

**NOTICE OF PUBLIC MEETING
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **Thursday, July 21, 2011** beginning at **2:00 p.m.** at the **Little America Hotel, 2515 East Butler Avenue, Ballroom C, Flagstaff, AZ 86004.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- | | |
|---|--------------------------------|
| I. Call to Order and Roll Call | Chairperson Ralph Ogden |
| II. Minutes of the May 19, 2011 Meeting | |
| • Approval of Minutes | P-F-T |
| III. Executive Director's Report | John A. Blackburn, Jr. |
| A. Staff Update | Info |
| B. Budget Update | Info |
| C. Legislative Update | Info |
| IV. Maricopa Association of Governments (MAG) Misdemeanor DV Model Policy | Renae Tenney |
| • Review, discussion, consideration and possible action on the support of the concept of a regional/state wide model to address domestic violence through the misdemeanor criminal justice system in Arizona. | |
| | P-F-T |

- V. FY 2012 - 2015 Drug, Gang and Violent Crime Control Strategy** **Tony Vidale**
- Information will be presented and a discussion led on revising the statewide Drug, Gang and Violent Crime Control strategy for FY 2012 – FY 2015. **Info**
- VI. Full Forensic Crime Laboratory Grant Program** **Pat Nelson**
- Review, discussion, consideration and possible action on the FY12 Full Service Forensic Crime Laboratory grant proposal and allocations. **P-F-T**
- VII. Gerald Hardt Memorial Criminal Justice Records Improvement Program** **Pat Nelson**
- Review, discussion, consideration and possible action on the Gerald Hardt Memorial CJRIP grant proposal and allocation for FY12. **P-F-T**
- VIII. Arizona Records Improvement and Information Sharing Strategic Plan** **Karl Heckart**
- Review, discussion, consideration and possible action on the direction and priorities set forth in the Arizona Records Improvement and Information Sharing Strategic Plan for 2012 through 2017. **P-F-T**
- IX. Call to the Public**
- Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.
- X. Date, Time, and Location of Next Meeting**
- The next Commission meeting will be held on **Thursday, September 22, 2011 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.
- XI. Adjournment**

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the May 19, 2011 Meeting

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on May 19, 2011.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Arizona Criminal Justice Commission
Minutes
May 19, 2011

A public meeting of the Arizona Criminal Justice Commission was convened on May 19, 2011 at the 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Daniel G. Sharp, Chief, Oro Valley Police Department
John Armer, Gila County Sheriff, Claudia Dalmolin representing
Joseph Arpaio, Maricopa County Sheriff, Ray Churay representing
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Dave Byers, Director, Administrative Office of the Courts
Clarence Dupnik, Pima County Sheriff, Warren Alter representing by conference call
Robert Halliday, Director, Department of Public Safety
Tom Horne, Attorney General, Andrew Pacheco representing
Robert Huddleston, Chief, Casa Grande Police Department
Barbara LaWall, Pima County Attorney, Kathleen Meyer representing
Bill Montgomery, Maricopa County Attorney
Charles Ryan, Director, Department of Corrections, Charles Flanagan representing
David Sanders, Pima County Chief Probation Officer
Linda Scott, Former Judge
Carl Taylor, Coconino County Supervisor

Members Absent:

George Silva, Santa Cruz County Attorney

Staff Participating:

John A. Blackburn, Jr., Executive Director
Larry Grubbs, Program Manager
Mary Marshall, Public Information Officer
Tony Vidale, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Ralph Ogden at 1:30 PM. Roll was taken and a quorum was declared present.

II. Minutes of the March 31, 2011 Meeting

Chairperson Ogden called for a motion to adopt the minutes. Commissioner Linda Scott moved to approve the minutes of the March 31, 2011 meeting. The motion was seconded by Designee Ray Churay and was unanimously approved by the Commission.

III. Executive Director's Report

A. Budget Update

Executive Director Blackburn noted that ACJC had cuts to the budget of over \$3M for FY12. The breakdown of the cuts included \$761,000 for DUI, \$267,000 for the Drug Prevention Resource Center, \$1M from on-going reduction transfers to CJEF, DEA and Victim Compensation accounts, and \$400,000 from indigent defense.

