

**Policy Team of the Information Technology and Systems Improvement Committee**  
**Minutes**  
**February 26, 2014**

A public meeting of the Policy Team of the Information Technology and Systems Improvement Committee of the Arizona Criminal Justice Commission was convened on February 26, 2014 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**Members Present:**

Karl Heckart, Chairperson, Administrative Office of the Courts  
Cathy Allen, Coconino County Sheriff's Office, Jonathan Rodriguez representing  
Steve Ballance, Maricopa ICJIS  
Cathy Clarich, Maricopa County Superior Court  
Frank Gonzales, Pima County Sheriff's Department  
Cheryl Harris, Navajo County Attorney's Office, by conference call  
Mark Hendershot, Maricopa County Adult Probation  
Nancy McKay-Hills, Tucson Police Department  
Michael Keran, Scottsdale Police Department  
Barbara Marshall, Maricopa County Attorney's Office  
Julio Marroquin, Yavapai County Attorney's Office, by conference call  
John Merritt, Pima County Attorney's Office, by conference call  
Jeff Raynor, Department of Public Safety

**Members Absent:**

Allister Adel, Department of Transportation  
Shelly Bunn, Maricopa County Sheriff's Office  
Jeff Hood, Department of Corrections  
Mark Marino, Gilbert Police Department

**Staff Participating:**

Pat Nelson, Program Manager  
Wendy Boyle, Executive Secretary

**Guests Participating:**

Jerry Landau, Administrative Office of the Courts  
Aaron Gorrell, Waterhole Consulting  
Patrick Priel, Scottsdale Police Department

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

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

**II. Minutes of the December 5, 2013 Meeting**

Chairperson Heckart called for a motion on the minutes. Jeff Raynor entered a motion to approve the minutes of the December 5, 2013 meeting. The motion was seconded by Mark Hendershot and was unanimously approved by the Policy Team.

**III. Criminal Records Simplified Segmented Approach (SSA) Rule 37 Group**

Jerry Landau, Administrative Office of the Courts (AOC) briefed the Policy Team on the activities of the SSA Rule 37 workgroup and the National Instant Criminal Background Check System (NICS) legislation. The simplified segmented approach solutions are based on each entity (law enforcement, prosecutors and courts) being responsible for entering criminal history data into the Arizona Disposition Reporting System. The next steps for the SSA Rule 37 workgroup is to arrange a meeting with the Arizona Association of Chiefs of Police and the Arizona Sheriffs Association to facilitate a discussion on developing a mechanism on how to get persons fingerprinted and get the records into the NICS system.

Mr. Landau presented a legislative update of House Bill 2322 that supports NICS. Changes were made to the original bill after discussions with the National Rifle Association (NRA). The definition of a prohibited possessor was changed to remove individuals under indictment or information for specific charges and extended to those found guilty except insane; the requirement that the supreme court maintain a database of mental records was removed; and the requirement that the Department of Public Safety (DPS) notify or allow law enforcement to have notification on a person's record that are sent to NICS was omitted. Mr. Landau reviewed the four mental health categories in the bill that would require the court to send information to DPS and would ultimately be entered into NICS. They include those in need of treatment, persons under a guardianship except if the guardianship is solely for physical incapacity, those incompetent to stand trial and those found guilty except insane.

Mr. Landau explained the first discussion and provision point with NRA was to require the courts to send persons whose release conditions pending trial prohibit the possession of a firearm to DPS. It was removed from the bill through agreement with NRA for two reasons. First, it can be done without legislation and second, it would not occur in 2014 because of time constraints and would delay the effective date of the legislation.

Another area of concern was allowing law enforcement to obtain information on persons who are prohibited from possessing a firearm under NICS. Mr. Landau stated NRA had concerns that the bill would have law enforcement proactively searching homes for weapons.

Aaron Gorrell, Waterhole Consulting explained the purpose of the SSA Rule 37 workgroup is to provide input to stakeholders to adequately address issues related to criminal history records. Meetings have been held monthly to focus on the two areas of criminal history records: 1) missing criminal history where no arrest event took place and, 2) incomplete criminal history where there are missing charge dispositions.

Mr. Gorrell elaborated that the missing criminal history component is a significant issue even more than incomplete criminal history. Many prosecutors are using systems other than the Arizona Computerized Criminal History (ACCH) for more detailed criminal history information. The number of criminal cases with no criminal history included in the Department of Corrections (DOC) GAP report identified 928 inmates upon entry, Maricopa Adult Probation with 1,500 probationers and Maricopa Superior Court with 2,705 criminal events missing criminal history.

Mr. Gorrell explained on the DOC GAP project, the fingerprint ID is recovered from DPS and if no criminal history is found, DOC provides the fingerprints and sentencing documents to DPS. If the sentencing documents have a legible print and match the print at DOC, then DPS will be able to create a criminal history. If the sentencing document print is illegible or there is no fingerprint the individual will be released without a criminal history. The results were of the 927 inmates admitted to DOC, 533 inmates had a criminal history created, records could not be created for 368 inmates that were released and now are eligible to receive a fingerprint clearance card. The DOC GAP report was broken down by trends with the percentage of felony case load in Maricopa County at 63.4% and Mohave County at 3.3%.

