

**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, November 10, 2011** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.**

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** **Vice-Chairperson Danny Sharp**

- II. Minutes of the July 21, 2011 Meeting**
 - Approval of Minutes **P-F-T**

- III. Open process for Election of a Chairperson and a Vice Chairperson** **John A. Blackburn, Jr.**
 - Review, discussion, consideration and possible action on beginning the process to elect a Chairperson and a Vice Chairperson for the Arizona Criminal Justice Commission. **P-F-T**

- IV. Executive Director's Report** **John A. Blackburn, Jr.**
 - A. Staff and Program Update** **Info**
 - B. Legislative Update** **Info**
 - C. 2012 Meeting Schedule** **Info**

- V. Victim Assistance Program Funding Priorities** **Larry Grubbs**
- Review, discussion, consideration and possible action on the funding priorities for the Victim Assistance Grant Program. **P-F-T**
- VI. Victim Compensation Program Morrison Institute Study** **Larry Grubbs**
- Presentation on the results and recommendations from the Victim Compensation Program study conducted by the ASU Morrison Institute for Public Policy. **Info**
- VII. Arizona Victimization Survey Funding** **Larry Grubbs**
- Review, discussion, consideration and possible action on providing funding to support the Arizona Victimization Survey. **P-F-T**
- VIII. 2012-2015 Drug, Gang & Violent Crime Control (DGVCC) Strategy** **Tony Vidale**
- Review, discussion, consideration and possible action on approval of the DGVCC Strategy. **P-F-T**
- IX. CY2012 Residential Substance Abuse Treatment Program (RSAT)** **Tony Vidale**
- Review, discussion, consideration and possible action on allocation of 2012 RSAT grant awards. **P-F-T**
- X. Medicaid Fraud Program Funding Request** **Tony Vidale**
- Review, discussion, consideration and possible action allocation of funds to the Medicaid Fraud Program. **P-F-T**
- XI. Enhanced Drug & Gang Enforcement (EDGE) Report** **Janice Simpson**
- Presentation of the report and highlights of the findings. **Info**
- XII. Legislative Proposals** **John A. Blackburn, Jr.**
- Review, discussion, consideration and possible action on the support of proposed legislation from stakeholders. **P-F-T**

XIII. 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.

XIV. Date, Time, and Location of Next Meeting

- The next Commission meeting will be held on **Thursday, January 19, 2012 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XV. 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:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the July 21, 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 July 21, 2011.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission
Minutes
July 21, 2011**

A public meeting of the Arizona Criminal Justice Commission was convened on July 21, 2011 at Little America Hotel, 2515 East Butler Avenue, Ballroom C, Flagstaff, AZ 86004.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Daniel G. Sharp, Vice Chairperson, Chief, Oro Valley Police Department
John Armer, Gila County Sheriff
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
Robert Halliday, Director, Department of Public Safety
Tom Horne, Attorney General, Jim Keppel representing
Barbara LaWall, Pima County Attorney
Bill Montgomery, Maricopa County Attorney
Charles Ryan, Director, Department of Corrections,
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by conference call
Linda Scott, Former Judge
George Silva, Santa Cruz County Attorney by conference call
Carl Taylor, Coconino County Supervisor

Members Absent:

Robert Huddleston, Chief, Casa Grande Police Department

Guests Participating:

Amy St. Peter, Maricopa Association of Counties
Renaë Tenney, Maricopa Association of Counties

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Mary Marshall, Public Information Officer
Keri Raichert, Grant Coordinator
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 Ralph Ogden at 2:15 PM.

II. Minutes of the May 19, 2011 Meeting

Chairperson Ogden called for a motion on the minutes. Commissioner Dave Byers entered a motion to approve the minutes of the May 19, 2011 meeting. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff Updates

Executive Director Blackburn reported that Maudeline Kinworthy, Administrative Secretary will be retiring in August. ACJC has 25 filled positions with seven vacancies. Due to the budget, staffing will remain at the current level with unfilled positions remaining vacant.