Executive Director Blackburn reported that at the legislative session on April 19, 2011, Representative Andrew Tobin offered a floor amendment to divert all indigent defense monies to the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM); thus, redirecting the source of funds from ACJC. The diverted funds would have paid the sweep of \$400,000 taken from the same account in the agency budget. This means the funds are not accessible to ACJC and the agency will have to find \$400,000 from other funds. ACJC has had numerous conversations with the Joint Legislative Budget Committee (JLBC) and the Office of Strategic Planning and Budgeting (OSPB) and they confirm that ACJC will have to take the funds from other accounts to pay the sweeps.

Executive Director Blackburn informed the Commission that ACJC staff will look at other funds the agency administers in an effort to minimize the impact to our stakeholders. Staff will bring funding suggestions in July to the Commission meeting. ACJC staff will also contact Representative Andrew Tobin regarding the diverted funds and report back to the Commission.

On the federal side, FY11 programs experienced a 17 percent budget cut and the FY12 budget could be worse. The National Criminal Justice Association (NCJA) has been pushing Congress to spare Byrne/JAG funding from further cuts; however, not all of our Arizona delegation is supportive of Byrne/JAG.

Executive Director Blackburn talked about partnering with other organizations/agencies to effectively leverage the limited resources we will be faced with in the future; however, for FY12 we will continue to fight for the funding that Arizona needs.

B. Legislative Update

Executive Director Blackburn reported that the legislative session's main goal this year was defense. There were 1,350 bills introduced, 290 tracked, 386 passed and 29 vetoed. ACJC staff will have available at the July Commission meeting a legislative summary that details all the bills passed in this session.

ACJC sought passage of one bill that ultimately was a striker to HB 2645. The legislation addressed Arizona's statute that governs the process of restoration of rights for guns to citizens who have been adjudicated mentally incompetent. ACJC's interest in this issue was tied to the federal National Instant Criminal Background Check System (NICS) act grant funding that would allow the state to make improvements. The state applied for NICS funding and was turned down because current statute did not meet the requirements. The National Rifle Association (NRA) agreed with the language of the bill and the Governor has signed the bill into law. Arizona has applied for the NICS funding again to assist in developing a strategic plan to improve records.

C. State of Arizona Single Audit

Executive Director Blackburn gave an explanation of a finding in the State of Arizona single audit. Each grant requires detailed tracking of actual time spent by all employees paid by any federal grant fund. Some employees work under multiple grants and each hour must be properly assigned to each grant. ACJC hoped that the state payroll tracking system would assist in tracking employee time worked on grants, but it will not. The requirement has been documented requiring employees to report time worked on federal grant programs and non-federal activities through biweekly time sheets signed by the employee and supervisor. ACJC is also working with stakeholders and sub-grantees to help them look for effective ways to be in compliance with the federal requirement.

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

IV. Proposed Change to AZ Rule of Evidence 801(d)(1)(A)

Mary Marshall, Public Information Officer reported there was a petition pending to the Arizona Supreme Court to conform Arizona's rules of evidence to the federal rules that includes a change to the definition of hearsay in Rule 801(d)(1). To conform to the Federal Rule of Evidence 801(d)(1)(A), AZ Rule 801(d)(1)(A) had been amended to have the requirement that a prior inconsistent statement be made under penalty of perjury in order to be considered non-hearsay under the rule. Prosecutors are opposing this as the action may have impact on how domestic violence cases are prosecuted. The proposed rule change is listed on pages 11-13 of the agenda. Ms. Marshall explained that comments were filed by Pima County Attorney's Office, Maricopa County Attorney's Office and Arizona Prosecuting Attorney's Advisory Council, and the Arizona State Bar in opposition of the proposed change.

Kathleen Mayer, Pima County Attorney's Office and Commissioner Bill Montgomery gave examples of how the rule change could affect the way the criminal justice system functions as well as have a significant cost impact to the State, defendants and the courts. They both explained the opposition of the rule change for the following reasons: 1) adopting Federal Rule 801(d)(1)(A) would have negative and expensive consequences for our criminal justice system; 2) the ability to prosecute domestic violence cases which frequently must be pursued with a victim who becomes uncooperative; 3) possible negative impact to victims; 4) the increased cost to the system because of the need to depose witnesses and victims instead of relying on pretrial interviews; 5) the impact to defendants who could have clear evidence excluded under the rule change.