Mr. Gorrell advised that the SSA Rule 37 group has worked with Maricopa and Yavapai Superior Court to do research on the cases that originated from the GAP report. The analysis is not complete; however, there are trends emerging in terms of root causes. Several examples were cited: 1) a person is indicted and brought into court on a grand jury summons, the fingerprint step many times is missed; 2) indictments where the person is brought into court, a complaint is written under one charge, the grand jury indicts on a different charge that requires mandatory fingerprints and there is no follow-up to make sure the individual is fingerprinted. The results revealed 98.9% of convicted felony offenders are sentenced to probation or incarceration; however, based on 2013 Maricopa County data, there were 583 probation cases and 78 cases in DOC that were missing criminal history records.

Mr. Gorrell discussed the possible solutions for eliminating missing criminal history. The first is the concept of courtroom fingerprinting (2FID); the second is providing additional AFIS machines; the third is adding operational hours at agencies for fingerprinting; and lastly identifying specific business process problem areas and developing systems to address challenges. The process of utilizing the two fingerprint ID in the courtroom was then explained. Lastly, Mr. Gorrell addressed the challenges with incomplete criminal history. The proposed ADRS modifications include implementing an auto-add capability where dispositions received from the court would attempt to match with arrest charges. If no match is found, the court would adjudicate a charge that will automatically be added and the disposition would be applied. The auto-update would occur when charges fall within a certain criteria and would automatically be disposed after a particular timeline. The SSA rule 37 workgroup will be meeting to discuss the failure to appear, specifically the 261,542 non-disposed charges in the criminal history database. The Policy Team expressed some potential concerns about the timing and partiality if the court has some familiarity with the criminal history at the initiation of a case.

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

#### **IV. Scottsdale Police Department – Warrant Initiative**

Patrick Priel, Scottsdale Police Department provided information on warrant reporting to the National Crime Information Center (NCIC) that improves NICS records for background checks.

Mr. Priel reported the Scottsdale Police Department began entering warrants into NCIC in July 2013 and as of today, there have been 3,028 warrants recorded. He also provided five examples of how information entered in NCIC has aided NICS and other entity inquiries on warrant searches.

Mr. Priel reported NICS called five times to confirm that a warrant was valid and each time it was; thus, preventing a subject from obtaining a firearm. Additionally, NICS has also faxed an inquiry asking if the warrant was still active for five subjects, and all but one were still valid.

Other examples of inquires included: 1) three contacts by the State Department in Washington, D.C. regarding subjects who were trying to obtain passports; 2) a request for verification from the National Law Enforcement Communications Center to verify if a warrant was valid for a subject being detained at Sky Harbor Airport, it turned out that the subject had gone to the court and paid the warrant fees earlier that morning.

Mr. Priel provided step-by-step examples on how to enter warrants into the system and the specific criteria used for the information.

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

#### **V. National Instant Criminal Background Check System (NICS) Legislation**

This agenda item was presented by Jerry Landau, AOC in Item III.

#### **VI. Fine Structure – Drug, Gang and Violent Crime Control Funding**

Tony Vidale, Program Manager reported that the Drug, Gang and Violent Crime Control Committee at its December 9, 2013 meeting asked staff to explore improvements to the current fine structure for drug crime convictions and the potential for generating revenue for the program. Mr. Vidale explained the Committee focused on two specific issues related to drug fines in statute and found that not all violations in Title 13, Chapter 34 or associated preparatory offenses have mandatory fines; and the fine schedule in statute is inconsistent with sentencing.

Staff presented recommendations for improvement to the fine structure at the January 2014 Commission meeting. The recommendations included: 1) applying a mandatory fine for those statutes that do not have a mandatory fine and preparatory offenses; and 2) implementing a fine schedule that is more consistent with sentencing based on the class offense rather than the type of drug

involved, with the addition of the diversion of the drug court programs to waive the surcharge. ACJC staff is also working on language that would address the preparatory offenses to include the mandatory fines for the offense. The Commission approved the concept of standardizing the fine structure.

Mr. Vidale addressed the handout that outlines the proposed fine schedule based on class offense and asked if the Policy Team could provide comments that would help staff move the proposal forward. Some suggestions included seeking judicial and prosecutorial opinion, as well as general and limited jurisdictions for support. Additional feedback included reviewing the fee amounts and to consider the surcharges that are added to the total fines.

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

**VII. Bureau of Justice Assistance – Technical Assistance Visit**

Pat Nelson, Program Manager gave an update on the Bureau of Justice Assistance (BJA) grant. Ms. Nelson explained the grant in the amount of \$634,236 was awarded to ACJC for improving the completeness of firearm background checks. Several initiatives and goals are tied to the passing of the NICS legislation and when the bill moves forward, DPS and AOC as sub-grantees will be able to begin work on the objectives. Two areas that are currently underway include reporting of Arizona Crime Information Center (ACIC) warrants to NICS and the development of a eWarrant prototype.

Ms. Nelson discussed under the grant program, BJA has set up technical assistance to each grantee to provide support and guidance from SEARCH and the National Center of State Courts (NCSC). SEARCH will assist with the technology that is being utilized for the goals and implementation and the NCSC will contribute to the development of a performance metrics.

Ms. Nelson briefed the Policy Team on the first technical assistance site visit with SEARCH, NCSC and the stakeholders on February 25, 2014. The meeting consisted of sharing goals and approaches under the grant, how the technology is being utilized and implemented, and reviewing the performance metrics and template that ACJC, AOC and DPS will be preparing for the grant.

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

**VIII. Call to the Public**

Chairperson Heckart made a call to the public. No members of the public addressed the Committee.

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

The next Policy Team meeting will be held on **Thursday, June 5, 2014 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**X. Adjournment**

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.