B. Budget Update

Deputy Director Karen Ziegler presented an overview of the ACJC budget for the years FY11-FY13. The FY11 budget closed on July 19, 2011 and the agency met all funding commitments. Revenues fell short of staff projections due to key revenue declines over the previous year. Revenue shortfalls were experienced in the Criminal Justice Enhancement Fund at 4.5 percent; Drug Enforcement Account at 6 percent; and DUI abatement fund at 4.25 percent. In FY12, sluggish revenue projections will continue with an estimated \$3.1M in fund sweeps. Deputy Director Ziegler noted that the FY13 budget will be submitted to the Governor on September 1, 2011 and will include the criminal justice record improvement project as a critical issue.

Executive Director Blackburn reported that ACJC met with Representative Andrew Tobin regarding the redirected funds from ACJC's State Aid to Indigent Defense Fund to the Department of Public Safety (DPS). Executive Director Blackburn explained that ACJC is unable to meet the \$400,000 sweep to the account because the funds will no longer be available. ACJC also met with DPS Director Robert Halliday regarding this matter. Representative Tobin will be provided an update on the outcome of discussion between DPS, ACJC and the Joint Legislative Budget Committee (JLBC) as it relates to the diverted funds.

Next, Executive Director Blackburn discussed the federal reductions from Byrne/JAG funding. Arizona is looking at a 50 percent reduction that includes 20 percent from last year, 20 percent for this year with an additional 10 percent penalty for not meeting the Sex Offender Registration and Notification Act (SORNA) requirements.

C. Legislative Update

Mary Marshall, Public Information Officer presented the 2011 ACJC Legislative Summary. Ms. Marshall provided an overview of legislation relative to the law enforcement community that took place during the 2011 Legislative Session. The first was ACJC's sponsorship of H2645 Firearms; Right to Possess; Restoration. The bill was passed on the last day of the legislative session and was signed by the Governor. ACJC submitted the NICS Improvement Act grant now that Arizona is in compliance with the federal requirements in making improvements to the NICS records. Other stakeholder issues included: 1) H2585 Marijuana Monitoring; Controlled Substance requiring the controlled substances prescription monitoring program; 2) Victims' Issues that consisted of H2302 Domestic Violence Victims; Address Confidentiality which directs the Secretary of State to establish the Address Confidentiality Program and H2658 Domestic Violence Review Teams that broadens the language in A.R.S. § 41-198 regarding domestic violence to include near fatalities; 3) S1609 Retirement Systems; Plan; Plan Design makes changes to the existing contribution and benefit structures for the Arizona State Retirement System (ASRS), the Public Safety Personnel Retirement System (PSPRS), the Elected Officials Retirement Plan (EORP) and the Corrections Officers Retirement Plan (CORP); 4) Budget issues consisting of S1398 Moving Violations Assessment; Equipment, Enforcement redirects FY12 revenues from the State Aid to Indigent Defense Fund to the GIITEM subaccount for border security; and 5) S1621 Criminal Justice Budget Reconciliation Bill specifies county correctional reimbursement.

Ms. Marshall also stated that at the request of Arizona State Senate President Russell Pearce, a stakeholder meeting was convened at Law Enforcement Pow Wow on Thursday, July 21, 2011 to discuss legislative options to address bath salts, a newly emerging drug that is a public safety concern.

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

IV. Maricopa Association of Governments (MAG) Misdemeanor DV Model Policy

Amy St. Peter, Maricopa Association of Governments introduced the draft Misdemeanor Domestic Violence Model Policy that is a regional approach that may be utilized throughout the state.

Renee Tenney, Maricopa Association of Governments reviewed the domestic violence protocol evaluation project. She provided an overview of how the project is a multi-disciplinary effort to evaluate the way the region responds to domestic violence issues through the criminal justice system. A MAG Domestic Violence Protocol Training event will be held on Thursday, October 20, 2011.

The Commission reviewed and discussed the MAG Misdemeanor Domestic Violence Model Policy.

Designee Warren Alter entered a motion to support the concept of a regional/state wide model to assist agencies and departments in developing policies and procedures regarding issues of domestic violence through the criminal justice system in Arizona. The motion was seconded by Designee Ray Churay and was unanimously approved by the Commission.

