

Arizona Criminal Justice Commission
Minutes
May 22, 2014

A public meeting of the Arizona Criminal Justice Commission was convened on May 22, 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 Brugman, Chief, Coolidge Police Department, by conference call
Timothy Dorn, Chief, Gilbert Police Department
Clarence Dupnik, Pima County Sheriff, Paul Wilson representing
Chris Gibbs, Mayor, City of Safford, by conference call
Robert Halliday, Director, Department of Public Safety
Tom Horne, Attorney General, Andrew Pacheco representing
Drew John, Graham County Supervisor
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing by conference call
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, Wendy Islas representing by conference call
Daniel G. Sharp, Chief, Oro Valley Police Department
Steven Sheldon, Former Judge
Mark Spencer, Law Enforcement Leader

Members Absent:

Joseph Arpaio, Maricopa County Sheriff

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Andy LeFevre, Public Information Officer
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 Bill Montgomery at 1:30 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the March 20, 2014 Meeting

Chairperson Montgomery called for a motion on the minutes. Commissioner Robert Halliday entered a motion to approve the minutes of the March 20, 2014 meeting. The motion was seconded by Commissioner Brian Livingston and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn informed the Commission that Larry Grubbs, Program Manager was the recipient of the Attorney General's distinguished service award in public policy at the annual victim rights award luncheon for his work on rewriting the crime victim compensation rules and training for the crime victim services program.

Executive Director Blackburn reinforced the need to seek opportunities to speak out about the outcomes of continual reductions in federal and state funding for our programs, especially in the drug and violent crime program. Staff continues to look beyond the number of arrests and seizure of drugs to highlight the dire consequences of funding reductions as reflected in deaths, overdoses and increased emergency room admissions for drug use. In the fight for adequate funding for all programs, this message of awareness needs to be shared with our congressional delegation and state legislative policymakers.

Executive Director Blackburn reported that data from the Arizona Youth Survey (AYS) is used by communities throughout Arizona for education, prevention, and grant funding. Recently, AYS data was used by Drug Free AZ in the discussion of legalization of marijuana in Arizona.

A. Budget Update

Executive Director Blackburn noted that staff is preparing to closeout FY14 as FY15 begins July 1, 2015. The ACJC agency budget reflects slightly lower expenditures as a result of some vacancy savings. Staff will be presenting budget issues for consideration for the FY16-17 budget submission at the July Commission meeting.

B. Legislative Update

Andy LeFevre, Public Information Officer thanked the Commission for reaching out to legislators this session to gain support for the National Instant Criminal Background Check System (NICS) bill that passed.

Mr. LeFevre explained the final version of the bill was to report the mental health ruling up to the NICS. A meeting with liaisons and stakeholders prior to the next legislative cycle will be held to discuss improving access to mental health information, the courts placing conditions on release, and to work on provisions that were taken out of the original bill such as the addition of language granting law enforcement notification of prohibited possessor for some offenses.

Mr. LeFevre noted the legislative summary will be presented at the July Commission meeting. There were 1,205 bills introduced of which 303 passed, 25 were vetoed, and 278 bills were signed into law. ACJC tracked 123 bills that could impact criminal justice issues. The Governor's office has called for a special session on the CPS issue and there may be discussions regarding the public safety retirement system.

C. Drug Enforcement Account (DEA) Audit

Karen Ziegler, Deputy Director provided a summary of the audit of the Drug and Gang Enforcement Account Distributions report to the Commission. This report is audited annually by an independent audit firm per ARS 41-2402.

Deputy Director Ziegler reviewed the distribution of state DEA and federal funds for FY13 categorized by approved purpose areas in the Drug, Gang and Violent Crime Control (DGVCC) strategy. Federal distributions totaled \$5,522,173, \$89,600 in federal/ARRA funds, \$4,085,666 in non-federal funds; for a combined total distribution of \$9,697,438 for the year ending June 30, 2013. From the program's inception in August 1987 through June 30, 2013, the total amount of drug and gang enforcement account funds distributed throughout the state equals \$293,178,403. Deputy Director Ziegler thanked Barbara Maxwell, Accountant at ACJC for preparing the financial statement reviewed by the auditors. There were no findings reported in the audit.

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

IV. Crime Victim Compensation Program

A. Designation of Operational Units

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the 15 County Attorney's offices as operational units for the FY15 Crime Victim Compensation Program.

Designee Andrew Pacheco entered a motion to approve the designation of the 15 County Attorney's offices as the operational units for the FY15 Crime Victim Compensation Program. The motion was seconded by Commissioner Tim Dorn and was unanimously approved by the Commission.

B. Operational Unit State & Federal Funding Allocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation of \$3,942,500 in state and federal Crime Victim Compensation funds. Mr. Grubbs reviewed Table VS-1 that outlined how the allocation of the funds was derived.

Commissioner Daniel Sharp entered a motion to approve the allocation of \$3,942,500 in state Crime Victim Compensation funds as shown on Table VS 1 on page 14 of the agenda to the operational units for the FY15 Crime Victim Compensation Program. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

C. Restitution/Subrogation Expenditures

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve operational unit restitution and subrogation fund balances exceeding a one-year reserve amount be spent on compensation benefits by the operational unit during the current fiscal year. If approved, this practice would become effective in FY15.

Mr. Grubbs discussed how FY14 was the first year requiring that the operational unit spend a designated amount of restitution and subrogation funds. Each operational unit has the ability to collect restitution and subrogation on benefit expenditures made on a crime victim compensation claim. The collected funds are deposited at the county level and must be used on crime victim compensation benefits. Statewide county programs collect an average of \$350,000 a year in restitution and subrogation funds.

