

**Arizona Criminal Justice Commission
Minutes
May 23, 2013**

A public meeting of the Arizona Criminal Justice Commission was convened on May 23, 2013 at the 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Daniel G. Sharp, Chairperson, Chief, Oro Valley Police Department
Bill Montgomery, Vice Chairperson, Maricopa County Attorney
Joseph Brugman, Chief, Coolidge Police Department
David Byers, Director, Administrative Office of the Courts, Jerry Landau representing
Timothy Dorn, Chief, Gilbert Police Department
Clarence Dupnik, Pima County Sheriff, Warren Alter representing
Chris Gibbs, Mayor, City of Safford
Robert Halliday, Director, Department of Public Safety, Jeff Raynor representing
Jesse Hernandez, Chairperson, Board of Executive Clemency
Tom Horne, Attorney General, Paula Alleman representing
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
William Pribil, Coconino County Sheriff, Cathy Allen representing by conference call
Sheila Polk, Yavapai County Attorney
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer
Steven Sheldon, Former Judge
Mark Spencer, Law Enforcement Leader

Members Absent:

Joseph Arpaio, Maricopa County Sheriff

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 Daniel Sharp at 1:30 p.m. Roll was taken and a quorum was declared present. Chairperson Sharp acknowledged Warren Alter, Pima County Sheriff's Department will be retiring after 39 years of service and thanked him for his service to the Commission. Mr. Alter also introduced Paul Wilson as the new bureau chief and designee for Sheriff Clarence Dupnik.

II. Minutes of the March 21, 2013 Meeting

Chairperson Sharp called for a motion on the minutes. Commissioner Bill Montgomery asked to add another point reflecting discussion on **Item IX - Arizona National Instant Criminal Background Check System (NICS) Initiative**, second to the last paragraph on page 7 of the agenda: "Discussions were also held on reporting of felony convictions and mental health adjudications to NICS with concerns about removal of data following reinstatement of rights to possess weapons pursuant to state statutes".

Commissioner Bill Montgomery entered a motion to approve the minutes of the March 21, 2013 meeting with the noted amendment. The motion was seconded by Designee Jerry Landau and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn acknowledged the retirement of Debby Finkel, Grant Coordinator after 27 years of service to the State of Arizona and 7 years with ACJC. ACJC is waiting for the state budget before vacant positions are filled. Current staff has been able to fill in the additional workload.

B. Budget Update

Executive Director Blackburn noted the challenges to obtaining funding for the Records Improvement Program critical budget issue that was approved by the Commission in July 2012. He also explained some stakeholders were not comfortable with the legislative possibilities for funding the project and as a result, there appears to be no financial support for the project including the funding necessary for the research to quantify the project size and funding to go forward with the project this year. Staff is going to be working closely with the Arizona Strategic Enterprise Technology (ASET) division of the Arizona Department of Administration in modifying and more narrowly focusing the Project Investment Justification (PIJ).

Executive Director Blackburn reported staff will bring a proposal forward to the Commission in July about using other funds to support the initial project assessment. The project will cost approximately \$225,000 to complete the study using the same contractors that are currently working on the NICS project. The scaled down assessment will focus on the e-Warrant and the Arizona Disposition Reporting System (ADRS) projects.

Executive Director Blackburn emphasized staff is somewhat optimistic that other critical issues may be addressed in the budget plan; however, only the Victim Compensation and Assistance Fund appropriation increase was included in the senate proposed budget. Also proposed in the senate budget plan is the redirecting of indigent defense funds in the amount of \$500,000 to the Attorney General's office to assist with activities related to post conviction prosecution.

C. Legislative Update

Executive Director Blackburn reported the state legislative process has come to a standstill as the legislature is working with the Governor on the state budget issues. Staff will have a legislative summary report for the commissioners at the July meeting. The Executive Director's Report was presented for informational purposes and did not require Commission action.

IV. Victim Compensation and Assistance Fund Update

Larry Grubbs, Program Manager presented an update on the potential impact the FY14 State budget may have on the Crime Victim Compensation and Assistance fund. Mr. Grubbs elaborated on the critical budget issue that was referred to earlier by Executive Director Blackburn. In the FY14 budget, ACJC submitted a critical budget issue to increase the overall appropriation for the Crime Victim Compensation and Assistance Fund by \$330,000; this budget issue is still pending. This critical budget issue was not included in the Governor's budget recommendation; however, \$300,000 was included in the Senate's budget bill.

