

**Arizona Criminal Justice Commission
Minutes
March 31, 2011**

A public meeting of the Arizona Criminal Justice Commission was convened on March 31, 2011 at the 1110 W. Washington, Suite 250, and Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Daniel G. Sharp, Vice-Chairperson, Chief, Oro Valley Police Department, Larry Stevens representing
John Armer, Gila County Sheriff
Dave 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, Leesa Morrison 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, Carl Sheets representing by conference call
Linda Scott, Former Judge
George Silva, Santa Cruz County Attorney by conference call
Carl Taylor, Coconino County Supervisor, Cathy Allen representing

Members Absent:

Duane Belcher, Chairperson, Board of Executive Clemency
Joseph Arpaio, Maricopa County Sheriff

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Mary Marshall, Public Information Officer
Tony Vidale, Program Manager
Phil Stevenson, Director, Statistical Analysis Center
Michelle Neitch, Research Analyst, Statistical Analysis Center
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.

II. Minutes of the January 20, 2011 Meeting

Chairperson Ogden called for a motion to adopt the minutes. Designee Warren Alter moved to approve the minutes of the January 20, 2011 meeting. The motion was seconded by Designee Larry Stevens and was unanimously adopted by the Commission.

III. Executive Director's Report

A. Budget Update

Executive Director Blackburn summarized how the Arizona Legislature continues to hear new bills while working on bills presented earlier and strikers. On the federal side, a continuing resolution to operate the federal government remains in effect. Executive Director Blackburn explained there is speculation that Congress wants to make drastic cuts; the difference between the parties is how to achieve those cuts and it could lead to a government shutdown. The major concerns are the federal programs that have not been awarded monies for federal FY2011 like the Byrne/JAG program. ACJC is using prior year's funding to support our programs; however, next year's ACJC programs are dependent on funding in the federal fiscal year 2011 budget.

Karen Ziegler, Deputy Director updated the Commission in more detail on the state budget. Deputy Director Ziegler pointed out that budget reductions to ACJC in S.B. 1612 are the same as what the Governor proposed in January; however, the criminal justice reconciliation bill - SB1621, as introduced, further cuts the Fill the Gap program by eliminating the funds that go directly to the counties. The Senate bill eliminates the entire program and shifts the revenue from ACJC's State Aid to County Attorneys and State Aid to Indigent Defense Funds along with county funds to the DPS Public Safety Equipment Fund. The bill was amended in the House and restored the funding to the Fill the Gap program for both ACJC and the county programs. Staff will continue to review and analyze bills that impact county programs and ACJC. Deputy Director Ziegler stated the agency continues to make payments of fund sweeps for FY11 which amounted to \$4.5M; fund sweeps are expected to total \$4.0M in FY12.

B. Legislative Update

Executive Director Blackburn reported that he will be traveling to Washington, DC along with Public Information Officer Mary Marshall for meetings with the National Criminal Justice Association to discuss funding strategies; to meet with congressional delegations about the importance of federal funding to Arizona and the consequences of any penalties assessed to the Byrne/JAG grant. Next year, Congress will be implementing a 10 percent penalty against the Byrne/JAG grant for non-compliance with the Sex Offender Registration and Notification Act (SORNA). Executive Director Blackburn commented that Arizona HIDTA Executive Director Beth Kempshall was instrumental in setting up a meeting with five congressional delegates last month in Tucson for the Arizona HIDTA briefing where he discussed concerns of penalty assessments to Byrne/JAG.

Mary Marshall, Public Information Officer reviewed the criminal justice budget reconciliation bill in which the language now references the elimination of the provision redirecting the monies from the Fill the Gap funds to DPS. Ms. Marshall also stated the bill contains language that requires persons sentenced to one year or less in the Department of Corrections be placed in the custody of a county jail.

Next, the Commissioners were given two summary sheets on HB 2024 and SB 1609 that addressed changes to various Arizona state retirement systems that might impact state employees and elected officials.

Lastly, Ms. Marshall updated the Commissioners on the legislation that would amend Arizona's statute that governs the judicial process whereby citizens who have been adjudicated mentally incompetent may petition the courts to have their firearm rights restored. The National Rifle Association (NRA) agreed to maintain Arizona's evidentiary standard in the language of the bill, which had been a point of disagreement. A striker amendment was offered in senate judiciary and conformed to the language that was acceptable to the stakeholders. The bill has passed through caucus and Senate Republicans and Democrats both support the language. ACJC anticipates the legislation will be enacted. Ms. Marshall reviewed how this legislative item related to the National Instant Criminal Background Check System (NICS). Arizona currently does not meet the federal requirements for consideration under this grant program; however, passage of this legislation should meet the federal provision and allow Arizona to apply for this funding

