yielded useful information and strategies for inclusion in the plan, which includes approximately 25 goals. The strategies will be vetted by stakeholders in affinity group meetings to assign roles, tasks and timelines before inclusion in the plan. Ms. Robinson indicated that the committee anticipated having the final regional plan at the next meeting after collaborating with the City of Phoenix, the Governor's Office of Youth Faith and Family and Commission on Violence Against Women, as well as the Arizona Coalition to End Sexual and Domestic Violence. While these groups have different objectives, they are all working toward the same goal.

Ms. Robinson indicated that the next joint affinity group meeting would be on June 15, from 9:30-11:00 at the MAG offices.

7. Upcoming Events and Trainings

Chair Barker asked for an update on any upcoming events and trainings. Ms. Robinson indicated that the City of Phoenix was working on their roadmap to end DV, and their next meeting was scheduled for June 6th from 1:00-2:30 at the Phoenix Family Advocacy Center. Additionally, Ms. Robinson indicated that the initial stakeholders meeting for the risk assessment project on June 21; exact time to be established. Also, board members were invited to the upcoming initial planning meeting to help structure the annual training conference, which is slated for August, 2017.

8. Request for Future Agenda Items

Chair Barker asked for any requested topics or issues of interest to consider for future agendas. Ms. Robinson requested Mr. Peoples return to the board to present on his findings.

9. Comments from the Council

Council members were given the opportunity to present a brief summary of current events. The Regional Domestic Violence Council is not allowed to propose, discuss, deliberate or

take action at the meeting on any matter in the summary, unless a specific matter is properly noticed for legal action. Amy Robinson, Maricopa Association of Governments, introduced Maria Pina, the new Administrative Assistant in Human Services and congratulated Laura Guild, who was honored with the Lifetime Achievement Award at the Arizona Coalition to End Sexual and Domestic Violence Thrive Gala. Councilmember Eddie Cook, Town of Gilbert, announced an inaugural fundraising and awareness event, iRun4Good, slated for day of week October 22, year benefitting victims of Domestic Violence.

10. Adjournment

Chair Barker thanked everyone for their attendance. The meeting adjourned at 2:58 p.m. The next MAG Regional Domestic Violence Council meeting is scheduled for Thursday, August 4, 2016.

DRAFT

Stalking

{ 2016 Amendments to A.R.S. Sec. 13-2923

House Bill 2419

⌘ Signed into law on March 17, 2016

⌘ Becomes effective on August 6, 2016

⌘ Dramatically expands the definition of “stalking” under A.R.S. Sec. 13-2923

OLD LAW

Victim must fear for:

- 1) Safety of self or other
- 2) Death of self or other

NEW LAW

Victim must fear for:

- 1) Safety of self or other
 - 2) Death of self or other
 - 3) Injury/death of pet or livestock
 - 4) Damage/destruction of property
- OR
- 5) Suffer emotional distress

Changes: Victim's Fears



Not stalking?

OLD LAW

- 1) Self
- 2) Family member
- 3) Person who regularly lives in victim's home or who lived in victim's home in the past 6 months

NEW LAW

- 1) Self
- 2) Family member
- 3) Person who regularly lives in victim's home or who lived in victim's home in past 6 months
- 4) Pet/livestock
- 5) Current/former romantic/sexual partner

Changes: Target of Conduct

OLD LAW

- 1) Maintain visual/physical proximity
- 2) Direct threats
- 3) Use electronic or GPS device to surveil a person or his/her wireless activity

NEW LAW

- 1) Maintain visual/physical proximity
- 2) Direct threats
- 3) Use electronic or GPS device to surveil a person or his/her wireless activity
- 4) Electronically communicate images or language directed at a person without authorization and without a legitimate purpose.

Changes: Types of Conduct

New law clarifies that a defendant is guilty if he/she engages in any of the described conduct, “directly or indirectly, in person, or through one or more third persons or by any other means.”



Nature of Conduct

“Emotional Distress” is defined under new law as “significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.”

Emotional Distress

Why the changes?

- ⌘ Suspect (S) and Victim (V) meet online and go on one date.
- ⌘ Months later, V gets a new boyfriend. They are not living together.
- ⌘ S repeatedly texts V over many months telling her he will curb stomp, sexually assault, and slit the throat of her new boyfriend.
- ⌘ No threats are directed at V.

Fact Pattern 1



- ⌘ V tells police that her ex-husband, S, constantly shows up at locations where she is present shortly after she arrives there.
- ⌘ S uses the “coincidental” meetings to harass the victim or request that they rekindle their relationship.
- ⌘ Police search V’s car and discover that S has installed a GPS tracker.
- ⌘ V tells police that although she does not believe that S would ever hurt her, she feels physically sick with anxiety and fear.



Fact Pattern 2



- ⌘ S, angry that V has ended their relationship, posts a series of nude photos of her on Facebook.
- ⌘ S also sends the photos to V's boss and mother along with a message saying that V is about to die.

Fact Pattern 3

Unlawful Distribution of Images

{ 2016 House Bill 2001

⌘ Unlawful Distribution of Images AKA
“revenge porn”

⌘ Previous version challenged – no law in effect

⌘ New law went into effect on March 11, 2016

It is unlawful to disclose a nude/sexual image of another person without their consent if the image is disclosed with the intent to harm, harass, intimidate, threaten, or coerce the depicted person.

Summary

1- State must be able to prove that the purpose of the disclosure was to harm, harass, intimidate, threaten, or coerce the victim.

Important Requirements

2- Depicted person must be identifiable EITHER from the image itself or from information displayed in connection with the image.



Important Requirements

3- Depicted person must have a reasonable expectation of privacy.



Important Requirements

& Class 4 Felony- Disclosed electronically

& Class 5 Felony- Disclosed non-electronically

& Class 1 Misdemeanor- Threaten to disclose

Classifications



Domestic Violence Awareness Month 2016 Event Calendar

PLEASE COMPLETE ONE FORM FOR EACH EVENT.

Date _____ Time _____

Event Name _____

Organizing Agency _____

Address _____ City, State & Zip _____

Room location _____ Name of Venue _____

Is this event re-occurring? No Yes If so, what is the schedule: _____

Is there a fee to attend? No Yes If so, what is the fee: _____

Is this event open to the public? No Yes

Contact Person (to be displayed on calendar):

Name _____ Phone Number _____

Email Address _____ Website _____

How would you categorize this event? (Please circle)

Fundraiser Training Presentation Other _____

Please send your event information to Leila Gamiz at MAG.

Fax: (602) 254-6490

E-mail: LGamiz@azmag.gov

Mail: Maricopa Association of Governments
302 N. 1st Ave, Suite 300, Phoenix, AZ 85003

All agencies will be sent an email confirmation. If you do not receive an email confirmation, please contact MAG at lgamiz@azmag.gov or by calling (602) 254-6300.