

**Arizona Criminal Justice Commission**  
**Minutes**  
**January 19, 2012**

A public meeting of the Arizona Criminal Justice Commission was convened on January 19, 2012 at the 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff  
Daniel G. Sharp, Chief, Oro Valley Police Department  
John Armer, Gila County Sheriff, Claudia Dalmolin representing  
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing  
David Byers, Director, Administrative Office of the Courts  
Clarence Dupnik, Pima County Sheriff, Warren Alter representing  
Robert Halliday, Director, Department of Public Safety  
Tom Horne, Attorney General, Jim Keppel representing  
Robert Huddleston, Chief, Casa Grande Police Department  
Barbara LaWall, Pima County Attorney by conference call  
Bill Montgomery, Maricopa County Attorney  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer, Errol Dimenstein representing by conference call  
Linda Scott, Former Judge  
George Silva, Santa Cruz County Attorney, by conference call  
Carl Taylor, Coconino County Supervisor, by conference call

Members Absent:

Duane Belcher, Chairperson, Board of Executive Clemency

Staff Participating:

John A. Blackburn, Jr., Executive Director  
Larry Grubbs, Program Manager  
Tony Vidale, Program Manager  
Wendy Boyle, Executive Secretary

**I. Call to Order and Roll Call**

The meeting was called to order by Chairperson Ralph Ogden at 1:40 p.m. Roll was taken and a quorum was declared present.

**II. Minutes of the November 10, 2011 Meeting**

Chairperson Ogden called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the November 10, 2011 meeting. The motion was seconded by Designee Jim Keppel and was unanimously approved by the Commission.

**III. Election of a Chairperson and Vice Chairperson**

Executive Director Blackburn stated that at the November 2011 meeting the nomination for the position of Chairperson and Vice Chairperson was opened. Vice-Chairperson Daniel Sharp had expressed interest in serving as Chairperson of the Commission and there were no other nominations given. Executive Director Blackburn advised a formal vote on the Chairperson position was required.

Designee Warren Alter entered a motion to elect Commissioner Daniel Sharp as Chairperson of the Commission. The motion was seconded by Commissioner Robert Huddleston and was unanimously approved by the Commission.

Executive Director Blackburn reported that Commissioner Bill Montgomery was nominated for the position of Vice Chairperson of the Commission. Executive Director Blackburn stated the Commission would need a motion and a vote to elect the Vice Chairperson position. There were no other nominations made. Newly elected Chairperson Sharp then asked for a motion.

Commissioner Robert Huddleston entered a motion to elect Commissioner Bill Montgomery as Vice-Chairperson of the Commission. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

**IV. Executive Director's Report**

**A. Staff and Program Updates**

Executive Director Blackburn reported that Wendy Kasprzyk-Roberts, Grants Coordinator accepted a position with Coconino County. Staff is recruiting for the Public Information Officer opening and will start interviewing applicants the first week in February. After the job posting is filled, staff will focus attention on filling the vacant grants coordinator position. In the meantime, Janice Simpson is assisting with the Crime Victim Services program and Joe Easton who is on contract with ACJC is helping out with legislative matters.

ACJC welcomed four new interns to the agency. Jeremy Jack, Jennifer Chambers, Katie Grzybowski will be assisting the Statistical Analysis Center and Avangelina Rogut will be working with Mr. Easton on legislative issues.

Executive Director Blackburn explained there are signs that the private sector is improving, this makes it difficult for the state to offer competitive salaries to applicants. There is also a hiring freeze; however, ACJC is able to post the vacancies since there is a critical need and the agency is below staffing levels.

## **B. Budget Update**

Executive Director Blackburn stated that ACJC received the baseline budget which remains the same as last fiscal year. Staff will be monitoring a continuation of last year's budget activity that included fund reduction and transfers (FRATS) as well as budget sweeps in the legislature. There are no scheduled hearings for ACJC; however, staff will schedule meetings with legislators to discuss the direction the government will take this year.