V. FY 2012-2015 Drug, Gang and Violent Crime Control Strategy

Tony Vidale, Program Manager gave a preliminary review of the Drug, Gang and Violent Crime Control (DGVCC) statewide strategy for FY 2012-2015. Mr. Vidale stated that Philip Stevenson, Director, Statistical Analysis Center gave a high level presentation to the Drug, Gang and Violent Crime Committee on trends in drug, gang and violent crime from a state and county perspective. The Committee discussed combining UCR, prosecution and incarceration data together to intensify the scope of the trending at a county level. ACJC staff will be gathering information for the county profiles from multiple segments of the criminal justice system to portray a complete picture of drug, gang and violent crime trends in the state at a future meeting.

Mr. Vidale also reviewed the draft goals of the 2012-2015 DGVCC Strategy. The goals consist of curtailing the flow of illicit drugs, drug proceeds and associated instruments of violence across Arizona; and reducing illicit drug use, crime and recidivism in Arizona.

The next steps include: 1) developing more specific objectives by a needs assessment through the stakeholders; 2) drafting the 2012 strategy; 3) community input through public hearings; 4) revising the draft strategy; 5) presenting the final draft to the Committee and Commission; and 6) Commission approval. Mr. Vidale commented that staff would like the strategy completed by the November meeting but it could be delayed to the January meeting.

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

VI. Full 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 the FY12. A brief summary was also given on how the funding for the full service crime laboratory grant program began. Ms. Nelson stated that A.R.S. § 41-2421 directs 14.29 percent of the court surcharges to be placed in a fund for distribution to the state, county and municipal law enforcement full service crime laboratories by the Arizona Criminal Justice Commission. Ms. Nelson also explained the goal of the full service forensic crime laboratory program is to improve the efficiency

and effectiveness of the full service crime lab. In 2007, the lab directors and chiefs agreed to establish an equitable distribution of the grant funds for each crime lab. The distribution method includes equal shares of \$100,000 in grant funds for each full service accredited crime laboratory with the remaining funds distributed based on a population percentage.

Commissioner Dave Byers entered a motion to approve the Full Service Forensic Crime Laboratory grant allocations for the cycle of July 1, 2011 through June 30, 2012. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

VII. Gerald Hardt Memorial Criminal Justice Records Improvement Program

Pat Nelson, Program Manager presented the Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) grant proposals and allocations for FY12. Ms. Nelson explained the grant receives a five percent set aside through Byrne/JAG funding for the CJRIP program to support the implementation of various projects and improves the quality, completeness and accessibility of the criminal justice records with emphasis on criminal history information. The grant solicitation opened May 11, 2011 and closed on June 10, 2011. Priority was given to address the backlogs and rejected disposition records as agencies proposed utilizing overtime and outsourcing to accomplish these goals. Additionally, staff requested that the no-match requirement continue due to the difficult budget conditions.

Commissioner Dave Byers entered a motion to approve the Criminal Justice Records Improvement Program allocations for \$334,195 as outlined on page nine of the agenda. The motion was seconded by Designee Jim Keppel and was unanimously approved by the Commission.

VIII. Arizona Records Improvement and Information Sharing Strategic Plan

Executive Director Blackburn explained that presenter Karl Heckart, Chairperson, Policy Team agreed to come back and present the Arizona Records Improvement and Information Sharing Strategic Plan to the Commission at another time since the Information Technology and Systems Improvement Committee had additional questions, comments and suggestions for the Strategic Plan.

Commissioner Dave Byers entered a motion to table Action Item VIII. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

IX. Call to the Public

Chairperson Ogden 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 22** at **1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

The meeting was adjourned at 2:10 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:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Election of a Chairperson and a Vice Chairperson

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission will vote to begin the process to fill the Chairperson and Vice-Chairperson positions to be voted on at the next full Commission meeting, January 19, 2012.

DISCUSSION:

"Nominations for Chair and/or Vice Chair" shall be announced in open, public meeting(s), seconded and voted upon by the entire Commission. Those members interested in being considered for either of these two positions will notify the Executive Director during the period of time deemed necessary by the Commission or announce their interest during the open, public meeting and shall follow the normal selection process. The Vice Chair may normally succeed the outgoing Chairperson, unless this policy is waived by vote of the Commission or other circumstances dictate.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table



ARIZONA CRIMINAL JUSTICE COMMISSION Policy and Procedure

Subject
**SELECTION OF CHAIRPERSON & VICE
CHAIRPERSON**

Policy Number
CJC-115

Effective Date
01/20/2011

Supersedes: 11/19/09

INTRODUCTION

This policy establishes the procedures for the formal selection of a Chairperson and Vice Chairperson from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission (as outlined in ARS §41-2404). These procedures allow for smooth transition of leadership and insure orderly succession. This policy may be waived, as deemed appropriate by a vote of the Commission as a standing body.