After discussion, Commissioner Bill Montgomery moved to object the adopting of the proposed change to AZ Rule of Evidence 801(d)(1)(A). The motion seconded by Designee Kathleen Meyer approved with Commissioner Dave Byers abstaining.

V. Crime Victim Compensation Program

A. Designation of Operational Units

Larry Grubbs, Program Manager explained that each year the Commission is required to assign one operational unit within each county to receive an allocation of state and federal compensation funds to administer the compensation program during the fiscal year.

Commissioner Linda Scott moved to approve the recommendation of the Crime Victims Committee that the current designation of the 15 County Attorney's Offices continue as operational units for the FY12 Crime Victim Compensation Program. The motion was seconded by Designee Charles Flanagan and was unanimously adopted by the Commission.

B. FY12 Compensation Program Budget

Larry Grubbs, Program Manager proposed that the budget for the FY12 Crime Victim Compensation Program be set at \$3,900,000 that includes \$2,500,000 in state compensation funds and \$1,400,000 in federal VOCA compensation funds. Mr. Grubbs explained that in past years, the allocation of federal and state compensation funds had been made in two separate distribution allotments. The process was duplicative. Staff's proposal combined the two allotments into one annual compensation allocation awarded on the state fiscal year.

Designee Charles Flanagan moved to approve the recommendation of the Crime Victims Committee that the total funding for the FY12 Crime Victim Compensation Program be set at \$3,900,000 and expended in accordance with the budget on page 17 of the agenda. The motion was seconded by Commissioner Carl Taylor and was unanimously approved by the Commission.

C. FY12 Compensation Program Funding Allocation

Larry Grubbs, Program Manager discussed the allocation of \$3,900,000 to the Crime Victims Compensation Program. Mr. Grubbs referred to the chart on page 19 of the agenda that outlines the proposed amount for allocation to each county operational unit. The formula shows a set administrative expense, a base allotment of \$11,100 to each county with the balance distributed by population and \$50,000 of the state funds held in reserve as required by Program Rule R10-4-102.D.

Commissioner Linda Scott moved to approve the recommendation of the Crime Victims Committee that the allocation of \$3,900,000 in state and federal Crime Victim Compensation funds to the operational units for the FY12 Crime Victim Compensation Program. The motion was seconded by Designee Charles Flanagan and was unanimously approved by the Commission.

D. Compensation Fund Distribution Method

Larry Grubbs, Program Manager recommended the distribution method of state and federal compensation funds be changed to a reimbursement process beginning FY12. ACJC staff identified issues with expenditure of state and federal compensation funds on a statewide level existing under the current distribution method that included: 1) Victim Compensation Program struggling with spending all allocated state compensation funds during any fiscal year; and 2) a current surplus of federal VOCA compensation funds that must be spent before funds expire. Staff proposes the conversion of all compensation fund distributions to a reimbursement process and to include language that allows ACJC staff the option to approve upfront payments to county programs on an as needed basis.

Designee Charles Flanagan moved to approve the recommendation of the Crime Victims Committee that beginning in FY12, all Victim Compensation program funding be distributed to the 15 county programs as a monthly expenditure reimbursement; however, stipulating that ACJC staff may approve upfront payments on a case by case basis. The motion was seconded by Commissioner Linda Scott and was unanimously approved by the Commission.

VI. Crime Victim Assistance Program

A. FY12 Crime Victim Assistance Grant Awards: Government Agencies eligible to serve on ACJC

Larry Grubbs, Program Manager reported that 54 applications were submitted requesting a combined amount of \$1,904,614 for the FY12 Crime Victim Assistance grant awards. The funding requests shown on page 23 of the agenda include requested amounts of \$791,712 for criminal justice government agencies eligible to serve as a member of the Commission and \$1,112,902 for non-profit and other government programs. Mr. Grubbs explained the applications were evaluated and scored by ACJC staff and outside evaluators based on the Crime Victim Assistance program rules, criteria, and priorities approved by the Commission.

