

**Arizona Criminal Justice Commission**  
**Minutes**  
**July 17, 2014**

A public meeting of the Arizona Criminal Justice Commission was convened on July 17, 2014 at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

Bill Montgomery, Chairperson, Maricopa County Attorney  
David Byers, Vice Chairperson, Director, Administrative Office of the Courts  
Joseph Arpaio, Maricopa County Sheriff, John MacIntyre representing  
Joe Brugman, Chief, Safford Police Department  
Timothy Dorn, Chief, Gilbert 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, Kathleen Mayer representing  
Brian Livingston, Chairperson, Board of Executive Clemency  
Sheila Polk, Yavapai County Attorney  
William Pribil, Coconino County Sheriff  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer by conference call  
Daniel Sharp, Chief, Oro Valley Police Department  
Steven Sheldon, Former Judge

Members Absent:

Mark Spencer, Law Enforcement Leader

Staff Participating:

John A. Blackburn, Jr., Executive Director  
Karen Ziegler, Deputy Director  
Andy LeFevre, Public Information Officer  
Pat Nelson, Program Manager  
Wendy Boyle, Executive Secretary

Guest Participating:

Aaron Gorrell, Waterhole Consulting

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

The meeting was called to order by Chairperson Bill Montgomery at 2:00 p.m. Roll was taken and a quorum was declared present.

**II. Minutes of the May 22, 2014 Meeting**

Chairperson Montgomery called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the meeting held on May 22, 2014. The motion was seconded by Commissioner Chris Gibbs and was unanimously approved by the Commission.

**III. Executive Director's Report**

**A. Staff and Program Updates**

Executive Director Blackburn stated staff has been active in processing the grant agreements for the past month. The vacant Program Project Specialist position has been evaluated and revised to better support the agency programs. The position has been advertised and the hiring process will begin shortly. Staff is also preparing for the upcoming retirements to ensure the transfer of program knowledge will be a smooth transition.

Executive Director Blackburn announced this will be the final Law Enforcement Pow Wow for Pat Nelson, Program Manager and Susan Preston, Human Resources Manager, as they will be departing ACJC next year. Director Blackburn thanked them and acknowledged they have been a vital part of the agency.

Executive Director Blackburn reported how the Rx initiative has been very successful and how he has been sharing the message about the value of the drug drop boxes using as examples the accomplishments in Yavapai, Pinal, Greenlee and Graham counties.

**B. Legislative Update**

Andy LeFevre, Public Information Officer reported on the state legislative update. There were 1,205 bills introduced, 303 passed by the legislature, 25 bills were vetoed, and 278 were signed into law.

Mr. LeFevre thanked Representative Justin Pierce for his help in passing HB2322 – National Instant Criminal Background Check System (NICS) bill. The final version of bill outlines the flow of mental health information from the courts, to the Department of Public

Safety, then to NICS. Mr. LeFevre noted the Governor's office contacted ACJC for a signing ceremony on HB2322 on July 31, 2014 and encouraged the Commissioners to attend.

The next legislative session will require work on the notification indicator to law enforcement officers, conditions of release, and prohibited possessor language that was removed from the original bill. Other areas ACJC intends to work on are looking at the drug fines in statute and drafting legislation on 2FID for good biometric identifiers on information for sentencing documents. Also, funding associated with the education lawsuit will be addressed in the next session. ACJC will be watching this closely because of the impact to the state budget and ACJC's budget request.

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

#### **IV. 2012-2017 Arizona Records Improvement and Information Sharing Strategy Update**

Pat Nelson, Program Manager gave an update on the federal FY14 grant proposals that were submitted to improve criminal records in Arizona in the amount of \$1,913,448. There were two grant submissions to the Bureau of Justice Statistics (BJS), one in support of NICS projects and the second in support of National Criminal History Improvement Program (NCHIP) projects. The first grant request to BJS for the NICS program in the amount of \$769,332 was recommended for full funding for continuation of the Arizona NICS Task Force projects. BJS awarded funding in the amount of \$644,951 in support of several National Criminal History Improvement Program (NCHIP) projects. Ms. Nelson explained the third grant application to Bureau of Justice Assistance (BJA) for the Justice Information Sharing Solutions in the amount of \$499,165 was submitted to develop the AZ historical warrant repository. There will be five awards made nationwide for this grant solicitation and ACJC has not yet been informed of the status.

