

Arizona Criminal Justice Commission
Minutes
May 24, 2012

A public meeting of the Arizona Criminal Justice Commission was convened on May 24, 2012 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
John Armer, Gila County Sheriff, Claudia Dalmolin representing
Joseph Arpaio, Maricopa County Sheriff, Ray Churay representing
David 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
Jesse Hernandez, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Tom Horne, Attorney General, Andrew Pacheco representing
Robert Huddleston, Chief, Casa Grande Police Department
Barbara LaWall, Pima County Attorney
Ralph Ogden, Yuma County Sheriff
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer, by conference call
Linda Scott, Former Judge
George Silva, Santa Cruz County Attorney, by conference call
Carl Taylor, Coconino County Supervisor

Staff Participating:

John A. Blackburn, Jr., Executive Director
George Diaz, Public Information Officer
Larry Grubbs, Program Manager
Tony Vidale, Program Manager
Pat Nelson, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Daniel Sharp at 1:35 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the March 22, 2012 Meeting

Chairperson Sharp called for a motion on the minutes. Commissioner Carl Taylor entered a motion to approve the minutes of the March 22, 2012 meeting. The motion was seconded by Commissioner Linda Scott and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn introduced staff member Raul Holguin as the new Program Compliance Auditor II. He also reported on new job promotions and reassignments that included Michelle Neitch as Grant Coordinator in the Crime Victim Service Program; Steve Irvine as Research Analyst II in the Statistical Analysis Center; and Amanda Zibell as the Grant Coordinator in the Criminal Justice Records Improvement Program. The Governor's Office approved the hiring of the Information Technology Manager and the position will be filled on June 18, 2012. The remaining vacancies are the Research Analyst I and Accountant III positions.

Executive Director Blackburn commented on the upcoming Law Enforcement Pow Wow in Flagstaff in July. He also stated that ACJC had undergone an audit for the Drug and Gang Enforcement Account in which there were no findings.

B. Budget Update

Executive Director Blackburn noted that there were no fund sweeps during this legislative session. The money in the Indigent Defense Account will go unused this fiscal year because no agency was given an appropriation to spend the funds. The state budget has been improving only slightly; however, ACJC is not seeing much growth in the other accounts; namely, the Drug Enforcement Account (DEA) and Criminal Justice Enhancement Fund (CJEF).

Executive Director Blackburn reported on the federal side, Arizona was not penalized as severely as anticipated for not complying with the Sex Offender Registration and Notification Act (SORNA). The National Criminal Justice Association (NCJA) worked to keep BJA from imposing a penalty on any state not in compliance with SORNA. They were successful in getting the federal government to only impose a 10 percent penalty on funds that the states retained. The state of Arizona passes through nearly seventy percent of Byrne/Jag funding to local jurisdictions and the remaining thirty percent is directed to state agency projects.

C. Legislative Update

George Diaz, Public Information Officer summarized the 2nd regular session of the 50th Legislature which adjourned on May 3, 2012 and lasted 116 days. The general effective date for all passed legislation is August 2, 2012. Mr. Diaz discussed how ACJC tracked 227 bills which will be included in the legislative summary which will be available at the July meeting in Flagstaff.

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

IV. Criminal Justice Enhancement Fund (CJEF) Guidelines

Executive Director Blackburn recapped how the CJEF guidelines from the other agencies were approved at the January meeting with the exception of the Attorney General's guidelines. The Commission reviewed the revised CJEF guidelines from the Attorney General's Office.

Commissioner Carl Taylor entered a motion to approve the Attorney General's Office guidelines for the Criminal Justice Enhancement Fund. The motion was seconded by Commissioner Barbara LaWall and was unanimously approved by the Commission.

V. 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 fifteen County Attorney Offices as operational units for the FY13 Crime Victim Compensation Program.

Commissioner Linda Scott entered a motion to approve the designation of the fifteen County Attorneys' offices as the operational unit for the FY13 Crime Victim Compensation Program. The motion was seconded by Commissioner Barbara LaWall and was unanimously approved by the Commission.

