

MINUTES OF THE  
DOMESTIC VIOLENCE COUNCIL  
August 4, 2016  
MAG Office Building, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING –

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  
Andy LeFevre for 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  
Ariel Serafin for Jon Eliason, Maricopa  
County Attorney's Office  
Shaay Farago, Surprise City Prosecutor's  
Office  
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

#Elizabeth Herbert, City of Chandler  
Prosecutor's Office  
\*Lynette Jelinek, City of Glendale Fire  
Dept.  
\*Mary Lynn Kasunic, Area Agency on  
Aging  
\*Patricia Klahr, Chrysalis Shelter, Inc.  
\*Councilmember Sheri Lauritano, City of  
Goodyear  
Councilmember Kathy Littlefield, City of  
Scottsdale  
Myriah Mhoon for Governor's Office on  
Youth Faith and Family  
\*Gerardo Pena, Chicanos por la Causa  
\*Kerry Ramella, Phoenix Fire Department  
\*Iva Rody, El Mirage Police Department  
Councilmember Terry Roe, City of  
Chandler  
#Chief Steve Stahl, City of Maricopa Police  
Department  
Kathleen Sullivan, Town of Gilbert Police  
Department  
Alona Del Rosario for 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

- \* Those members neither present nor represented by proxy.
- # Attended by telephone conference call.
- + Attended by videoconference

## OTHERS PRESENT

Julie Bordelon, City of Phoenix  
Kristina Bunch, Goodyear Police  
Department  
Al Bravo, City of Apache Junction  
Chief Paul Chagolla, Maricopa County  
Sheriff's Office  
Kathleen Checchi, Maricopa County  
Sheriff's Office  
Sylvia Conchos, Federal Bureau of  
Investigations  
Teresa Fyffe, Phoenix Prosecutor's Office  
Larry Grubbs, Arizona Criminal Justice  
Commission  
Jamie Kessler, Maricopa County Attorney's  
Office Victim's Services  
# Deputy Susan Monroe, Maricopa County  
Sheriff's Office  
Kyle Nichol, Glendale City Court

# Ruby Palacios, Faith House Domestic  
Violence Shelter  
Chris Phelps, City of Glendale Court  
# Stephanie Smith, Peoria Police Department  
Victims Assistance Unit  
Lubna Tabassum, Arizona South Asians For  
Safe Families  
#Meshaun Robb, Sojourner Center  
Tamyra Spendley, City of Phoenix  
Janelle Versong, Maricopa County  
Attorney's Office  
Renee Werner, Maricopa County Sheriff's  
Office  
Jacqueline Zumach, The Salvation Army  
Brandee Mead, MAG  
Maria Pina, MAG  
Amy Robinson, MAG

### 1. Call to Order

Chair Barker, City of Chandler, called the meeting to order at 2:05 p.m.

### 2. Call to the Audience

Audience members were given an opportunity to address the Committee on items not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. No comments from the audience.

### 3. Approval of the June Meeting Minutes

Chair Barker asked for a motion to approve the June meeting minutes. The motion was made by Chief Steve Stahl, City of Maricopa Police Department, and seconded by Councilmember Terry Roe, City of Chandler. All voted and the motion passed.

### 4. Regional Plan to End Domestic Violence

Chair Barker invited Amy Robinson, MAG, to provide an update on the Regional Plan to End Domestic Violence. Ms. Robinson indicated that the Regional Plan to End Domestic Violence was last updated in 2010 with a five year scope. The 2016 plan will also encompass a five year scope. She indicated that after holding a number of community meetings to discuss ideas and input with stakeholders, the group has decided on some recommended strategies, and drafted a plan to end domestic violence. Ms. Robinson invited all stakeholders interested in reviewing and/or revising the document to attend the next meeting, scheduled for 9 am on Tuesday, August 16, 2016 at MAG. Ms. Robinson expressed that during that meeting, attendees would be presented with a draft version of the protocol, which contains not only the strategies, but the narrative and other reference pieces. Once the recommended changes from the group are incorporated into the document, the

draft will be presented during the next Domestic Violence (DV) Council meeting, slated for September.