On the federal side, the Byrne/JAG funding has been cut by fifty percent since 2010. The program is up for reauthorization this year; however, because of the election season there may not be reauthorization of programs or bills. ACJC is reaching out to educate the congressional delegation on the negative impact the cuts have on Arizona. Executive Director Blackburn discussed the 10 percent penalty that Arizona received for not meeting the guidelines of the Sex Offender Registry Notification Act (SORNA). Arizona was one of three states (California and Texas) that did not apply for the penalty money to come back to the state.

## **C. Legislative Update**

Executive Director Blackburn provided the state and federal legislative review.

On the state front, there are 833 bills and 70 resolutions posted currently. Executive Director Blackburn reported ACJC is tracking 81 bills in the House and 30 bills in the Senate.

On the federal front, the National Justice Criminal Association, (NCJA) designated the tax intercept bill as a priority. There were objections to the negative impact to other programs; however, lawmakers were able to show the information was inaccurate so the bill has a chance to move next year.

The Executive Director's Report was presented for informational purposes and did not require Commission action.

## **V. Criminal Justice Enhancement Fund (CJEF) Guidelines**

Executive Director Blackburn gave a historical recap on the Criminal Justice Enhancement Fund (CJEF) rules. ACJC's authority to make rules over CJEF had been removed in 1994 under A.R.S. § 41-2405 (A) (8) in HB 2113. The rules were repealed in 1996 by ACJC; however, the bill neglected to remove references to ACJC rulemaking which brought confusion as to who had rules in place to govern allegations and reporting requirements. In 2009, HB 2010 removed the Department of Corrections from A.R.S. § 41-2401 (D) (9) and those state monies now go directly to the county sheriffs. There were no state rules guiding funding disbursements or use of funds only annual reporting to ACJC.

Executive Director Blackburn stated that the legislature amended A.R.S. § 41-2405(A) (8) which indicates ACJC is to make rules regarding allocation of monies in CJEF. The Governor's Regulatory Review Council (GRRC) approved a rulemaking process for handling and allocating fund monies directly to the Department of Law, Department of Public Safety, Supreme Court, and County Sheriffs. The administrative rules process took over a year and became effective in September 2011. All agencies required to submit guidelines for the Commission approval complied; the Attorney General's Office, the Administrative Office of the Courts, the Arizona Sheriffs Association, and the Department of Public Safety.

The Commission review the guidelines submitted by the Attorney General's Office for handling the CJEF monies to county prosecutors. After review and discussion, Commissioner Bill Montgomery entered a motion to return the Attorney General's CJEF guidelines for redrafting and to have the Commissioners meet with the Attorney General's Office staff to help assist in writing the procedures. The motion was seconded by Designee Jim Keppel and was unanimously approved by the Commission.

The Commission reviewed the guidelines submitted by the Administrative Office of the Courts for the Case Processing Assistance Fund (CPAF). After review and discussion, Commissioner Ralph Ogden entered a motion to accept the program guidelines for the Case Processing Assistance Fund procedures as presented. The motion was seconded by Commissioner Robert Huddleston and was unanimously approved by the Commission.

The Commission reviewed the guidelines submitted by the Arizona Sheriffs Association for the Jail Enhancement Funds process.

After review and discussion, Commissioner Ralph Ogden entered a motion to accept the Jail Enhancement Funds guidelines as presented. The motion was seconded by Commissioner Bill Montgomery and was approved by the Commission with Commissioner Carl Taylor opposing.

The Commission reviewed the guidelines submitted by the Department of Public Safety for the allocation of the CJEF monies to law enforcement authorities for the purpose of enhancing projects designed to prevent residential/commercial burglaries and to control street crime.

Commissioner Ralph Ogden entered a motion to accept the CJEF guidelines as presented by the Department of Public Safety. The motion was seconded by Designee Warren Alter and was unanimously approved by the Commission.

## **VI. Crime Victim Assistance Program**

### **A. FY13 Crime Victim Assistance Program Funding Level**

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to set the program level for the Crime Victim Assistance Grant Program for FY 2013 at \$1,020,000. Mr. Grubbs explained the recommended funding level is the same amount allocated to the program for the current fiscal year. The Commission was referred to Table VS1 on page 33 of the agenda that reflects the financial status of the Crime Victim Compensation and Assistance Fund.