POLICY AND PROCEDURES

1. Definitions: The following terms used in this policy may also be found in CJC 101 of the Arizona Criminal Justice Commission policy manual and, where appropriate, in ARS §41-2404.
 - A. "Chairman" (Chair or Chairperson) is the person selected by the members of the Commission (as outlined in ARS §41-2404) to provide general oversight and consultation to the Executive Director, assure that the Commission meets as required by mission and statute, chair and conduct Commission regular and special meetings, approve meeting agendas and any and all other functions deemed appropriate by the Commission as a body or outlined in ARS §41-2404.
 - B. "Vice Chairman" (Vice Chairperson) is the person who, in the absence of the Chairperson (or when asked by the Chairperson), exercises the authority of the Chair on behalf of the Commission and its members as outlined in ARS §41-2404.
 - C. "Term of Chairperson and Vice Chairperson" is the term of office in which members selected from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission hold these two positions. Terms shall run from the first regular meeting of the Commission in a calendar year for a period not to exceed 24 months. The Vice Chair may normally succeed the outgoing Chairperson, unless this policy is waived by vote of the Commission or other circumstances dictate.
 - D. "Nominations for Chair and/or Vice Chair" shall be announced in open, public meeting(s), seconded and voted upon by the entire Commission. Those members interested in being considered for either of these two positions will notify the Executive Director during the period of time deemed necessary by the Commission or announce their interest during the open, public meeting and shall follow the normal selection process.

Procedure:

2. Normal Selection
 - A. Calls for nominations for Chairperson and Vice Chairperson.

1. During the remaining 90 days of a currently seated Chairperson's term in their position, the Commission shall formally announce the time frame for the formal nomination process during an open, public meeting of the Commission.
2. The Commission may accept nominations at the time of the vote if deemed necessary during an open public meeting. Commission members are reminded that pursuant to the Open meeting Law, they may not communicate in any manner with other commission members regarding the nomination or election process.
3. All names of those members nominated shall be read in the next open, public meeting of the Commission.
4. A vote on the nominees shall be taken at an open, public meeting of the Commission and a new Chair/Vice Chair shall be elected.

Procedure:

3. Special Selection

A. Requests to waive the policy/nominations from the floor.

1. In the event that a seated Chair and/or Vice Chair cannot fulfill the term of these positions or in the event the Commission as a body wishes to waive this policy for a specific election, the following procedures will take place:

a. If both the Chairperson and Vice Chairperson are unable to fulfill their positions, the most senior Commissioner shall assume the role of Chair pro tem. The Chair pro tem shall instruct the Executive Director to post on either a special or regularly scheduled Commission meeting agenda a notice for open floor nominations for the Chairperson and Vice Chair. The Chair pro tem shall preside over all duties, as outlined in ARS §41-2404 until replaced by popular vote of the Commission in an open meeting.

2. The Chair, for reason of excused absence, may ask any seated member of the Commission to act as Chair for a meeting (in the event of conflict or absence of the Vice Chair). During these meetings the Acting Chair has the full authority of the Chair or Vice Chair.

B. If a member of the Commission wishes to petition this body to waive this policy for a specific election, he/she shall notify the Chairperson in writing no later than 36 hours before the time and date of the posted meeting.

1. The Chairperson shall instruct the Executive Director to publish and post an amended agenda with an action item for consideration by the Commission as a body, first to waive the process and then to formally accept nominations with a popular vote.

