

**Arizona Criminal Justice Commission  
Minutes  
March 20, 2014**

A public meeting of the Arizona Criminal Justice Commission was convened on March 20, 2014 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**Members Present:**

Bill Montgomery, Chairperson, Maricopa County Attorney  
David Byers, Vice Chairperson, Director, Administrative Office of the Courts, Jerry Landau representing  
Joseph Arpaio, Maricopa County Sheriff, Jack MacIntyre representing  
Joe Brugman, Chief, Coolidge Police Department  
Clarence Dupnik, Pima County Sheriff, Paul Wilson representing  
Chris Gibbs, Mayor, City of Safford  
Robert Halliday, Director, Department of Public Safety  
Tom Horne, Attorney General, Andrew Pacheco representing  
Drew John, Graham County Supervisor  
Barbara LaWall, Pima County Attorney  
Brian Livingston, Chairperson, Board of Executive Clemency  
Sheila Polk, Yavapai County Attorney  
William Pribil, Coconino County Sheriff, Cathy Allen representing by conference call  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by conference call  
Daniel G. Sharp, Chief, Oro Valley Police Department, Larry Stevens representing  
Steven Sheldon, Former Judge  
Mark Spencer, Law Enforcement Leader

**Members Absent:**

Timothy Dorn, Chief, Gilbert Police Department

**Staff Participating:**

John A. Blackburn, Jr., Executive Director  
Matt Bileski, Research Analyst II, Statistical Analysis Center  
Andy LeFevre, Public Information Officer  
Larry Grubbs, Program Manager  
Shana Malone, Senior Research Analyst, Statistical Analysis Center  
Phil Stevenson, Director, Statistical Analysis Center  
Wendy Boyle, Executive Secretary

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

The meeting was called to order by Chairperson Bill Montgomery at 1:30 p.m. Roll was taken and a quorum was declared present.

**II. Minutes of the January 23, 2014 Meeting**

Chairperson Montgomery called for a motion on the minutes. Commissioner Joe Brugman entered a motion to approve the minutes of the January 23, 2014 meeting. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

**III. Executive Director's Report**

**A. Staff and Program Updates**

Executive Director Blackburn provided a staff and program update. Megan Armstrong was hired as a Research Analyst I in the Statistical Analysis Center replacing Irene Griffin who accepted a position in the private sector. Ms. Armstrong had been working at ACJC as an AZDHS Fellow. ACJC worked with the Department of Administration (DOA) in awarding staff a small one-time payment based on merit or a grade adjustment; the majority of the funding for this payment was derived from vacancy savings. Debby Finkel, Grant Coordinator retired from ACJC earlier and agreed to work part-time to close out grants. The grants are completed and she will be retiring at the end of the month.

Executive Director Blackburn reviewed the new standing committee assignments with Commissioners. Staff has been fully engaged in all levels of grant processing, announcing, applying and evaluating.

Matt Bileski, Research Analyst II, Statistical Analysis Center (SAC) gave a tutorial on the E-TAG Grant Management System (GMS) tool that searches both current and closed grants by program area, agency type, geographical location or fiscal year.

**B. Budget Update**

Executive Director Blackburn noted since the critical issue requests from ACJC were not recommended for funding in the Governor's proposal, ACJC staff continues to discuss the importance of the Records Improvement projects with legislators and stakeholders. Federal funds are being used to support both the Records Improvement and National Instant Criminal Background Check System (NICS) projects. Staff is also working with Representative John Kavanagh to change the language of the Arizona Prevention

Resource Center statute to direct funding to support the research efforts of the SAC. Presently the funding is designated to support the Arizona Youth Survey only and having the mechanism in place will allow for additional funding on all SAC projects.

### **C. Legislative Update**

Executive Director Blackburn gave an update on federal issues. The Byrne/JAG funding level has been decreased to \$319M. There will also be a 10 percent penalty for not meeting the guidelines of the Sex Offender Registration and Notification Act (SORNA) and a five percent penalty for non-compliance for the Prison Rape Elimination Act (PREA) that will be applied to this year's Byrne/JAG grant allocation.