Mr. Grubbs reviewed how a \$96,047 shortfall is projected for the Victim Assistance Program at the end of FY 2013; however, there is a chance the \$307,500 fund sweep included under the FY 2013 Victim Compensation Program could be eliminated so funds could cover the Victim Assistance Program shortfall. Mr. Grubbs explained that as the difference between revenue and the program level continues to spread, staff and the commission will need to take action this year to address the shortfall.

Commissioner Linda Scott entered a motion to approve the funding level at \$1,020,000 for the FY 2013 Crime Victim Assistance Grant Program. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

### **B. Implementation of Crime Victim Assistance Funding Priorities**

Larry Grubbs, Program Manager provided an overview of the Victim Assistance Grant Program funding priorities that were approved at the November 2011 Commission meeting; the priorities are outlined in Table VS2 on page 35 of the agenda. Table VS3 on page 36 of the agenda depicts the revised scorecard for the Victim Assistance Grant application. This version shows increased scoring opportunities in areas such as Compensation Claims Assistance, Coordination Efforts, Goals and Objectives, Program Performance History; additionally, the Emerging Issue funding priority is listed as well. Mr. Grubbs stated that ACJC staff will host a public orientation meeting for the Crime Victim Assistance Program on January 23, 2012; attendees will have the opportunity to ask questions regarding the impact the priorities this associated scoring may have on the process.

This agenda item was presented for informational purposes and did not require Commission action.

### **C. FY13 Crime Victim Assistance Emerging Issue Funding Priority**

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to not designate an emerging issue or underserved victim population as a funding priority for the FY 2013 Crime Victim Assistance grant program. Mr. Grubbs stated there was discussion at the Crime Victims Committee meeting and the committee members expressed concern over the point value assigned and whether or not a single emerging issue or population could be successfully identified for the state victim assistance program. There was also discussion to have the Commission possibly revisit the funding priorities.

Commissioner Bill Montgomery motioned to approve a designated funding priority for the FY 2013 grant period. After discussion, the motion was withdrawn.

Next, Commissioner Barbara LaWall entered a motion to not support designating an emerging issue as a funding priority for the FY 2013 grant period. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

### **VII. FY12 Crime Victim Compensation Fund Reallocation**

Larry Grubbs, Program Manager acknowledged that the Commission approved in May 2011 transitioning operational unit compensation fund distributions to a monthly reimbursement process. The capability of program staff to closely observe the statewide expenditures and ask for an adjustment towards the initial allocation on an as needed basis is an advantage to the process. Mr. Grubbs explained the purpose of the adjustment is to reallocate compensation funding to counties with the high demand to expend the additional compensations funds by the end of the fiscal year. The Committee was directed to Table VS4 on page 39 of the agenda that showed the proposed FY 2012 figures for each county based on the expenditures for the first six months of the fiscal year and total expenditures for the prior fiscal year that were provided by the county programs.

Commissioner Linda Scott entered a motion to approve the compensation funds for the current FY 2012 to be reallocated in accordance with Table VS4 of the agenda with the stipulation that the reserve amount be distributed to operational units as needed for the remainder of the fiscal year. The motion was seconded by Commissioner Robert Huddleston and was unanimously approved by the Commission.

### **VIII. Crime Victim Assistance and Crime Victim Compensation Rulemaking Dockets**

Larry Grubbs, Program Manager reported that A.R.S. § 41-1056 requires each agency to review its rules every five years to determine whether any rule should be amended or repealed. Mr. Grubbs stated the victim assistance rules should require minor revisions; however, the victim compensation rules may need more extensive changes. The Commission reviewed and discussed the timeline found on page 41 of the agenda; the process is scheduled to be completed by the end of 2012. A workgroup of county compensation program coordinators will meet on a monthly basis between January and May to address the proposed changes within the compensation program rules; additionally, feedback on the proposed rule changes will be gathered from the county board members as well.