Mr. Grubbs also explained if the critical budget issue is not approved, funds are available in the Crime Victim Compensation and Assistance fund and that staff could request the increased authority to expend the funds. There is a budget footnote that allows ACJC to submit a letter to the Joint Legislative Budget Committee (JLBC) should there be a need to access the funds during the course of the year. If the critical budget issue is not approved and additional funds are required, staff would bring another allocation request to the commission for approval of further funding to county compensation programs for FY14.

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

V. FY13 Victim Compensation Funding Reallocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that compensation funds for the current FY13 be reallocated to operational units in accordance with Table VS-2 on page 14 of the agenda. This is the third and final round of the reallocation process for this fiscal year.

Mr. Grubbs reported the purpose of the reallocation is to fully utilize available state compensation dollars to counties with a higher demand for funds and who can expend the additional compensation funds by the end of the fiscal year. Staff closely monitors and reviews expenditures as well as the available restitution and subrogation balances for the county programs. Coconino, Gila and Pima counties submitted requests for reallocation in the amount of \$150,000. County programs that have at least a six month reserve in subrogation and restitution amounts are required to offset their request by the amount over the six month reserve. Therefore, the allocation adjustment for the three county programs totaled \$96,910.

Mr. Grubbs explained the two options under the availability of funds and how it relates to the reallocation process. After the final reimbursement requests are submitted for FY13, staff would review all expenditures and if programs had any remaining state allocated funds, staff would process grant adjustments to reduce their award and reallocate it to the three requesting counties. If the programs were to spend all of their award there is a safeguard in the amount of \$100,000 available between the total program allocation and total appropriation for the Victim Compensation and Assistance Fund for FY13. This amount could be used to cover the reallocation; however, it is highly unlikely that option would be necessary. The proposal is to reallocate the amount of \$96,910 to the three counties utilizing the fund sources as outlined at the bottom of page 14 of the agenda.

Commissioner Bill Montgomery entered a motion to approve the compensation funds for the current year FY13 be reallocated to operational units in accordance with Table VS-2 of the agenda using the fund sources identified. The motion was seconded by Commissioner David Sanders and was unanimously approved by the Commission.

VI. FY14 Crime Victim Compensation Program

A. Total Program Allocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that proposed the total allocated funding for the FY14 Crime Victim Compensation Program be set at \$3,942,500. This total includes \$2,542,500 in state compensation funds and \$1,400,000 in federal VOCA compensation funds. Mr. Grubbs explained the amount for FY14 is a slight decrease from FY13 funding allocation by \$157,500; however, the annual total expenditures are well below what staff is proposing for the program size in FY14.

Designee Kathleen Mayer entered a motion to approve the \$3,942,500 budget including \$2,542,000 in state compensation funds and \$1,400,000 in federal VOCA compensation funds. The motion was seconded by Commissioner Jesse Hernandez and was unanimously approved by the Commission.

B. Designation of Operational Units

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the fifteen County Attorney's Offices as operational units for the FY14 Crime Victim Compensation Program.

Commissioner Timothy Dorn entered a motion to approve the designation of the 15 County Attorney's Offices as the operational units for the FY14 Crime Victim Compensation Program. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

C. Operational Unit 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 to each operational unit in the 15 counties for FY14. Mr. Grubbs acknowledged the misprint on page 19 of the agenda that shows the fund availability as \$4,100,000 instead of \$3,942,500.

The allocation formula was approved at the March 2013 Commission meeting and includes \$50,000 of state funds retained in emergency reserve; five percent of most recent federal VOCA award allocated to ACJC for administrative costs; a fixed administrative allocation from state funds to each county program; a base allotment of \$25,000 to each county program; and a 60% reimbursement to county programs spending other local funds on compensation benefits during the previous fiscal year. The remaining balance is distributed based on 50% of the prior years' program benefit expenditure average, 30% based on average share of crime, and 20% based on population.

Designee Jeff Raynor entered a motion to approve the allocation of \$3,942,500 in state and federal crime victim compensation funds to the operational units for the FY14 Crime Victim Compensation Program. The motion was seconded by Commissioner Sheila Polk and was unanimously approved by the Commission.