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

IV. Medical Marijuana Presentation

Richard Porter, Department of Health Services gave a presentation of the Arizona Medical Marijuana program. Mr. Porter reviewed some important dates surrounding this program as well as the difference between Arizona's medical marijuana law and other state's medical marijuana law. The Arizona Medical Marijuana Act includes: 1) the requirement of registry identification cards; 2) limits the number of dispensaries; and 3) has the support of the Medical Board. Mr. Porter also explained that the program outlines in detail: 1) the requirements for a patient to qualify for medical marijuana; 2) the limitations of Nonprofit Medical Marijuana Dispensaries; 3) the verification system; and 4) steps qualifying patients or designated caregivers must follow in order to be afforded protections while engaged in the use of medical marijuana. Mr. Porter addressed a number of questions from those present.

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

V. Drug, Gang and Violent Crime Control Program Funding Proposals

A. Byrne/JAG Program Funding Level

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to establish a funding level for the FY12 (Cycle 25) Drug, Gang and Violent Crime Grant Program. Mr. Vidale summarized the projected program size for FY12-FY14 by describing the decline in program revenue as a result of the end of American Recovery and Reinvestment Act (ARRA) funding, possible reduction in Byrne/JAG funding, and declining revenue in the Drug Enforcement Account. Mr. Vidale referred the Committee to the chart outlining projected funding scenarios for FY12-FY14; he emphasized that if the Committee agreed to fund only the core projects during these years, the program could experience a \$965,984 decline in FY12 followed by a \$2,705,928 decline in FY13. Possible funding scenarios include: 1) expending the remaining \$4.1M of FY09 federal funds, \$5.2M in FY10 federal funding, and projected \$2.3M in DEA funds for a program size of \$11,667,150 in FY12; or 2) spending less of the federal monies in FY12 and moving the remaining federal funds into FY13; thus, sharing significant cuts over both program years.

After review, Designee Larry Stevens moved to approve that the amount of \$11,667,150 be made available for Cycle 25 for the FY12 Drug, Gang and Violent Crime Grant Program beginning July 1, 2011 and ending June 30, 2012. The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

B. Cycle 25 Grant Match Requirements

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to not implement a match requirement for the Cycle 25 funded projects. Mr. Vidale described that agencies are facing similar economic struggles as they did in FY10; as a result, the Commission agreed to fund the FY10 grant program without a required match.

Designee Larry Stevens moved to approve a no match requirement for the FY12 Drug, Gang and Violent Crime Grant Program (Cycle 25). The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

C. Funding Support for Priority 5 Grant Projects

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to not provide funding for the Priority 5 projects for the FY12 Drug, Gang and Violent Crime Control Grant Program. Mr. Vidale explained that the American Recovery and Reinvestment Act (ARRA) funding will be expended at the end of FY11 and the program will not have the resources to support projects at the FY11 funding level.

After review, Designee Larry Stevens moved to not open the Priority 5 projects for FY12 funding under the Drug, Gang and Violent Crime Control Grant Program. The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

VI. Arizona Youth Survey Presentation

Phil Stevenson, Director, Statistical Analysis Center and Michelle Neitch, Research Analyst presented an overview of the biennial Arizona Youth Survey results. The Arizona Youth Survey (AYS) is administered to 8th, 10th, and 12th graders every two years and includes measures such as 1) lifetime, 30-day, and age of onset of alcohol, tobacco and other drug usage; 2) antisocial behavior; 3) school safety, and 4) gambling. Ms. Neitch displayed and explained graphed representations of the percentage of respondent behaviors surrounding risk factors such as: 1) youth reporting past 30 day substance use; 2) students reporting antisocial behavior; 3) students reporting heavy substance use – drinking and driving; 4) students reporting school safety issues; 5) students reporting exposure to violence in past 12 months; 6) relationship between lifetime marijuana use, accumulated risk and protective factors; and 7) relationship between attacking someone to harm them and accumulated risk and protective factors. The survey yielded 63,784 respondents from 372 schools.

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

VII. Drug and Gang Enforcement Account Audit

Karen Ziegler, Deputy Director reported on the Annual Drug and Gang Enforcement Account Audit. ACJC is required by statute to conduct this audit every year. Deputy Director Ziegler explained this is a summary of the distribution of the funds from the Drug Enforcement Account and the federal Byrne/JAG monies. The FY10 report contains the ARRA funds and the monies for the Priority 5 projects. The audit reflected no findings and Deputy Director Ziegler gave special recognition to Amanda Zibell, Compliance Auditor for her work on the audit and the rest of the Finance staff for their exemplary accounting work which was reflected in the favorable review of the account.

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

VIII. Call to the Public

Chairperson Ogden 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 19, 2011 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, and Phoenix, Arizona 85007.

X. Adjournment

The meeting was adjourned at 2:10 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director