Mr. Grubbs described the annual process that would take place beginning in FY15 to manage the expenditure of restitution and subrogation funds. In September of each year, staff would identify county programs with a total restitution and subrogation fund balance exceeding a one year reserve amount; a one year reserve amount is equivalent to the

county's three-year annual expenditure average. The next step would be to require the county program with an amount greater than a one-year reserve, to spend that overage on compensation benefits during the current fiscal year.

Commissioner Tim Dorn entered a motion to approve that beginning in FY15 operational unit restitution and subrogation fund balances exceeding a one-year reserve amount, be spent on compensation benefits by the operational unit during the current fiscal year. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

V. Crime Victim Assistance Grant Program

A. FY15 Crime Victim Assistance Grant Awards: Agencies eligible to serve on the ACJC

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the Crime Victim Assistance grant awards of \$1,250,000 for FY15. The agenda item contains two funding proposals that require separate votes by the Commission, and addresses awards to criminal justice government agencies eligible to serve on the Commission and non-profit and other government agencies.

Mr. Grubbs referred the Commission to page 17 and 18 of the agenda that provide a detailed summary of the proposal to fund 46 of the 47 current victim service projects for FY15. The recommendation did not include funding the crime victim service project at Wingspan in Pima County. The Wingspan project submission did not fulfill the minimum requirements of the grant application, thus resulting in a lower total score.

Mr. Grubbs also reviewed the guidelines used by staff to develop the funding recommendations. The recommendation not to fund the Wingspan project coupled with the City of Chandler's request of \$7,943 less than the agency's current FY14 award resulted in \$32,943 in available crime victim assistance funds for FY15. The recommendation is to allocate these funds in the following manner; to increase the annual amount of priority funding for the Arizona Victim Assistance Academy from \$20,000 to \$25,000 and to provide funding for one agency not currently receiving a grant award from the crime victim assistance program. The City of Maricopa in Pinal County was chosen based on the content of the application submission and the project's alignment with the requirements of the grant program. Additionally, the recommendation includes increasing funding to Verde Valley Sanctuary in Yavapai County as this agency submitted one of the top performing applications among the currently funding programs. There were two new grant requests from the City of Surprise and Page Regional Domestic Violence Services. The agencies were not recommended due to the limited amount of available funds; however, both programs submitted quality applications.

Mr. Grubbs referred the Commission to the amended funding Table VS-2 that outlines the agency grant requests, staff's proposed awards for FY15 and the amended Table VS-3 funding allocation distribution chart. The correction was to La Paz County Attorney's Office; the original Table VS-2 on page 19 of the agenda referred to \$25,432 as the FY14 grant award and as the proposed FY15 grant award. The grant management system (GMS) revealed the agency's grant request for FY15 was actually \$24,959. Since an award cannot be made for more than the requested amount, the proposed award was reduced by \$473 and the amount reallocated to Verde Valley Sanctuary in Yavapai County.

Chairperson Montgomery asked if any member of the public would like to address the Commission and there were none. Mr. Grubbs explained there was a member of the public that spoke at the Crime Victims Committee from Wingspan and asked the Committee to reconsider their agency grant application. Commissioner Mark Spencer and Commissioner Brian Livingston conveyed the substance of the Committee's discussion.

Commissioner Daniel Sharp entered a motion to approve the award of FY15 Crime Victim Assistance grant funds, in accordance to the amended Table VS-2, to criminal justice government agencies eligible to service on the Commission. The motion was seconded by Commissioner Brian Livingston and was unanimously approved by the Commission.

B. FY15 Crime Victim Assistance Grant Awards: Other government, and non-profit agencies

Chairperson Montgomery asked the Commission for a motion on Action Item V-B.

Commissioner Steven Sheldon entered a motion to approve the award of FY15 Crime Victim Assistance grant funds, in accordance to the amended Table VS-2, to non-profit agencies and other government agencies. The motion was seconded by Commissioner Daniel Sharp and was approved by the Commission with one opposing.

VI. Drug, Gang and Violent Crime Control Program Cycle 28 Grant Awards

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Control Committee to award \$10,307,537 for the FY2015 Drug, Gang and Violent Crime Control Cycle 28 grant program. Eligible criminal justice agencies will receive the award for the period beginning July 1, 2014 through June 30, 2015, except the Attorney General's Office Medicaid Fraud project, which will begin October 1, 2014 and end September 30, 2015.

Mr. Vidale explained the funding would include \$3.2M from the Byrne/JAG grant, \$4.3M from state DEA funds, \$210,000 of unspent program income from a previous grant year and \$2.6M in local match funds. The Commission was referred to Table DC 2 on page 24 of the agenda that detailed the change in program size and fund source from FY14 to FY15, specifically the program income and match funds.

The funding recommendation would be allocated according to Table DC 4 on page 28 of the agenda awarding \$3,439,148 to drug apprehension projects, \$3,818,100 to drug prosecution projects, \$869,400 to the statewide forfeiture activities, \$503,343 to forensic support projects, and \$1,677,546 to drug adjudication projects with a corresponding match amount.

Lastly, Mr. Vidale referred the Commission to Table DC 5 on page 29 of the agenda that breaks out the total grant awards to each of the 15 counties.

Commissioner Charles Ryan entered a motion to approve the award of the FY15 Drug, Gang and Violent Crime Control Cycle 28 grant funds as shown in Table DC 4 on page 28 of the agenda for the period beginning July 1, 2014 and ending June 30, 2015, except the Attorney General's Office Medicaid Fraud project, which will be funded from October 1, 2014 through September 30, 2015. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

VII. Call to the Public

Chairperson Montgomery 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, July 17, 2014 at 2:00 p.m.** at Little America Hotel, Flagstaff, AZ.

IX. Adjournment

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.