D. Restitution/Subrogation Expenditures

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the requirement that operational units spend available restitution and subrogation fund balances in excess of reserve amounts equal to the operational unit's annual expenditure average on compensation benefits throughout the course of FY14.

Mr. Grubbs explained that as a result of increased benefits gained through the recent rules promulgation process, there are additional expenditures. Also, statewide county programs collect an average of \$300,000 a year in restitution and subrogation funds.

Mr. Grubbs stated it is important to factor those available funds and any balances that have been identified into the expenditure plan for the upcoming fiscal year. Staff has proposed the following process to manage the expenses of restitution and subrogation funds for FY14. The first step would be to identify programs with a total restitution and subrogation fund balance exceeding a reserve amount equal to the county's annual expenditure average using county program revenue data submitted for the fourth quarter of FY13; that data will be available on August 15, 2013. After staff has reviewed the restitution and subrogation balances, the second step would be to require any county program with an amount greater than a one-year reserve to spend the overage on compensation benefits during FY14.

Commissioner Joe Brugman entered a motion to approve the operational unit restitution and subrogation fund balances, exceeding a reserve amount equal to the operational unit's annual expenditure average, to be spent on compensation benefits by the operational unit during FY14. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

VII. FY14 Crime Victim Assistance Program

A. Crime Victim Assistance Grant Awards: Government agencies eligible to serve on 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 FY14. The agenda item includes two proposals that would require a vote by the Commission, and addresses awards to criminal justice government agencies eligible to serve on the Commission as well as non-profit and other government agencies.

Mr. Grubbs referred the Commission to the funding Table VS-5 on page 25 of the agenda that outlines the agency grant requests and staff's proposed awards for FY14, a summary of the funding recommendation found on page 24 of the agenda, and the funding allocation distribution chart found on page 26 of the agenda.

The purpose of victim assistance grants is to provide awards to victim service provider agencies to fund personnel services and ERE that provide direct services to victims. In January 2013, the Committee and Commission approved a total program size of \$1,250,000 in victim assistance grant awards for FY14. The grant solicitation opened on February 14, 2013 and closed on March 15, 2013. Fifty-one applications were submitted by the deadline that included 18 criminal justice agencies eligible to serve on the Commission and 33 non-profit and other government programs. The amount requested by these agencies totaled \$2,052,979.

Mr. Grubbs reviewed the funding priorities listed on pages 23 and 24 of the agenda approved by the Commission in November 2011. The total program size for FY14 includes an increase of \$230,000 over the total program size for FY13. The applicants had to meet the minimum required score and all budget requests were reviewed by staff. Funding allocations were made based on the needs of the applicant program, and how funding the applicant program increased the ability of the Victim Assistance Grant Program to meet the established funding priorities.

Mr. Grubbs also reviewed the guidelines used by staff to develop the funding recommendations listed on page 24 of the agenda. All agencies currently funded in FY13 will continue to be funded in FY14 if they met the minimum requirements of the grant and performed satisfactorily in the FY13 award. There were three new projects added to the funding recommendation. The new programs are Ama Doo Alchini Bighan, Inc., (ADABI), Arizona Coalition Against Domestic Violence, and Mt. Graham Safe House, Inc. The new awards were based on the content of the application and the requirements of the grant program. There were also four new grant requests not recommended for funding that included City of Maricopa Police Department, City of Surprise Prosecutor's Office, City of El Mirage Police Department, and Never Again Foundation. Mr. Grubbs explained the reasons not to fund these agencies was based on content of the application, the clarity of what was included in the application and how well their proposals aligned with the overall purpose of the grant program.

Commissioner Bill Montgomery entered a motion to approve the award of FY14 Crime Victim Assistance grant funds, in accordance to Table VS-5, to criminal justice government agencies eligible to serve on the Commission. The motion was seconded by Commissioner Jesse Hernandez and was unanimously approved by the Commission.

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

Chairperson Sharp asked the Commission for a motion on Action Item VII-B.

Designee Jeff Raynor entered a motion to approve the award of FY14 Crime Victim Assistance grant funds, in accordance to Table VS-5, to non-profit and other government agencies. The motion was seconded by Designee Jerry Landau and was unanimously approved by the Commission. Commissioner Sheila Polk also shared with the Commission, compliments from Yavapai County Victim Services Division staff on the work done by Mr. Grubbs.