#### 5. Regional Changes to Stalking Statute

Chair Barker invited Ariel Serafin, Maricopa County Attorney's Office to present an update on changes to the stalking statute. Ms. Serafin indicated that the legislative changes to the statute will help prosecute stalking cases. Labeled House Bill 2419, the amendment was signed into law on March 17, 2016, and it becomes effective August 6, 2016, at which time the definition of stalking is dramatically expanded to include the following:

- Victim's fears. Under the old law, the victim must fear the safety of his/herself or a specified person, or the death of his/herself or a specified person. The new law includes those fears, as well as injury or death of a pet or livestock, damage or destruction of property, or suffering emotional distress, which is the most significant change to the section. The old law specified that unless someone feared actual harm to his person or body, stalking had not been committed, even if someone feared their house would be burned down. This type of fear did not constitute fear for physical safety.
- Target of the conduct. The old law specified that the victim had to fear for self, a family member, or a person who regularly lives in the victim's home or who has lived in the victim's home in the past six months. The new law incorporates those fears, and has been expanded to include who the victim can fear for, such as pets/livestock and current/former romantic/sexual partners. The most common threats were to kill pets.
- Types of conduct. The old law had tight constraints on the types of conduct that were considered stalking. The law requires conduct that happens on two or more occasions, or surveillance of 12 or more hours, even if it occurred once. The old law stipulated that the only types of conduct that indicated stalking were: maintaining visual/physical proximity, direct threats, or using electronic or GPS devices to surveil a person or his/her wireless activity. The new law includes those, as well as electronically communicating images, or language directed at a person without his/her authorization and without a legitimate purpose. Harassing behavior, such as repeatedly sending harassing text messages or sending out nude pictures of the victim, could now qualify under the stalking statute.
- Nature of the conduct. This is not necessarily a substantive change to the law, but it is helpful in prosecuting these types of cases. The 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." In other words, a defendant isn't off the hook if he/she gets someone else to do his dirty work.
- Emotional distress. Defined under the new law as "significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling." Ms. Serafin indicated this may be the single most significant biggest change in the law.

Ms. Serafin concluded the update by citing several cases that were not considered stalking under the old law. She then presented on the Unlawful Distribution of Images, which was 2016 House Bill 2001. Commonly referred to as "revenge porn", unlawful distribution of images is described as videos or photographs of a person that are sexual in nature, which are shared with intent to harm the person. The law was signed with an emergency order, going into effect March 11, 2016, replacing an old version that was challenged for its constitutionality. Ms. Serafin summarized that 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. A few important requirements include:

- The state must prove that the purpose of the disclosure was to harm, harass, intimidate, threaten or coerce the depicted person;
- The depicted person must be identifiable either from the image itself or from information displayed in connection with the image; (Pictures with no surrounding context, or a picture with a person's head cut off or blurred do not fall under this statute.)
- The depicted person must have a reasonable expectation of privacy; (Persons who undress in public places, or persons who uploads the nude pictures/videos themselves cannot expect to have a reasonable expectation of privacy.)

Ms. Serafin concluded the presentation by indicating that unlawful distribution of images are a Class 4 Felony if disclosed electronically; a Class 5 Felony if disclosed non-electronically, and a Class 1 Misdemeanor for threats to disclose those images/videos. She added that an important consideration in the statute indicates that initially disclosing images to another person does not in of itself eliminate the expectation of privacy.

#### 6. Misdemeanor Protocol Model

Chair Barker invited Ms. Robinson to present an update on the Misdemeanor Protocol Model. Ms. Robinson expressed that the last review for the Misdemeanor Protocol Model was done in September, 2015. She welcomed the public to attend the next Community Review of the Protocol, slated for September 7, 2016 from 10:00-11:30 a.m. at MAG.