Executive Director Blackburn provided an overview of the difficulties that states are experiencing with PREA compliance. There are no trained auditors to implement a full review of the prisons, and it will take three years before the completion of any audit can be applied so Governors are not willing to sign off on the required certification. The Commission asked staff to work with the Department of Corrections (DOC) and the Governor's Office in drafting a letter to our Arizona delegation to certify the funds would be used for compliance to PREA.

Andy LeFerve, Public Information Officer reported there were 1204 bills introduced in the state legislature, 739 have not been heard in committee, and 43 are pending action. ACJC also tracked 123 bills that included Title 13 – criminal code, Title 12 – courts and civil proceedings, and Title 41 – state government.

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

## **IV. HB2322**

Executive Director Blackburn discussed the NICS legislation, HB 2322 and the legislative process update. The recommendation before the Commission is to consider taking action on the NICS bill. ACJC would attempt to have a striker added to another bill dealing with the law enforcement notification portion that the Commission approved, which was removed from the current version of HB 2322.

Executive Director Blackburn stated ACJC staff worked with the National Rifle Association (NRA), the Arizona Rifle and Pistol Association, Arizona Citizen Defense League and other stakeholders on the bill. Although the bill was stripped of the language that allowed for law enforcement notification of prohibited possessors, it passed through the senate committee and will go to the senate floor. NRA and Arizona Rifle and Pistol Association are supporting the bill.

Andy LeFevre, Public Information Officer presented the changes on the two versions of the bill to what the Commission requested in the provisions and what the bill does. The bill was identified with two mental health areas reported to the NICS system. The bill specifies that the courts control the mental health information which flows to the Department of Public Safety (DPS), and from DPS to NICS. The bill identified language that would allow DPS to send notification to law enforcement officers as a flag in the system so if someone was found to have a mental ruling by the court, law enforcement officers would be aware of it. The bill also would have a mechanism for law enforcement officers to increase the prohibited possessor language to include these offenses so that law enforcement would have the option to seize the weapon.

Mr. LeFevre explained that Representative Justin Pierce as well as the other stakeholders were uncomfortable with the extension of the prohibited possessor language and the law enforcement notification. The compromise to the bill was to report the mental health information to the NICS system. Currently the bill has passed through the senate public safety committee and is close to the end of the process.

Executive Director Blackburn also stated as far as the law enforcement notification in locating a striker, staff could ask that the flag system be put in place with the same provision for law enforcement to run a query that shows the identifier of a prohibited possessor.

The Commission discussed passing the bill on what has been signed off by the stakeholders, see how the data collection and transmission will work and add the law enforcement notification in the next legislative session. There was a consideration on keeping the NICS bill as it stands, contacting the stakeholders about the potential of a striker for adding the push notification for law enforcement and keeping the two items separate.

Chairperson Montgomery summarized the action the Commission reviewed, to provide guidance on pursuing a striker for the law enforcement notification with direction to reach out to the stakeholders first to determine their agreement.

After discussion, Commissioner Brian Livingston entered a motion directing ACJC staff to contact stakeholders to determine whether or not a striker would permit law enforcement notification for the mental health adjudication mechanisms so Title 36, Rule 11, Title 14 would be the source and information provided to law enforcement to identify. The motion was seconded by Designee Andrew Pacheco and was unanimously approved by the Commission.

## **V. FY14 Crime Victim Compensation Funding Reallocation**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that available crime victim compensation funds for the current FY14 be reallocated to the operational units in accordance with Table VS-1 on page 13 of the agenda.

Mr. Grubbs reported the purpose of the reallocation is to allocate compensation funding to those counties with high enough demand to expend additional compensation funds by the end of the fiscal year. Gila, Mohave and Pima counties submitted requests for reallocation in the amount of \$70,000.

Mr. Grubbs stated that the three counties experienced unusually high compensation benefit requests during the first half of FY14. Gila County had two violent victimizations that resulted in high medical expenses, Pima County received a backlog of medicals claims from a medical provider for processing, and Mohave County received compensation claims related to thirteen homicides during the first six months of the fiscal year.