Mr. Grubbs presented staff's recommendation to award FY12 crime victim assistance funds to the 44 programs currently funded and to maintain individual agency funding at the FY11 award level. Mr. Grubbs explained the two factors that influenced the development of the recommendation. 1) All 44 proposed programs funded during FY11 submitted Victim Assistance grant applications and were eligible to receive funding for FY12. Historically, one or two programs funded during the current fiscal year failed to submit a grant application for the following year. The reduction in returning programs meant that funding that may have been allocated to those programs could be redistributed to either increase the award to current superior performing programs, fund a new program, or both. With all currently funded programs eligible for continued awards, the funds were not available for redistribution this year. 2) Available funding and projected revenue for Victim Assistance program beyond the FY12. Revenue sources for the program generate about \$850,000 a year. In the past, the program balanced the difference between revenue and larger total program size by spending down a fund balance. Due to legislative sweeps and program spending, the fund balance has been depleted. Without additional revenue, the total program size for FY13 could be as low as \$850,000. Maintaining support for currently funded programs has been a priority for the ACJC Crime Victim Assistance Program. This recommendation attempts to balance the needs of the current program while focusing on the challenges that lay ahead for FY13. As a result, neither increased funding to current programs nor funding to a new program is included in the proposal.

After review, Commissioner Linda Scott moved to award the FY12 Crime Victim Assistance funds, based on the table listed on page 23, to the criminal justice government agencies eligible to serve on the Commission. The motion seconded by Designee Charles Flanagan was approved with Commissioner Bill Montgomery and Designee Kathleen Meyer abstaining.

B. FY12 Crime Victim Assistance Grant Awards: Other government, and non-profit agencies

Chairperson Ogden asked if there were members of the public would like to address the Commission. Chairperson Ogden then asked the Commission for a motion on Action Item VI-B that addresses Crime Victim Assistance grant awards to non-profit and other government agencies.

After further review and discussion, Designee Charles Flanagan moved to award the FY12 Crime Victim Assistance funds, based on the table listed on page 23, to the non-profit agencies, and other government agencies. The motion was seconded by Designee Erin Warzecha and was unanimously approved by the Commission.

C. Evaluation of Crime Victim Assistance Funding Priorities

Larry Grubbs, Program Manager discussed the need to examine funding priorities for the Crime Victim Assistance Grant program and directed the Commission to the current program priorities listed on page 25 of the agenda. Mr. Grubbs explained that ACJC staff will develop funding priority recommendations over the next several months. The recommendations will include a thoughtful examination of past funding priorities deemed important to the Commission as it relates to victim services. Mr. Grubbs stressed that feedback and participation from the Commission in the evaluation process is crucial. ACJC staff will have recommendations for the Commission to review by the November meeting.

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

VII. Drug, Gang and Violent Crime Control Program Cycle 25 Grant Awards

Tony Vidale, Program Manager provided an overview of the Drug, Gang and Violent Crime Control Program Cycle 25 Grant Awards.

The grant solicitation opened March 14, 2011 and closed April 8, 2011. There were 37 applicants. One law enforcement project did not meet the requirements for being a multi-jurisdictional, multi-agency task force. The other 36 grant requests were divided into 15 apprehension projects, 16 tandem prosecution projects, two forensic support projects, one drug adjudication project, and one statewide forfeiture project.

Mr. Vidale referred the Commission to the charts in the agenda. Table 1 on page 30 of the agenda summarized the grant awards for FY11; applicant grant requests for FY12, and the proposed grant awards for FY12. Table 2 on page 31 of the agenda displayed each applicant's request broken out by priority area and expenditure type. Table 3 on page 32 of the agenda consists of the proposed awards according to staff's recommendation. Applicant requests for funding totaled \$17,549,708 which exceeded the \$11,667,150 in funds available for this grant cycle. Mr. Vidale stated that this program also experienced a reduction of \$865,000 in fund availability from FY11 to FY12.

Mr. Vidale explained that the funding recommendation accomplishes the following: 1) reduces expenditures by \$865,000 from FY11; 2) reduces the number of FTEs by 10.18 from FY11; 3) provides funding task forces in all 15 counties; 4) provides funding support for tandem prosecution projects; 5) balances funding between priority one projects; 6) provides continuous funding support to the statewide forfeiture project by the Attorney General's office; 7) provides sustained funding support to forensic projects by Department of Public Safety and Tucson Police Department; 8) provides consistent funding support through Administrative Office of the Courts (AOC) for adjudication projects.