Ms. Nelson provided a summary on the activities and highlights that support the strategic integrated justice plan that include initiatives that focus on improving the completeness of criminal history records, combined with strategies derived by the NICS task force, with concentration on improving the Arizona Disposition Reporting System (ADRS). Some of the activities currently underway include mandatory fingerprint compliance for the missing records by utilizing the 2FID in the courts to capture the quality one print for sentencing documents, and continuing to monitor the Department of Corrections (DOC) GAP report for counties. Under the Warrant Repository project, electronic warrants standardization of the design documents and development of a proof of concept model for electronic workflow for warrants is projected to begin October 2014 along with the development of a historical warrant repository. Lastly, under the NICS Task Force Project, the success of HB2322 allowed the additional mental health statute, Rule 11 and Title 14 guardianship to be reported into NICS. Additional NICS legislation will be sought during the 2015 legislative session that would allow law enforcement to receive notification of mental health prohibited possessors.

Ms. Nelson emphasized how the coordinated approach of merging the Criminal History Records Improvement Plan and the NICS Records Improvement Plan as one strategic plan has resulted in several successes such as effectively managing funding for NCHIP, NICS, Byrne/JAG, Improving Background Checks and Information Sharing Solutions, and ensuring all stakeholders are actively engaged in the goals and objectives contained in the strategy.

Ms. Nelson reviewed the technical visits to the counties that involved measuring performance on NICS completeness of Arizona computerized criminal history records, and the percentage of arrest charges with subsequent case disposition information in the ACCH by county.

In summation, Ms. Nelson stated that funding since 2005 for the Criminal Records Improvement Plan totaled \$8,315,017 and results of records improvement completed dispositions increased a total 14.9 percent from 2005 (57.2 percent) to 2012 (72.1 percent).

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

#### **V. Arizona Criminal Records Infrastructure Improvement Assessment Report and Budget Request**

Aaron Gorrell, Waterhole Consulting provided information that described the overall process of the Records Infrastructure Improvement Assessment Report. The initiatives were identified and recommended, and the overall funding for the budget request was discussed.

Mr. Gorrell reviewed the successes of the Strategic Assessment Project and the intent of the information sharing assessment report. The report identified the underlying problems in the criminal records and the solutions. Two of the initiatives under the Project Investment Justification (PIJ)/Automation Projects Fund will be requesting funding in the upcoming legislative session. Initiative #2 has been approved by Arizona Strategic Enterprise Technology (ASET) for the Automatic Fingerprint Identification System (AFIS) LiveScan/AFIS machines on June 30, 2014 and Initiative #3 is being presented at the Information Technology Authorization Committee (ITAC) on July 30, 2014 for the Statewide Arrest Warrant Project.

Next, Mr. Gorrell reviewed each assessment initiative.

**Initiative #1 Simplify Case Disposition Reporting.** Streamline disposition reporting by a simplified segmented approach (SSA) on the auto add, auto update program that is currently in progress. The Administrative Office of the Courts (AOC), ACJC, and the Department of Public Safety (DPS) are working to have it in place to validate that every charge that has been fingerprinted, adjudicated by the court, and is in the criminal history system.

**Initiative #2 Expand Use of Biometric Identifiers.** Expanded use of biometrically based identifiers to address the issue of missing criminal history. Ink and roll fingerprinting has two implications for not having a criminal history created because the fingerprint was missing and not usable.

Mr. Gorrell explained the first part under initiative #2 is to determine defendant identification by mobile fingerprinting for law enforcement to confirm subject identity, background, provide immediate feedback on the quality of fingerprint and AFIS return within minutes. The information is returned with a mug shot, person name, date of birth, AFIS record number, two fingerprint image and a criminal history indicator. Examples of a fingerprint taken by the mobile fingerprint device were shown.

Mr. Gorrell also reported on the benefits that include biometric based identification for court personnel, electronic capture of fingerprint for sentencing documents, creating a label to Court Case Management System with fingerprints replacing the ink and roll process, and determining the presence of criminal history. The next steps are the proof of concept implementation in Maricopa County Superior Court and applying to the three criminal courtrooms with possible expansion and determining the approach for the other Superior criminal courtrooms and limited jurisdiction courts.

