

Arizona Criminal Justice Commission
Minutes
January 20, 2011

A public meeting of the Arizona Criminal Justice Commission was convened on January 20, 2011 at the 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Daniel G. Sharp, Chief, Oro Valley Police Department, Vice-Chairperson, Larry Stevens representing
John Armer, Gila County Sheriff
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Dave Byers, Director, Administrative Office of the Courts
Clarence Dupnik, Pima County Sheriff, Warren Alter representing
Robert Halliday, Director, Department of Public Safety, Dennis Young representing
Tom Horne, Attorney General, James Keppel representing
Robert Huddleston, Chief, Casa Grande Police Department
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Bill Montgomery, Maricopa County Attorney
Charles Ryan, Director, Department of Corrections, Charles Flanagan representing
David Sanders, Pima County Chief Probation Officer, by conference call
Linda Scott, Former Judge
Carl Taylor, Coconino County Supervisor, Lena Fowler representing

Members Absent:

Joseph Arpaio, Maricopa County Sheriff
George Silva, Santa Cruz County Attorney

Staff Participating:

John A. Blackburn, Jr., Executive Director
Larry Grubbs, Program Manager
Mary Marshall, Public Information Officer
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 1:30 PM. Roll was taken and a quorum was declared present. Next, Chairperson Ogden presented a plaque to former Commissioner Terry Goddard in honor of his participation on the Commission and his years of public service.

II. Minutes of the November 18, 2010 Meeting

Chairperson Ogden called for a motion to adopt the minutes. Commissioner Dave Byers moved to approve the minutes of the November 18, 2010 meeting. The motion was seconded by Commissioner John Armer and was unanimously adopted by the Commission.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn introduced Julie Podnar, IT Specialist and Brendan Corrigan, Legislative intern as new ACJC staff.

B. Budget Update

Executive Director Blackburn reviewed the proposed budget recommended by the Governor. A chart including ACJC budget reductions and fund transfers for FY08-FY12 was also presented. The Governor has recommended eliminating the Fill the Gap Special Revenue for County Attorneys and Indigent Defense by redirecting revenue to the Public Safety Equipment Fund in FY12. The same recommendation would also eliminate the Drug Prevention Resource Center Agency, with continued sweeps of the DUI Abatement, CJEF, DEA, Victim Compensation and Victim Assistance funds.

C. Legislative Update

Mary Marshall, Public Information Officer gave an overview of federal legislation. In December, Ms. Marshall and Executive Director Blackburn travelled to Washington to meet with federal stakeholders; they were informed that grant funded programs such as Byrne/JAG may be targeted for budget reduction. Congress passed a short term continuing resolution that extends federal funding at the FY10 level through March 4, 2011. ACJC will provide the Enhanced Drug and Gang Enforcement (EDGE) report to Arizona narcotics officers who will be travelling to Washington to speak to state delegations regarding the impact funding has on deterring drug trafficking in Arizona.

On the state front, more than 700 bills have been dropped at the legislature. Ms. Marshall stated that ACJC is once again holding the legislative liaison meetings every week until the session is over.

In November, the Commission voted to have ACJC seek sponsorship of the legislative item that relates to the National Instant Criminal Background Check System (NICS); currently Arizona does not meet the requirements of the act. Arizona allows a person who was found to constitute a danger to him and others the opportunity to restore the person's right to possess a firearm on a showing that the person no longer suffers from the mental disorder. Ms. Marshall reached out to the National Rifle Association (NRA) liaison who wrote the federal legislation and the Alcohol Tobacco Firearms (ATF) who wrote the compliance guidelines. After the Tucson tragedy, Ms. Marshall received a call from Representative Jack Harper declining to meet and discuss sponsorship of the bill. Later it was learned that the NRA was moving forward with the sponsorship; however, their model legislation differed from ACJC's language. The key differences were: 1) an appeal to no vote which the Administrative Office of the Courts (AOC) was opposed; and 2) change to lower the evidentiary standard from Arizona's current clear and convincing evidence to the preponderance of the evidence which is a concern for prosecutors. ACJC reached out to the NRA explaining the expressed concerns regarding the revised language and stakeholders contacted the legislative leadership. Jerry Landau, AOC is working with the NRA legal department on the appeal to no vote the issue. Mr. Landau is also recommending revising the language to meet the funding ability

without compromising public safety. He proposes this can be accomplished by meeting the federal requirements to establish procedures to allow persons with disabilities relating to mental health to obtain relief from such disabilities for purposes of firearms eligibility.