2. As in all Commission business, Robert's Rules of Order shall provide guidance as to procedure.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 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 and program updates.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 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 2011 and 2012 legislative sessions.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 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 2012 meeting schedule.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

2012 ACJC PUBLIC MEETING SCHEDULE

<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Room</u>	
JANUARY	Thu, 1/19	Info Tech Committee	TBD	250
		Crime Victims Committee		
		Drug, Gang and Violent Crime Committee	1:30 PM	
		Commission		
MARCH	Thu, 3/22	Commission	1:30 PM	250
MAY	Thu, 5/24	Crime Victims Committee	TBD	250
		Drug, Gang and Violent Crime Committee		
		Commission	1:30 PM	
JULY	Thu, 7/19	Info Tech Committee	TBD	Little America Hotel Flagstaff
		Commission	2:00 PM	
SEPTEMBER	Thu, 9/20 or 9/27	Commission	1:30 PM	250
NOVEMBER	Thu, 11/8 or 11/15	Crime Victims Committee	TBD	250
		Drug, Gang and Violent Crime Committee		
		Legislative Committee		
		Commission	1:30 PM	

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Assistance Program Funding Priorities

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
 Crime Victims Services

RECOMMENDATION:

The Commission approve the revised funding priorities for the Victim Assistance Program included in Table VS2 of this agenda.

DISCUSSION:

In May 2011, ACJC Victim Services program staff began an analysis of the funding priorities for the ACJC Crime Victim Assistance Grant Program. To supplement this internal review, in late September ACJC program staff distributed an online survey to victim service providers across the state. The purpose of the survey was to assist ACJC Victim Services program staff with identifying funding priorities for the ACJC Crime Victim Assistance grant program within the framework of the current Crime Victim Assistance Program rules. The internal review and feedback gathered through the survey resulted in the revised funding priorities included in Table VS2 of the agenda.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Moderate – Priorities will impact application scoring, and fund allocation methods.

ALTERNATIVES:

Not Approve - Modify - Table

Table VS1

Survey Score (5 max.)	Current Victim Assistance Funding Priorities
4.22	Funding programs that demonstrate a strong collaborative effort with law enforcement, prosecution, service providers, community organizations, and other social service agencies.
4.12	Funding programs that provide multiple service types to a diverse range of victim types.
4.04	Funding programs that demonstrate strong support of established goals and objectives and clearly identify how the success of the program will be measured.
3.99	Funding programs that provide unduplicated services within a 35 mile radius.
3.69	Funding programs operating in counties with the highest crime per capita rate based on the latest Uniform Crime Report.
3.68	Funding programs that demonstrate a strong component of assisting crime victims in filing victim compensation claims.
3.62	Annually providing \$20,000 directly to the Arizona Victim Assistance Academy.
3.61	Funding programs who indicate the highest number of services provided per victim.
3.45	Funding programs who indicate the highest number of victims served per advocate.

Table VS2

Survey Score (5 max.)	Proposed Victim Assistance Funding Priorities
4.41	[NEW] Continue funding from one grant period to the next for programs with a strong performance history, who meet the minimum required application score.
4.22	[NO CHANGE] Funding programs that demonstrate a strong collaborative effort with law enforcement, prosecution, service providers, community organizations, and other social service agencies.
4.12	[REVISED] Funding programs that provide multiple service types to a diverse range of <i>victimization</i> types.
4.04	[NO CHANGE] Funding programs that demonstrate strong support of established goals and objectives and clearly identify how the success of the program will be measured.
3.99	[REVISED] Funding at least one program in each county in the State provided that the program meets eligibility requirements and the minimum required application score.
3.69	[NO CHANGE] Funding programs operating in counties with the highest crime per capita rate based on the latest Uniform Crime Report.
3.68	[NO CHANGE] Funding programs that demonstrate a strong component of assisting crime victims in filing victim compensation claims.
3.62	[NO CHANGE] Annually providing \$20,000 directly to the Arizona Victim Assistance Academy.
	[NEW] Funding programs providing services to address an emerging victim issue, or to an underserved victim population, as designated annually by the ACJC.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Compensation Program - Morrison Institute Study

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

Information Only

DISCUSSION:

At the November 2010 meeting the Commission approved use of up to \$35,000 in state crime victim compensation funds to pay for a focused study of the Arizona Crime Victim Compensation Program conducted by the ASU Morrison Institute for Public Policy. The study titled "Standing with the Victims: A Review of Arizona's Crime Victim Compensation Fund" was completed in August 2011. ACJC Victim Services program staff will present a summary of the study's analysis of the Arizona compensation program, the hypothesis resulting from that analysis, and recommendations for the compensation program suggested in the study.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Victimization Survey Funding

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve up to \$180,000 from the Crime Victim Compensation and Assistance Fund to support funding the Arizona Victimization Survey.