Mr. Vidale then informed the Commission that the five year State Drug, Gang and Violent Crime Control Program Strategy will be reviewed at the July 21, 2011 meeting. Changes to the current strategy will need to be addressed since the Drug, Gang and Violent Crime Control Program will be facing large funding reductions next year.

Chairperson Ogden asked if there were members of the public would like to address the Commission.

Commissioner Daniel Sharp moved to award the Arizona Drug, Gang and Violent Crime Control Cycle 25 grant funds to eligible criminal justice agencies for the period beginning July 1, 2011 and ending June 30, 2012 according to Table 3 on page 32 of the agenda. The motion was seconded by Commissioner Robert Halliday and was unanimously adopted by the Commission.

VIII. Call to the Public

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

IX. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on Thursday, July 21, 2011 at 2:00 PM at Little America Hotel, Flagstaff, AZ.

X. Adjournment

The meeting was adjourned at 3:15 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will discuss staff updates and programs.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the budget.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Mary Marshall will provide an overview and report on the 2011 state legislative session and current federal legislation.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Maricopa Association of Governments (MAG) Misdemeanor DV Model Policy

TO: Chairperson and Commission Members

FROM: Renae Tenney, Human Services Planner I
Maricopa Association of Governments

RECOMMENDATION:

The Maricopa Association of Governments is requesting the Commission support the concept of a regional/state wide model to address domestic violence through the misdemeanor criminal justice system in Arizona.

DISCUSSION:

Every year, law enforcement in Arizona receives more than 49,000 calls for domestic violence. These are some of the most dangerous, expensive, and prevalent calls law enforcement receive. In many communities across the state, domestic violence is one of the top three calls received. Local prosecutors estimate 90 percent of these calls are at the misdemeanor level and 80 percent of them will be dismissed. The outcomes of this include victims not feeling safe and abusers not being held accountable. The purpose of this item is to offer a regional approach that may be utilized throughout the state.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

MAG Protocol Evaluation Project

DRAFT Misdemeanor Domestic Violence Model Policy

6/22/11

* = Aligns with Promising Practices

A. Initial Response

- *1. Two officers respond (when possible).
- *2. It is the responsibility of the Communications Operator to determine if a call for service should be dispatched as "Domestic Violence." All calls involving a domestic violence incident should be given the same priority as any other 911 emergency call.
- *3. Officer(s) should be briefed by the Communications Operator before arriving on scene.
- *4. When arriving on scene, the officer(s) should be alert for weapons.
- 5. Officer(s) should ask about the nature of the dispute. Note victim's and suspect's conditions.
- 6. Restrain assailant (if necessary) and remove to patrol car if immediate arrest is warranted.
- *7. If entry is consented, enter and conduct search of premises.
- 8. If refused entry, be persistent about seeing and speaking alone with subject of call. If access is still refused, officer(s) may force entry for the purpose of ensuring the welfare of all occupants inside.
- *9. If there is probable cause, officer(s) are encouraged to make physical arrests when appropriate to break the cycle of violence that occurs with domestic violence situations.
- *10. Assess injuries, administer first aid, and notify Emergency Medical Services. Encourage victim to seek emergency room exam as appropriate. Document if treatment is refused.
- 11. Officer(s) should NOT become involved in the disposition of personal property ownership. Officer(s) should remain neutral and be concerned primarily with maintaining the peace and safety of those present.
- 12. Officer shall advise victims of their constitutional rights and should take care to specifically explain that the suspects' initial court appearance will likely occur in less than 24 hours. The victim should be told of the likely time and place of suspects' initial court appearance and how to contact the court. The officer must advise that the victim has the right to be present and to be heard at the initial appearance in person or through a written statement. Victims must be told that they have the right to submit to the court any information they want considered before the judge makes a release decision (including requests for "no contact") and how victims can submit written statements to the court for the initial court appearance. See Ariz. Const. Art II, Section 2.1; ARS 13-4405 and 4406.