#### 7. Upcoming events and training

Ms. Robinson referred to the D.V. Awareness Month sign-up sheet, and requested anyone hosting a D.V. event to fill out the form so that MAG could create a calendar with the D.V. awareness events, fundraisers or trainings. In addition to promoting and sharing the calendar, MAG will also send out a list of recommended event types to all municipalities and partner agencies to provide information on becoming involved in D.V. awareness activities. Ms. Robinson expressed that in addition to the previously mentioned events, there were six other opportunities for participation or training. She indicated she would send out an email with details on the rest of the events. Some of the upcoming activities include:

- The next D.V. Risk Assessment Stakeholder Meeting is scheduled for August 5, 2016 from 10:30-12:30 at MAG. The group will meet with the project consultant, who will provide an overview of the results of the initial literature review and analysis, as well as some of the stakeholder interviews that were conducted. Ms. Robinson indicated that the meeting will serve as a "check in" with the stakeholder, providing an update on the consultant's progress.
- The annual training event for law enforcement and those working in the area of domestic violence. The free full day training is slated for August 18, 2016 at the Maricopa County Sheriff's Office (MSCO). Speakers from different agencies across the valley are scheduled to speak on a number of topics.
- The next D.V. Council meeting will take place on September 27, 2016 from 2:30-3:30 p.m. This meeting replaces October 6, 2016 meeting.
- The MAG annual D.V. press conference, scheduled for Friday, September 30, 2016. Ms. Robinson indicated MAG would be working with the City of Phoenix.

Chair noted how much the Council had accomplished: the Protocol, the continual updates, the Plan to End D.V., and others. She expressed being amazed and gratified at all the work that has been done, and that the work being done provides hope for the future. She encouraged the Council to continue working on the Plan.

8. Call to Action

Chair Barker indicated she was combining the next two agenda items (call to action and request for future Council agenda items). Seeing none, she requested any comments from the Council.

9. Requests for Future Agenda Items

Chair Barker indicated she was combining the next two agenda items (call to action and request for future Council agenda items). Seeing none, she requested any comments from the Council.

10. Comments from the Council

Chair Barker indicated she was combining the next two agenda items (call to action and request for future Council agenda items). Seeing none, she requested any comments from the Council.

Councilmember Terry Roe, City of Chandler, voiced his agreement about the progress that the Council had made, and applauded the openness of staff who are receptive and open on working together to improve the process, which is not always easy to do.

Myriah Mhoon, Governor's Office of Youth, Faith and Family, indicated that Governor Ducey would once again be lighting the State Capitol dome purple on October 3, 2016. She invited all to attend the D.V. Awareness event.

Yvonne Taylor, Arizona Coalition to end Sexual and Domestic Violence, announced her organization's joint conference with Arizona Coalition for Victim Services. The conference, "Reframing Our Movement, Unifying Our Approach and Response to Sexual Assault and Domestic Violence and Victims of Crime", will take place on September 14-16, 2016. More information can be obtained on Eventbrite or on azcvcs.net.

Sarah Youngblood, Community Legal Services (CLS), indicated that the Chandler D.V. Commission is hosting its annual D.V. Awareness events on September 28, 2016, which will be a breakfast at the Chandler Community Center. More details on the event, which focuses on dating violence, can be found on Eventbrite. She also alerted the Council that there was a proposal to have D.V. training during police training academy, not after recruits graduate from the program.

Chief Paul Chagolla, Maricopa County Sheriff's Office (MSCO), provided an update on the discussion on the possibility of pairing law enforcement with D.V. Advocacy groups. Since the last MAG meeting where that discussion took place, a Memo of Understanding (MOU) has been established to receive training with Chicanos por la Causa, De Colores Shelter. One course has been delivered, and additional curriculum is being developed for law enforcement officers. MSCO has also established an MOU with gopurple.org to develop training for law

enforcement. The next step is to perhaps establish an MOU for licensing to distribute their curriculum. He thanked the Council for being paired up with those fantastic partners.

Michelle, Sojourner Center, announced the Center's annual Hope Luncheon scheduled for Friday, October 14, 2016. More information is available on [www.sojournercenter.org](http://www.sojournercenter.org).

Hearing no additional comments, Chair Barker adjourned the meeting at 2:47 pm. The next meeting of the MAG Regional Domestic Violence Council will be held on Tuesday, September 27, 2016 at 2:00 p.m. in the Saguaro Room at MAG.