VIII. Drug, Gang and Violent Crime Control Cycle 27 Grant Awards

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award the FY 14 Drug, Gang and Violent Crime Control Cycle 27 grant funds to eligible criminal justice agencies. The grant solicitation opened February 25, 2013 and closed March 22, 2013. There were 35 grant applications submitted; of those received 14 were apprehension projects, 17 prosecution projects, one statewide forfeiture project, two forensic support projects, and one drug adjudication and corrections project.

Mr. Vidale referred the Commissioners to various charts in the agenda that highlight significant information relative to this grant cycle. Table DC 1 summarizes the grant awards for FY2013, applicant grant requests for FY2014, and the proposed grant awards for FY2014. Table DC 2 refers to the change in program size by fund source for FY2013 and FY2014. The FY2014 program size represents an overall decrease of \$1,080,446 in funds from FY2013. Table DC 3 outlines the grant requests for each eligible applicant as categorized by priority area and expenditure type. Table DC 4 breaks down the proposed funding allocation for FY2014 as recommended by staff. The proposal includes allocations of \$3,439,895 to tier one apprehension projects, \$3,857,492 to tier one prosecution projects, \$874,481 to tier one statewide forfeiture activities, \$458,888 to tier two forensic support, and \$1,705,536 to tier two drug adjudication and corrections.

Mr. Vidale reviewed the guidelines used by staff to develop the funding recommendations. Across the board reductions were not implemented as a funding strategy because of the reductions the program faced. For the applicants who scored as eligible, expenditure types were analyzed by staff and allocated on the needs and best interests of the grant program in meeting the statewide strategy. Table DC 5 depicts the FY2013 awards and the FY2014 recommended awards by county. Mr. Vidale discussed additional information that factored into staff's award recommendations. The first consideration is the recommendation for the Attorney General's Medicaid Fraud project. This grant award provides matching funds for a federal grant; thus, requiring the grant period to run concurrent to the federal fiscal year. This project will have a grant period of October 1, 2013 to September 30, 2014 while all other projects have a grant period of July 1, 2013 to June 30, 2014.

The second consideration surrounds the Maricopa County Sheriff's Office, which was funded in FY2013; however, the agency did not submit an application for the FY2014 grant. Part of the recommendation includes funding for La Paz County Sheriff's Office and the Santa Cruz County Attorney's Office; both did not receive funding in FY2013. The two agencies have been long term partners in support of task force operations and tandem prosecution projects. Mr. Vidale explained since there was available funding the recommendation was to consider funding .5 FTEs. ACJC was made aware of a potential conflict in La Paz County between agencies on the task force; and staff was not aware of all the facts or details of the concern. As a result, ACJC proposes a conditional award to the La Paz County Sheriff's Office contingent on making assurances to ACJC that they can meet the criteria established in their grant application and that this is done by June 30, 2013. If the agency cannot make assurances to ACJC and provide adequate information that they can meet the criteria established in their grant application, the funds will go to the Department of Public Safety (DPS) Forensic Support project. The reason the Department of Public Safety (DPS) Forensic Support was recommended to receive the additional funds was because the project experienced the greatest percentage cut in funding; resulting in the reduction of 1 FTE.

Commissioner Bill Montgomery entered a motion to approve the award of the FY14 Drug, Gang and Violent Crime Control Cycle 27 grant funds shown on Table DC 4 on page 33 of the agenda for the period beginning July 1, 2013 and ending June 30, 2014, except the Attorney General's Office Medicaid Fraud Project which will be funded from October 1, 2013 through September 30, 2014; and that the award to the La Paz County Sheriff's Office be contingent upon the sheriff's office presenting to staff by June 30, 2013, information that the agency can satisfactorily meet the criteria for operating the task force as established in their grant application. If the Sheriff's Office cannot satisfactorily meet the criteria established in the grant application, the funds will be redirected to the Department of Public Safety (DPS) Forensic Support project to partially fund a criminalist position. The motion was seconded by Designee Warren Alter and was unanimously approved by the Commission.

IX. Call to the Public

Chairperson Sharp made a call to the public. Randy Moffitt, Navajo County Sheriff's Office Task Force spoke on behalf of the agency and thanked ACJC for their assistance and helping the task force do their work for the community.

X. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, July 18, 2013 at 2:00 p.m.** at Little America Hotel, Flagstaff, AZ.

XI. Adjournment

The meeting was adjourned at 2:21 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.