B. FY13 Crime Victim Compensation Program Budget

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission set the budget for the FY13 Crime Victim Compensation Program at \$4,100,000, including \$2,700,000 in state compensation funds and \$1,400,000 in federal VOCA compensation funds.

Commissioner Barbara LaWall entered a motion to approve the \$4,100,000 budget for the FY13 Crime Victim Compensation Program as shown on page 16 of the agenda. The motion was seconded by Commissioner Linda Scott and was unanimously approved by the Commission.

C. FY13 Crime Victim Compensation Program Funding Allocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation of \$4,100,000 in state and federal Crime Victim Compensation funds.

After discussion, Commissioner Barbara LaWall entered a motion to approve the allocation of \$4,100,000 in state Crime Victim Compensation funds as shown on page 18 of the agenda to the operational units for the FY13 Crime Victim Compensation Program. The motion was seconded by Commissioner Carl Taylor and was unanimously approved by the Commission.

VI. Crime Victim Assistance Program

A. FY13 Crime Victim Assistance Grant Awards to Commission eligible Criminal Justice Government Programs

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission accept the award of \$1,020,000 for FY13 Crime Victim Assistance funds listed on page 21 of the agenda.

Mr. Grubbs reported that 54 applications were submitted requesting a total of \$2,083,979 in Crime Victim Assistance grant funding for FY13. The funding requests shown on page 14 of the agenda included the requested amounts of \$906,033 for commission eligible criminal justice government programs and \$1,177,946 for non-profit and other government programs. Mr. Grubbs outlined the evaluation and allocation process for the grant applications that was based on the crime victim assistance program rules and priorities approved by the Commission. Also, the support of the revised funding priorities for the Victim Assistance Grant Program in November by the Commission was a critical step for this year's application process.

Mr. Grubbs reviewed how all 44 grant programs funded in FY12 had submitted Victim Assistance grant applications, met the minimum score requirement and based on performance history were eligible to receive funding for FY13. Because of the outcome, no significant increases in funding to current programs or funding to a new program were included in the recommendation for FY13. Mr. Grubbs also pointed out that one agency's requested amount was \$100 less than in FY12; therefore, that amount was added to the Southern Arizona Children's Advocacy Center who had the top scoring application.

Mr. Grubbs spoke of one concern that was addressed by the Crime Victims Committee which was of victim rights. He stated staff will review this issue and possibly consider it as an emerging issue for the Victim Assistance Program Funding Priorities.

After discussion, Commissioner Barbara LaWall entered a motion to approve the award for FY13 Crime Victim Assistance funds to government agencies eligible to serve on the Commission as listed on table VS-3 on page 21 of the agenda. The motion was seconded by Designee Erin Warzecha and was unanimously approved by the Commission.

B. FY13 Crime Victim Assistance Grant Awards to Nonprofit and other Government Programs

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

Commissioner Barbara LaWall entered a motion approve the award for FY13 Crime Victim Assistance funds to other government and non-profit agencies as listed on table VS-3 on page 21 of the agenda. The motion was seconded by Commissioner Ralph Ogden was unanimously approved by the Commission.

VII. Rules Promulgation Process Update

Larry Grubbs, Program Manager reported on the latest information regarding the crime victim services rules promulgation process. At the January 19, 2012 meeting, the Commission approved the opening rulemaking dockets for the Crime Victim Assistance Grant Program and the Crime Victim Compensation Program. On March 30, 2012 the dockets were opened with the Secretary of State, which gave ACJC one year to complete the rules promulgation for the programs.

Mr. Grubbs explained program staff began to collect feedback from stakeholders on recommendations for the rule changes. In February, county compensation program coordinators formed a workgroup and began monthly meetings with ACJC program staff to review and make suggestions on the compensation program rules. Also, the Arizona Coalition for Victim Services (ACVS) started a sub-committee with the same idea in mind to help draft recommendations on the proposed rule changes, which were approved at their meeting on March 21, 2012 and forwarded to ACJC for consideration.