Commissioner Linda Scott entered a motion to approve rulemaking dockets be opened for the Crime Victim Assistance Program and the Crime Victim Compensation Program. The motion was seconded by Designee Warren Alter and was unanimously approved by the Commission.

### **IX. Arizona Victimization Survey Funding**

Larry Grubbs, Program Manager reviewed that ACJC staff presented information on the Arizona Victimization Survey to the Commission in November 2011 and requested that the Commission consider providing additional funding support to expand the survey to include a representative sample from each of the 15 Arizona counties. The Arizona Statistical Analysis Center was awarded a grant from the FFY 2011 State Justice Statistics Program to conduct an Arizona Victimization Survey. It includes \$70,000 to administer the survey to Maricopa and Pima counties as well as a statewide sample. The total cost is projected to be \$250,000. The Commission tabled the action item and directed ACJC staff to provide additional information addressing concerns related to funding for the Arizona Victimization Survey which included: 1) Providing justification of the need for a statewide survey; 2) Confirming the participation of other fund sources; and 3) Demonstrating how the survey will impact the victim compensation program, victim service providers, and the criminal justice system.

Mr. Grubbs covered the first item of information by addressing how the federal government as well as ACJC is moving the program towards a model of evidence based practices and data driven decisions. Addressing participation by other fund sources, Mr. Grubbs stated that ACJC staff met with the Department of Public Safety (DPS). The agency indicated that the information could be valuable; however, they could not commit to funding at this time. DPS would like to see the results of the survey and if useful, would consider funding a second Arizona Victimization Survey. ACJC staff also contacted the Governor's Office of Children, Youth and Families; however, the attempt was unsuccessful. Based on the feedback received by the Committee and Commission at the November 2011 meeting and the outcome of the meeting with DPS, Mr. Grubbs recommended that the Arizona Victimization Survey proceed as originally intended under the federal award.

Commissioner Ralph Ogden entered a motion to not approve using additional funding from the Crime Victim Compensation and Assistance Fund to support the Arizona Victimization Study. The motion was seconded by Designee Warren Alter and was unanimously approved by the Commission.

### **X. Funding Priorities for FY 2013 Drug, Gang and Violent Crime Control Grant**

Tony Vidale, Program Manager stated that at the November 2011 Commission meeting, the Commission approved the Arizona 2012-2015 Drug, Gang and Violent Crime Control Strategy. The strategy includes goals, purpose areas, and strategic principles that assist in making allocation decisions. The Commission has the opportunity each year to set the funding priorities before the grant solicitation is opened.

Mr. Vidale presented the recommendation of the Drug, Gang and Violent Crime Committee of using a tiered system to establish the funding priorities. Each purpose area would be structured under three tiers: 1) Tier I Project: Apprehension and Prosecution; 2) Tier II Project: Forensic Support Services, Adjudication and Sentencing, Corrections and Community Corrections; or 3) Tier III Project: Substance Abuse Treatment for Corrections-Involved Individuals, Prevention and Education. The purpose areas and definitions were outlined for the Commission as well as the strategic principles for the projects.

Mr. Vidale explained that Tier I projects would receive the primary focus in the allocation of funding. The funding recommendation reflects the general strategic principles outlined in the strategy. Projects do not have to include all of the strategic principles; however, the stronger projects will reflect as many of these qualities as possible.

Designee Jesse Locksa entered a motion to approve the use of a tiered system for the funding priorities for the FY13 Drug, Gang and Violent Crime Control Grant as listed on page 45 of the agenda. The motion was seconded by Designee Jim Keppel and was unanimously approved by the Commission.

**XI. Call to the Public**

Chairperson Sharp made a call to the public. Lt. John Bailey, Maricopa County Sheriff's Office and Assistant Chief Kevin Robinson, Phoenix Police Department spoke about the transition of the AZ Link project from ACJC to another law enforcement agency and how the group has developed as an information sharing tool. Designee Jesse Locksa also gave a historical recap of how AZ Link began.

**XII. Date, Time, and Location of Next Meeting**

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 22, 2012 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**XIII. Adjournment**

The meeting was adjourned at 3:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Blackburn, Jr.", written in a cursive style.

John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.