Mr. Grubbs identified the two funding options and how they could be used to cover the reallocation amount. First, after the final reimbursement requests are submitted for FY14 in July, staff would reallocate any unspent state funds remaining to cover the requested reallocation amounts. The allocation adjustment will be less than or equal to the allocation adjustment total amount in Table VS-1 at \$70,000. Second, if the unexpended balance of county allocations does not cover the total requested re-allocation amount, the \$50,000 reserve included in the FY14 total crime victim compensation program size will be used to cover the shortfall.

Designee Paul Wilson entered a motion to approve the reallocation of available compensation funds for the current FY14 to the three counties using the fund sources identified in accordance with Table VS-1 on page 13 of the agenda. The motion was seconded by Commissioner Barbara LaWall and was unanimously approved by the Commission.

## **VI. FY15 Crime Victim Compensation Program**

### **A. State & Federal Program Allocation Amount**

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee that the total state and federal allocated funding for the FY15 Crime Victim Compensation Program be set at \$3,942,500 including \$2,542,500 in state compensation funds and \$1,400,000 in federal VOCA compensation funds. The recommendation mirrors the same funding level as FY14.

Mr. Grubbs addressed how the decreased funding balance from one year to the next was a concern last year for the Commission. Staff is addressing the decreasing fund balance with several initiatives at the program level to reduce overall expenditures. The Affordable Care Act and increased Arizona Health Care Cost Containment System (AHCCCS) enrollment is projected to have a significant impact on medical expenditures. However, at this point it is difficult to predict the degree of statewide impact.

Mr. Grubbs stated staff is working with the county victim compensation programs to increase restitution collections, and staff is working with county programs to establish a rate schedule for medical and funeral expenses.

Commissioner Chris Gibbs entered a motion to approve the total funding for the FY15 Crime Victim Compensation Program be set at \$3,942,500 and expended in accordance with the budget on page 15 of the agenda. The motion was seconded by Commissioner Barbara LaWall and was unanimously approved by the Commission.

### **B. Program Administrative Allocation**

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to increase the total state administrative funding from \$450,500 to \$493,100. Since 2007, the county compensation program administrative workload has increased as a result of rule changes implemented in 2008 and 2013 requiring additional investigation and substantiation of compensation claims. The additional allocation of administrative funds would go to counties based on a claim processing workload analysis and county level personnel costs.

Mr. Grubbs directed the Commission to Table VS-3 on page 18 of the agenda and explained that staff considered the following factors in developing the administrative allocation amounts: 1) attempt to fully fund county costs for claim processing activities; 2) the claim processing efforts calculated against actual personnel costs submitted; 3) programs where current administrative allocation is over the amount calculated for claim processing activities will not experience a reduction in support; 4) maintain an annual administrative percentage of state compensation funds below 20 percent, and 5) increases were limited to 10 percent of current county administration allocations.

Commissioner Barbara LaWall entered a motion to approve the total state crime victim compensation program administrative funds be set at \$493,100 and allocated by county as listed in Table VS-3 of the agenda effective starting FY 2015. The motion was seconded by Designee Paul Wilson and was unanimously approved by the Commission.

### **C. Revised Administrative Expenditure Policy**

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to modify the administrative funds policy for the crime victim compensation program effective FY 2015. The proposed changes are a result of staff analysis and feedback from the county programs gathered at site visits, quarterly meetings and the results from the survey administrated in July 2013.

Mr. Grubbs noted the suggested changes to the Crime Victim Compensation Program Administrative Funds Policy on page 20 of the agenda. In the first paragraph, **administrative expenses are limited to a set amount of approved by the Commission**, the keyword **annually** was removed from the language. The other noted changes were to allow salary and **employee related expenses**, remove the activities specific language of **claims and completing Crime Victim Compensation reports**, remove specific language of **automated data processing** and leave the keyword **equipment**, remove **office** and leave the keyword **supplies**, and add the language **food and drink costs are not permitted**.