D. Commission Appointments

Executive Director Blackburn reviewed how the Governor appoints 14 of the 19 Commissioners with the new appointments to begin every two years and terminate when the first regular session of the legislature is convened. The Commissioners are comprised of county or elected officials and the remaining five are criminal justice agency heads. Executive Director Blackburn explained that ACJC has contacted the Governor's Office of Boards and Commissions for the reappointments and will contact the Commissioners once the Governor has reappointed the positions. Also, Bill Montgomery, Maricopa County Attorney; and Tom Horne, Attorney General represented by James Keppel; were acknowledged as new commission members.

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

IV. Policy and Procedure for the Selection of Chairperson and Vice Chairperson

Executive Director Blackburn updated the Commission on the modifications to the Policy and Procedure document for the Selection of Chairperson and Vice Chairperson. The revisions to the policy and procedures will achieve the following: 1) ensure ACJC is in compliance with the open public meeting law; 2) that the nominations or statement of interest will be made in the open meeting or directly to the Executive Director in the time frame established; 3) the position of Chairperson or Vice Chairperson will be open if the Commission decides the Vice Chairperson is nominated for Chairperson; and 4) that nominations will need to be made for those expressing interest in either position in open meeting by voice vote.

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

V. 2010 Enhanced Drug & Gang Enforcement (EDGE) Report

Tony Vidale, Program Manager presented the Enhanced Drug and Gang Enforcement (EDGE) Report. Mr. Vidale explained that by statute, the EDGE report is required to be produced and submitted to the Legislature. Arizona statute established the Drug and Gang Enforcement Account for the purpose of enhancing efforts to deter, investigate, prosecute, adjudicate and punish drug offenders. The specific sources that make up the account contain: 1) federal monies under the Byrne Justice Assistance grant; 2) fines collected for felony drug convictions; 3) legislative appropriations; and 4) local match monies that are paid under the grant program. Mr. Vidale also presented an overview of the report that consists of the following sections: 1) Drug and Gang Enforcement Account covering the funding and approved grant awards; 2) Apprehending Drug Offenders highlighting the arrest activity and drug removals; 3) Prosecuting Drug Offenders as it relates to conviction, activity and sentencing data; 4) Account History that addresses the past years' activities of the Byrne/JAG program; 5) Criminal Records Improvement that provides funds for hardware, software and consultant expertise to improve the criminal justice records systems; 6) Drug Activity segment that provides a high level commentary on Arizona's drug trafficking problem; and 7) Arizona Youth Survey highlighting data on substance abuse among 8th, 10th and 12th grade students. The remainder of the report covers the individual agency profiles; including grant projects that detail funded amounts, sources, and activity data.

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

VI. Crime Victim Assistance Program Funding Level FY2012

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission set the FY2012 funding level for the Crime Victims Assistance Grant Program at \$1,020,000. Mr. Grubbs stated the recommended funding level is the same amount allocated for the current 2011 fiscal year. The Commission was referred to a table on page 16 of the agenda that outlined the financial status of Crime Victim Assistance Program. Mr. Grubbs explained that the funding level is subject to legislative approval.

Commissioner Linda Scott moved that the Commission approve the funding level for the Crime Victim Assistance Program for FY2012 be set at \$1,020,000. The motion was seconded by Designee Charles Flanagan and was unanimously adopted by the Commission.

VII. Call to the Public

Chairperson Ogden made a call to the public. No members of the audience addressed the Commission.

VIII. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 24, 2011 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

IX. Adjournment

The meeting was adjourned at 2:10 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director