Mr. Gorrell discussed the second part of initiative #2 which is the LiveScan Concept of Operations and expansion of the fingerprint capability through LiveScan/AFIS machines. Lack of accessibility and operating hours were often given as reasons for not getting a fingerprint taken. The projected funding of this project for \$451,519 would deploy eight LiveScan booking devices to be located in the courthouse and keep the same business hours as the court.

Part three is the staffing of eight LiveScan operators for the devices. Funding will come through a special budget request through ACJC in the amount of \$640,000.

**Initiative #3** is the Arizona Statewide Arrest Warrant Project.

The first piece is the Arrest Warrant Standardization that would be one standard or set of arrest warrants that would be used statewide in Arizona by courts. The AOC has been working with the sheriffs, local law enforcement agencies and courts to identify the key issues and business process that is currently across the jurisdictions for issuing or requesting, approving and issuing arrest warrants and processing into Arizona CJIS.

The second part is to develop a statewide arrest warrant system. The issues identified in the study phase are lack of process for arrest warrants, duplicate data entries, manual arrest warrant validation, eliminating local warrants, and obtaining activity notification. The amount needed for the ASAWP/eWarrants project is \$5,046,413.

**Initiative #4** is the **NICS recommendations implementation** and **Initiative #5** is the **expansion of the GAP filler project**. Mr. Gorrell referred to this as a safety net where a person's identity is captured with a fingerprint. This involves working with the probation offices and the Department of Corrections to develop a business process modification in checking the charge level.

Mr. Gorrell concluded the presentation with an overview of the implementation plan that consists of 1.) Phase I – determining to continue with the Microsoft CRM license and to use the off the shelf solution designed to allow the end user to customize implementation; 2) Phase II - rolling out statewide the implementation for the Failure to Appear Warrants and integrate with DPS, law enforcement and court case management systems; 3) Phase III – implement warrants into an interface with the Adult and Juvenile Probation case management system; 4) Phase IV – implement for grand jury, misdemeanor and direct file felony warrants integration in the Maricopa County ICJIS; 5) Phase V – replace Arizona CJIS section with new system.

Chairperson Montgomery addressed the concern of presenting the entire budget amount to the Governor and the legislature. There was discussion on the issue of splitting the recommendations by approving the Arizona Criminal Records Infrastructure Improvement Assessment report with the initiatives first for \$1.2M, and the eWarrant project budget request initiative secondly as a separate issue.

Executive Director Blackburn stated staff was confident about presenting the entire budget package and possibly negotiating the fund amounts in increments if necessary.

Chairperson Montgomery then suggested adding the language “to support the complete development and implementation of technology solutions to enhance timely and accurate sharing of criminal justice information” for the recommendation. This would signify the purpose of the budget request so that all monies appropriated in the 2016 budget would be addressed in all aspects of the initiatives.

After review and discussion, Designee Andrew Pacheco entered a motion that the Commission approve the Arizona Criminal Records Infrastructure Improvement Assessment Report and 2016 budget request in the amount of \$6,137,932 to support the complete development and implementation of technology solutions to enhance timely and accurate sharing of criminal justice information. The motion was seconded by Commissioner Joe Brugman and was unanimously approved by the Commission.

#### **VI. Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP)**

Pat Nelson, Program Manager explained that each year the Commission has set aside 5% of the Byrne/Justice Assistance Grant (JAG) funding to target support of individual agency projects that impact the state's effort in improving criminal justice records. Ms. Nelson presented to the Commission for consideration the CJRIP funding in the amount of \$211,749 to support implementation of mobile fingerprint devices in each criminal courtroom of the Maricopa County Superior Court.

Designee John MacIntyre entered a motion for the Commission to direct FY2015 Byrne/JAG 5% set-aside funding in the amount of \$211,749 to support an initiative for implementing mobile fingerprint devices in each criminal courtroom of the Maricopa County Superior Court. The motion was seconded by Designee Andrew Pacheco and was unanimously approved by the Commission.