In addition, ACJC program staff conducted regional meetings in Phoenix, Flagstaff and Tucson to seek feedback. Representatives from nine Arizona counties along with agency members of the crime victim service community attended these sessions.

Mr. Grubbs stated that draft language of the proposed rule changes will be made available for review on the ACJC website by early June.

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

VIII. Drug, Gang and Violent Crime Control Program Cycle 26 Grant Awards

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award the FY13 Drug, Gang and Violent Crime Control Cycle 26 grant allocation. Mr. Vidale explained that in FY12, \$11.7M was allocated to grant projects that included \$9.3M in Byrne/JAG funds and \$2.4M in DEA funds with no match contribution from agencies. Originally staff projected a decrease in the FY13 program size by \$3.4M from FY12 due to the decline in revenue from the Byrne/JAG grant and DEA funds; however, it was later determined the reduction was not as large as anticipated. One reason for a more stable fund balance is that the Legislature did not sweep funds from the DEA account; thus, making \$489,000 available for grant projects. Additionally, the Maricopa County Attorney's Office decision to expend unbudgeted program income instead of project grant funds resulted in unexpended federal funds.

Mr. Vidale reviewed the details of staff's proposed program size of \$11,315,922. Contributing to the program budget is \$4,909,038 in federal Byrne/JAG funding, \$4,143,700 in DEA funds and \$2,263,184 in matching funds at a 20 percent match. The match requirement is 5% less than was initially approved; which represents an overall savings of (\$565,796) to agencies and will hopefully ease the burden on programs. An analysis of funding recommendations is found on page 8 of the agenda and in accompanying tables DC 3 on page 12 of the agenda and the supplemental table DC 6 handout. There are three Tier 1 projects areas recommended for funding, they include: (14) apprehension projects in the amount of \$3,852,863; (15) tandem prosecution projects in the amount of \$3,919,604; and (1) statewide forfeiture project in the amount of \$983,862. There are two Tier 2 project areas recommended for funding, they include: (2) forensic support projects in the amount of \$549,284 and (2) drug adjudication projects in the amount of \$2,010,309.

Mr. Vidale reviewed the guidelines used by staff to develop the recommendation: 1) if a project was previously funded the goal was to keep it at the same level; 2) maintain balance funding between Tier 1 apprehension and prosecution projects; 3) fund at least one Tier 1 project in each county; 4) provide funding to Tier 2 projects impacted by apprehension and prosecution activities; 5) prioritize funding core operations positions; 6) fund a position and associated ERE at the current costs provided by the applicant; 7) fund personal services, ERE and overtime as a priority before considering other budget categories; and 8) avoid funding multiple support positions for any project.

After review and discussion, Commissioner Ralph Ogden entered a motion to approve the award of the Arizona Drug, Gang and Violent Crime Control Cycle 26 grant funds to eligible criminal justice agencies for the period beginning July 1, 2012 and ending June 30, 2013 as listed under table DC 6. The motion was seconded by Designee Ray Churay and was unanimously approved by the Commission.

IX. AZ Records Improvement and Information Sharing Strategy Priority Recommendations

Karl Heckart, Policy Team Chairperson presented the proposal of the Information Technology and Systems Improvement Committee that the Commission support the strategic priorities and tactical recommendations. Goal 1, Objective 1.2 that reads to promote ongoing records improvement collaboration across the flow of the criminal justice system was first reviewed. Mr. Heckart then continued to explain the five highest priorities for FY13. The first is the **Continuation of the Arizona Disposition Reporting System (ADRS) rollout**. The action steps for this project contain the following: 1) AOC/DPS continued rollout, 2) DPS implementation of enhancements, and 3) ongoing review and analysis for system improvements. The second priority is the **Criminal History Records Clean-up and Completion**. The responsibility for this priority consists of: 1) activities currently funded to support the cleanup of missing records by directing the backlogs and rejected dispositions, and 2) discussion by the Policy team to address the areas in FY13.