B. On-Scene Assistance to Victims

- 13. A Crisis Response/Victim Services Unit, if available, should be called to respond on scene to assist victims and their families.
- 14. If a Crisis Response/Victim Services Unit is NOT available, the officer(s) shall assist with A-G.
 - A. Conduct safety planning with victim as they may need to take additional protective measures to maintain their safety.
 - *B. Provide information and phone numbers for accessing domestic violence assistance including help in locating lodging per ARS 13-3601(j).
 - C. Contact the appropriate victim advocate and provide victim's contact information for follow up to maintain the continuum of care.
 - D. Provide Victim Rights Form and Victim Compensation Fund information.
 - *E. Inform victim of the status of the offender after arrest is made.
 - F. Help arrange transportation to emergency housing, if requested by victim.
 - G. Contact the appropriate entity is to obtain a protective order.

C. On-Scene Investigation
Conduct Interviews:
15. Conduct complete interviews and obtain written statements as soon as possible.
*A. Identify, separate, and talk with all occupants and witnesses, including children.
*B. Interview each person in an area out of hearing range from each other and bystanders.
*C. Take audio recorded statements of interviews. Take video of victim's statement (if possible).
*D. Use supportive interviewing techniques to ask about previous incidents, frequency, and severity. Allow parties to describe and explain incident without interruption at beginning of interview.
E. Talk with children separately from parents, if parents give their consent. Use age appropriate techniques and document age(s).
F. Be alert to signs of trauma or abuse. Contact appropriate agency if children are being abused.
G. Do not tell victim what action will be taken until all available information has been collected.
Collect Evidence:
*16. Collect and preserve all physical evidence reasonably necessary to support prosecution including evidence substantiating victim's injuries, attack (weapons, torn clothing, etc.), and recording the crime scene.
*A. Take photos of visible injuries and the crime scene. Document in report.
B. Depending on the nature of the call, officer(s) may want to request a copy of the telephone recording, through their supervisor, to impound as evidence.
C. Follow up with victim, in person, to see if injuries are now visible or if injuries observed at the scene have changed. Arrange for daily follow up if officer(s) won't be available.
Complete Reports:
17. Complete department reports before arrest is made. Use Long Form instead of citations.
A. Obtain victim's address, home phone number, cell phone number, safe phone number (i.e., name and phone numbers of friend and/or relative), email, and alternate addresses for contacting the victim for follow up. Advise victims their information will be given to a victim advocate for following up.
*B. Document any possible incriminating statements and any excited utterances.
*C. Document evidence of substance and/or chemical abuse by the suspect, victim, and witnesses.
D. Identify any emergency medical personnel who responded. Provide their name and cell phone number for follow up.
*E. Provide officer's name and contact information (direct number & cell phone), and Daily Report (DR) number for quick contact for follow up by prosecutor.
*F. Determine if victim has a protective order. If so, verify the protective order with the agency or entity that houses them and request a copy be faxed for inclusion in the report.
G. If a protective order exists, check order to determine if weapons have been ordered to be removed per domestic violence statutory requirements for "cooling-off" period.
H. If no protective order exists, obtain consent from owner to remove weapons.
I. Ask about and document any information about prior incidents to establish pattern or history of abuse.
J. Make a records check on both parties in the dispute. If predominant aggressor has prior domestic violence convictions, process following State statute. Remain focused on the current crime or incident even if victim has prior convictions or warrants.
K. Fill out Injury Documentation Picture Report of all injuries found on all victims and/or suspects.
*18. Officers shall adhere to the Report Writing Guide and to the Maricopa County Attorney's Office protocol as it applies to domestic violence.
19. Clearly mark all written reports and documents as "domestic violence."
20. A report will be submitted when probable cause exists, even if the victim recants or declines to assist in prosecution.