#### **VII. Full Service Forensic Crime Laboratory Grant Program**

Pat Nelson, Program Manager reported on the Full Service Forensic Laboratory Grant Program and the allocation of funds in the amount of \$850,000 for FY15. In 2007, the lab directors and chiefs agreed to establish an equitable distribution formula as outlined on page 14 of the agenda. The distribution method includes a base allocation of \$100,000 in grant funds for each full service accredited crime laboratory with the remaining funds distributed by formula based on population.

Commissioner David Byers entered a motion that the Commission approve the Full Service Forensic Crime Laboratory grant allocations for the FY15 grant cycle beginning July 1, 2014 through June 30, 2015. The motion was seconded by Commissioner Chris Gibbs and was unanimously approved by the Commission.

Chairperson Montgomery expressed gratitude in Ms. Nelson's work with ACJC.

#### **VIII. ACJC Budget**

##### **A. FY2014/2015 Budget Update**

Deputy Director Karen Ziegler presented the ACJC budget summary for FY14 and FY15 and a handout was given that showed the actuals for the FY14 operating budget and program funds and the approved FY15 operating and program plan. The FY14 fiscal year closed on June 30, 2014 with a cash balance going forward and expenditures below the approved funded plan. Revenues have been declining for the past five to six years; however, staff has cut costs and stretched resources to accommodate the decreased revenue. Under the operating budget, there are 30 full time equivalent positions with 26 of those filled, one vacant position ready to be filled, and the other positions have been left vacant.

Deputy Director Ziegler reviewed the fund sources and other appropriated funds. Ms. Ziegler highlighted that the Victim Compensation and Assistance Fund received additional funding from the Department of Revenue for unclaimed victim restitution in the amount of \$684,000 to the victim compensation and assistance program.

Deputy Director Ziegler stated the FY2016/17 budget submittal and strategic plan is due on September 1, 2014. The budget will be built using figures from the FY15 approved budget and include the addition of any proposed budget issues. The Governor will release a budget recommendation in January 2015 to present to the 2015 Legislature.

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

**B. FY2016/2017 Budget Issues Request**

Deputy Director Karen Ziegler identified four budget issues that will be developed for the agency budget submittal.

The first budget issue relates to the recommendations from the Arizona Criminal Records Infrastructure Improvement Assessment Report and Project Investment Justification submitted to the Arizona Strategic Enterprise Technology Division of the Department of Administration. ACJC is requesting funding in the amount of \$6.1 million from the general fund to allow establishment of an integrated computer information system with accurate, complete and timely criminal records data on individuals and events.

The second budget issue is the request for funding from the Arizona Prevention Resource Center Fund that currently supports the Arizona Youth Survey. Staff proposes to shift funding of research activities of the Statistical Analysis Center from federal grants to state funding sources. This would provide a stable source of funding for research activities as well as expand the scope of activities for which the resource center funds. The budget issue requests an increased total appropriation of \$602,200 for FY16.

The third budget issue is the Fill the Gap – State Aid to County Indigent Defense - requesting authority to spend the available funds on Indigent Defense projects in the FY16 budget year. The request is estimated to be about \$950,000 based on FY15 revenue.

The final budget issue is to increase appropriation for the Victim Compensation and Assistance Fund. Staff is requesting the amount of \$500,000 be directed to the victim assistance program. It is anticipated that there will be a need for the increased funding based on the FY15 requests from victim assistance agencies at \$1.9M and the Victim Compensation and Assistance program had only \$1.2M to fund these requests.

Commissioner David Byers entered a motion to approve the four budget issues for submission in the FY2016/17 budget. The motion was seconded by Commissioner Chris Gibbs and was unanimously approved by the Commission.

**C. CJEF Formula Recommendation**

Deputy Director Karen Ziegler stated ARS 41-2405.7 requires the Commission as part of the budget submittal process to make a recommendation on the Criminal Justice Enhancement Formula distribution and formula. Staff has recommended no change to the current formula.

Commissioner Daniel Sharp entered a motion to approve the recommendation from staff on the Criminal Justice Enhancement Fund formula pursuant to ARS 41-2405.7. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

**IX. Call to the Public**

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

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

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, September 18, 2014** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**XI. Adjournment**

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.