Mr. Heckart then directed the Commission to Goal 2 of the strategy which is enhancing information sharing across jurisdictional boundaries. The first undertaking for the **Warrant Repository-eWarrants Process** priority contains the development of improved business model and system specifications for warrant issuance, tracking, reporting and repository. The second step is the analysis of FTA warrant process and improvements. The next priority is the **Support of the NICS Task Force Project**. The direction for this project includes: 1) the analysis of seven reporting categories for NICS to develop recommendations for business process improvements; and 2) automations of court orders being submitted to DPS and then to NICS. The last priority is the **NIEM Standards and Education**. The target proceeding is to have the Technical Team develop a plan for Arizona to adopt the NEIM standard and have educational partnerships with federal resources.

Next, Mr. Heckart reviewed the medium priorities for FY13 that included JWI Data Source Sharing; Failure to Appear; eCitations; and Synchronization of Probation. Lastly, the priorities for FY14 were listed on the following levels of preference: 1) Criminal eFiling as high; 2) JWI Operational Consortium and AZLink as medium; 3) AZLink Enhanced Services as low.

After review, Commissioner David Byers entered a motion to approve the strategic priorities and tactical recommendations for the Arizona Records Improvement and Information Sharing Strategy as listed on pages 36-38 of the agenda. The motion was seconded by Designee Erin Warzecha and was unanimously approved by the Commission.

X. Gerald Hardt Memorial Criminal Justice Records Improvement Program

Pat Nelson, Program Manager discussed how the Gerald Hardt Memorial Criminal Justice Records Improvement Program supports the implementation of various projects to improve the quality, completeness and accessibility of the state's criminal justice records systems with an emphasis on criminal history information. Ms. Nelson explained last year the funding level was at \$335,000; however, this year the amount is set at \$200,000.

Next, Ms. Nelson presented staff's recommendation to the Commission for the approval of directing the FY13 Byrne/JAG five percent set aside funding in the amount of \$200,000 for the Gerald Hardt Criminal Justice Records Improvement Program to support the implementation of the electronic transfer capability of Arizona mental health case information to the Department of Public Safety and to support the next phase of the eWarrant Statewide Initiative. In addition, staff is also recommending that no match be required for the FY13 CJRIP allocation due to continuing difficult budget conditions.

Commissioner Bill Montgomery entered a motion to approve directing the FY13 Byrne/Jag five percent set aside funding designated for the Gerald Hardt Criminal Justice Records Improvement Program in the amount of \$200,000 to support the implementation for the electronic transfer capability of Arizona mental health case information to the FBI/national Criminal Background Check System (NICS). Commissioner David Byers proposed amending the motion to include the support of the next phase for the eWarrant Statewide Initiative and approve that no match be required for the FY13 CJRIP awards. The motion was seconded by Commissioner Ralph Ogden. The amendment was accepted and unanimously approved by the Commission.

XI. Full Forensic Crime Laboratory Grant Program

Pat Nelson, Program Manager presented the Full Service Forensic Crime Laboratory grant allocations in the amount of \$800,000 for FY13. All five laboratories submitted projects for the grant application through the grant management system (GMS). The funding will be utilized for positions of criminalists, equipment, training overtime and other new positions for the labs. Ms. Nelson directed the Commission to the chart on page 42 of the agenda that showed the funding allocation. The formula for the funding was agreed upon in 2007 by the lab directors.

Commissioner Linda Scott entered a motion to approve the Full Service Forensic Crime Laboratory grant allocations for the cycle of July 1, 2012 through June 30, 2013. The motion was seconded by Commissioner Carl Taylor and was unanimously approved by the Commission.

XII. Call to the Public

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

XIII. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, July 19, 2012 at 2:00 p.m.** at the Little America Hotel in Flagstaff, AZ.

XIV. Adjournment

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Blackburn, Jr.', written in a cursive style.

John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.