21. If there is evidence a crime has occurred, such as physical injuries or damaged property, but there are no witnesses for corroboration, the suspect should be located and interviewed. Even if reasonable attempts to contact the suspect are unsuccessful, a report will be written.
22. The judge is only given the Form IV Probable Cause Statement to review before making a charging decision. Please explain why defendant poses a threat. This should include officer's comments such as, "defendant should not return to residence," or "victim is seeking a protective order," or a "protective order has been issued."
D. Arrest Decision
23. It is the officer(s)' responsibility to decide whether to arrest. Criminal action is initiated by the State, not the victim. Arrest should be based on credible statements and supporting evidence.
24. If an officer determines that there is no evidence of a crime and there has been no allegation of a domestic violence offense, the officer will find the call unfounded. On all domestic violence calls that lack physical evidence of a crime, a specific Computer Automated Dispatch entry must be entered.
*25. Arrest authorized, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury per ARS 13-3601(B).
26. In order to arrest both parties, the officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. If only one party has committed a crime (predominant aggressor), book this party into jail.
27. Whether arrest is made or not, encourage victim to contact a victim assistance program, if one is available.
If Arrest is Made:
28. Take accused into custody as soon as determined a warrantless arrest is appropriate.
29. Confiscate all weapons used or threatened to be used.
30. If suspect under 18 years of age, process using Juvenile Code. Arrest juveniles only when appropriate to incident.
31. Suspects' fingerprints and photograph will be submitted with the Daily Report (DR) and forwarded onto the Arizona Automated Fingerprint Identification System (AAFIS).
32. Become familiar with Class 6 Domestic Violence felonies to assist with submission of misdemeanors for elevation to felony charges.
If Suspect Fled:
33. The suspect should be located, interviewed, and arrested as soon as possible. If warrant is needed, obtain and execute warrant as soon as possible.
34. Officer should stand by while victim gathers necessities for short-term absence from the home.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	FY 2012-2015 Drug, Gang and Violent Crime Control Strategy

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

Staff will present to the Commission information related to revising the current statewide strategy for the Drug, Gang, and Violent Crime Control Program.

DISCUSSION:

The Arizona Drug, Gang and Violent Crime Control (DGVCC) Strategy was developed to guide policymakers in allocating resources to support Arizona's efforts to curtail drug, gang and violent crime in the state. The current strategy focuses on projects that enforce and prosecute drug abuse and trafficking violators as well as projects that support forensic testing, court programs, treatment and drug education and prevention. The DGVCC strategy takes a balanced approach to a statewide, system-wide program that supports drug control efforts in the state.

Arizona's Drug Strategy was first developed in 1987, updated and refined annually, and expanded to include gang and violent crime. The first multi-year strategy was developed in 2004. The current strategy expires in 2011, and the revised strategy will be in effect for the period of 2012 through 2015.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Full Forensic Crime Laboratory Grant Program

TO: Chairperson and Commission Members

FROM: Pat Nelson, Program Manager
CJ System Improvements Program

RECOMMENDATION:

The Commission approve the Full Service Forensic Crime Laboratory grant allocations for FY12 in the amount of \$850,000 as outlined in the attached table.

DISCUSSION:

Arizona Revised Statute 41-2421, commonly referred to as "Fill the Gap", directs the monies collected pursuant to section 12-116.01, subsection B shall be allocated in part to the Arizona Criminal Justice Commission for distribution to state, county and municipal law enforcement full-service forensic crime laboratories pursuant to rules adopted by the Arizona Criminal Justice Commission.

Full Service Forensic Crime laboratory grant applications were received from all five laboratories for the grant program cycle of July 1, 2011 through June 30, 2012. Staff reviewed the requests for \$850,000 as outline in the attached table.

The Information Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

FY 2012
Full-Service Forensic Crime Laboratory Grant Program
Funding Proposal

Funding Recipient		Base Allocation *	Population Percentages	Population Allocation	Total FY 2012 Proposed Allocation ARS 41-2421 (J)(5)
AZ Department of Public Safety (3 labs)		\$300,000	55%	\$82,500	\$382,500
Mesa Police Department		\$100,000	7%	\$10,500	\$110,500
Phoenix Police Department		\$100,000	22%	\$33,000	\$133,000
Scottsdale Police Department		\$100,000	4%	\$6,000	\$106,000
Tucson Police Department		\$100,000	12%	\$18,000	\$118,000
Total Allocations		\$700,000		\$150,000	\$850,000

* Every full-service forensic crime lab (DPS has 3 labs) gets a base of \$100,000.

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ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Gerald Hardt Memorial Criminal Justice Records Improvement Program

TO: Chairperson and Commission Members

FROM: Pat Nelson, Program Manager
CJ System Improvements Program

RECOMMENDATION:

The Commission award \$334,195 for the FY12 Gerald Hardt Memorial Criminal Justice Records Improvement projects as shown in the attached table.