Mr. Grubbs pointed out the two specific changes in the administrative expenditure policy include allowing **program outreach** as an administrative cost, and the clarification and broadening of the amount of administrative funds that can be used for travel for purposes of training for board members and program staff.

Mr. Grubbs explained the existing language was restrictive in stating that training could only be used for the Crime Victim Compensation National Conference and that there are other related trainings throughout the year that can be beneficial such as the National Organization for Victim Assistance (NOVA) conference or the Arizona Victim Assistance Academy.

The Commission had questions on the conflicting changes to the specific language, specifically to **claims and completion of reports** section being removed from the administrative funds policy, where earlier part of the program administrative allocation was approved for the claim processing.

Mr. Grubbs explained the modification of the administrative funds policy was to allow flexibility to support the other activities such as training and outreach whereas the current language limited the processing of claims and completing reports only.

Designee Andrew Pacheco entered a motion to approve the state crime victim compensation program administrative funds be spent in accordance with the revised Administrative Funds Policy included in the agenda that will be effective for FY 2015. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

## **VII. Prescription Drug Misuse and Abuse Initiative**

Phil Stevenson, Director, Statistical Analysis Center introduced the results of the first 24-26 months of activities of the Arizona Prescription Drug Misuse and Abuse Initiative of the implementation sites. Mr. Stevenson acknowledged the commitment of partners in Yavapai, Pinal, Graham, Greenlee, and Mohave counties and the core group of individuals and governmental agencies at the state level that include Jeanne Blackburn, Tammy Paz-Combs from the Governor's Office of Children, Youth and Families, Dean Wright from the Arizona Board of Pharmacy, Richard Rosky from the High Intensity Drug Trafficking Area (HIDTA), Shelly Mowrey, Drug Free Arizona, Karen Ziegler and Executive Director Blackburn, ACJC. The Arizona Department of Health Services received a grant from the Substance

Abuse and Mental Health Services Administration in the amount of \$8M to address underage drinking in the community and college campuses as well as the prescription drug misuse and abuse. The funds will be used to support the implementation of the model that has been developed at ACJC for eight of the fifteen counties.

Shana, Malone, Senior Research Analyst presented the results of the Arizona Prescription Drug Misuse and Abuse Initiative.

Ms. Malone gave a conceptual framework on the expected increases and decreases of the supply and demand of the prescription drug epidemic. One change is to encourage registration and use of the prescription drug monitoring program (PDMP) by prescribers and pharmacists and to change the public perception that the drugs are socially accepted and perceived as low risk. In finding a solution a multi-systematic approach is being used for medical/treatment, law enforcement and prevention. The strategies include: 1) reducing the diversion of Prescription drugs; 2) promote responsible prescribing and dispensing policies and practices; 3) enhancing prescription drug practice and policies in law enforcement; 4) increase public awareness and patient education about prescription drug misuse; 5) enhance assessment and referral to treatment.

Ms. Malone presented examples of the public safety announcements (PSA) for the PDMP sign up and Safe Storage and Disposal ads in raising the awareness of the campaign.

Ms. Malone also highlighted the preliminary evaluation results of the initiative. On the evaluation side, 37 drop boxes in the initiative sites include collecting over 7,000 pounds of unused/unnecessary drugs, 1,400 prescribers are receiving quarterly report cards, and 237 law enforcement officers have received the drug crimes curriculum. On the supply side, prescriber PDMP sign up has increased 71 percent in initiative counties, PDMP use has increased 27 percent on average, number of prescriptions and pills have decreased 10 percent on average, and the percentage of outliers has decreased. On the demand side, the public awareness of the drug problem has increased. On the law enforcement side, the PDMP sign up has increased 140 percent in the initiative counties.

Ms. Malone revealed new stories on prescription drug arrests and operations around the pilot sites that involved Yavapai, Graham, Pinal, and Mohave counties. The next steps include a diversion crimes training at the HIDTA training center in June and a push for increasing drug drop boxes across the state.

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

**VIII. Call to the Public**

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

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

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, May 22, 2014** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**X. Adjournment**

The meeting was adjourned at 3:55 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.