DISCUSSION:

On May 11, 2011, the Arizona Criminal Justice Commission opened the Gerald Hardt Memorial Criminal Justice Records Improvement Program application process with a closing date of June 10, 2011. Program goals encourage procedures and systems that ensure arrest and/or disposition information is submitted to and accessible through the database of criminal history records at the Central State Repository at the Arizona Department of Public Safety. Priority was given this year to projects that address disposition reporting backlogs to include processing of rejected disposition reports. A total of five agencies submitted applications totaling \$597,688.

Grant requests were reviewed by an evaluation team and applications were scored based on the criteria published in the solicitation with an emphasis on the goals of the Arizona Records Improvement and Information Sharing Strategic Plan.

The Information Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) FY12

The CJRIP program supports the Arizona Records Improvement and Information Sharing Plan (AZ RIISP). Program priorities are to improve the quality, completeness, timeliness, and accessibility of the state's criminal history information. Priority for 2012 was directed to projects addressing backlogs and rejected dispositions.

Agency	Project Description	Requested	Recommended	Recommendation Comments
Attorney General's Office	<u>Records Improvement Program Legal Assistance</u> Requesting funding for 2000 hours contractual attorney services to include statute, rule, policy and process review and legal oversight of cross-jurisdictional information sharing. Also requesting part time administrative support, in-state travel, and operating expenses.	159,935	110,000	Partial funding is recommended for legal services of contracted attorney. Funding not recommended for support services, travel or operating expenses. Considerations: Funding is directed to core project activities of legal assistance for records improvement and information sharing.
Coconino Sheriff's Office	<u>eCitation Phase I</u> Requesting implementation of eCitation including hardware, software, and 12 handheld devices to print citations in Coconino County (8 in Flagstaff, 2 in Williams, and 2 in Page). When devices are docked, citation data is automatically uploaded to L/E and court systems. Project automates the citation process and increases process efficiency.	108,301	0	Project not recommended for funding. Considerations: Although a very worthwhile project to improve business processes, project activities have minimal impact on criminal records or criminal history information systems. Does not meet with the highest priorities of the program.
Glendale Police Dept.	<u>Jail Management System (JMS) Integration</u> Requesting funding to integrate three separate computerized systems used for booking: Glendale records management system (RMS), MCSO Pre-booking, and Phoenix PACE system to eliminate redundant data entry into multiple systems.	88,530	35,250	Partial funding is recommended for MCSO booking interface. Interface with PACE not recommended for funding. Considerations: Concerns exist with respect to the implementation timeline of the deployment of Glendale's RMS, long-term utilization of PACE, and resource constraints with partnering agencies.
Maricopa Attorney's Office	<u>Backlog Reduction</u> MCAO will utilize staff overtime and ERE as well as contractual personnel to enter backlogged disposition information for delivery to the central state repository.	187,598	135,621	Partial funding is recommended. Project supports program priority and has direct impact on improving the completeness, accuracy, timeliness and accessibility of criminal history records. Considerations: Due to limited available funding, project recommended for partial funding.
Maricopa Sheriff's Office	<u>Records Disposition Backlog Reduction</u> MCSO will utilize staff overtime and ERE to enter backlogged disposition information.	53,324	53,324	Full funding is recommended for project. Considerations: Project supports program priority and has direct impact on improving the completeness, accuracy, timeliness and accessibility of criminal history records.
		\$597,688	\$334,195	

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 21, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Records Improvement and Information Sharing Strategic Plan

TO: Chairperson and Commission Members

FROM: Karl Heckart, Chairperson
Policy Team Committee

RECOMMENDATION:

The Commission support the designated strategic priorities for 2012 through 2017 for the Arizona Records Improvement and Information Sharing Strategic Plan.

DISCUSSION:

In November 2010, the URL Integration, a leading integrated criminal justice information systems consulting firm was hired to assist in facilitating Arizona criminal justice stakeholders to update and expand the current long-term strategic vision for the Arizona Records Improvement and Information Sharing Strategic Plan developed in 2005/2006. The outcome of the meeting provides a summary of the proceedings and recommendations for short and long-term action to enable the state to continue down its path of improving the quality of criminal history records within the state, as well as to promote cross-agency information sharing among the justice enterprise.

A brief update will be provided on the activities and progress made to date on the Arizona Records Improvement and Information Sharing Strategic Plan and direction set for 2012 through 2017.

The Information Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table