DISCUSSION:

The Arizona Statistical Analysis Center (AZSAC) has been awarded \$70,000 in financial support from the Federal Fiscal Year 2011 State Justice Statistics (SJS) grant program to conduct, for the first time, an Arizona Victimization Survey. The total cost of conducting a statewide victimization survey that would include a representative sample from each of the 15 counties is projected to be \$250,000. AZSAC, in partnership with ACJC Victim Services Program staff, is requesting up to \$180,000 from the Crime Victim Assistance and Compensation Fund to fully fund a statewide victimization survey.

The Arizona Victimization Survey, which will be modeled after the National Crime Victimization Survey, will provide Arizona with estimates of victimization that are directly relevant to the work of Arizona criminal justice policymakers, practitioners, and victims' community, and will be comparable to data collected at the national level and to other states using similar methodologies.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Minimal – Requested funds are available through reversions of unspent compensation and assistance funds allocated for FY 2011.

ALTERNATIVES:

Not Approve - Modify - Table

The Arizona Victimization Survey

For more than 30 years, the Bureau of Justice Statistics has administered the National Crime Victimization Survey (NCVS). Although the NCVS has advanced our understanding of criminal victimization and the reporting of crime more generally, the NCVS in its current form has limited practical utility at the local level (i.e., state, county, and municipal) due to unique differences across jurisdictions and the perception among local policymakers that national data do not speak to local concerns. An immediate need for victimization data for local policy and practice compels the Arizona Statistical Analysis Center to request funding to support an Arizona victimization survey that is modeled after, and comparable to, the NCVS.

This proposal is for the AZSAC, in collaboration with Arizona State University, School of Criminology and Criminal Justice, to conduct a 2011 Arizona Victimization Survey. More specifically, the AZSAC will sub-contract with the Center for Violence Prevention and Community Safety to conduct telephone interviews capturing self-reported victimization information and related data. The Center will complete interviews in English and in Spanish.

The Arizona Victimization Survey instrument will be based on the NCVS instrument but modified for a telephone interview rather than face-to-face interviews. Although the primary goal of the survey is to produce estimates of victimization for the state, additional information will be collected on the reporting of victimization including whether respondents reported their victimization to the police, and if not, the reasons why they chose not to report the victimization. Additional items of local interest will be considered for inclusion on the instrument. AZSAC staff in collaboration with the ACJC Victims Services Program will be meeting with victim service providers, victim advocates, and policymakers to get their input on questions to add to the survey instrument that will aid them in their work.

The AZSAC actively collaborates with other ACJC grant program areas, including the Victims Services Program. Currently the Victims Services Program is investigating the issues and barriers to victims' access to the state's victim compensation program, which the ACJC Victims Services Program oversees. Building on the core NCVS survey instrument by including questions of local and agency (i.e., ACJC) relevance, the 2011 Arizona Victimization Survey will also give the AZSAC the opportunity to build on the work already being done by providing a deeper understanding of the local need for victim compensation and other victim services.

The AZSAC will prepare, and make public through the ACJC web site, a final report on 2011 Arizona Victimization Survey. In addition to the full report, the AZSAC will also publish two one-page research briefs—one that summarizes the project findings and a second that focuses on the reporting of victimization to the police—on the ACJC web site to enhance the accessibility and use of these data research to inform criminal justice policy and practice. Publishing additional research briefs summarizing the data on domestic violence victimization, sexual assault victimization, or other topics will be considered but dependent upon project resources.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2012-2015 Drug, Gang & Violent Crime Control Strategy

TO: Chairperson and Commission Members

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

RECOMMENDATION:

The Commission approve the 2012-2015 Drug, Gang and Violent Crime Control Strategy.

DISCUSSION:

See attached

The Drug, Gang & Violent Crime Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

2012-2015 Arizona Drug, Gang and Violent Crime Control Strategy

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 and guided funding decisions through 2007. The current strategy expires in 2011, and the revised strategy will be in effect for the period of 2012 through 2015.

At the July Commission meeting, ACJC staff presented information about the drug, gang, and violent crime problem in Arizona and offered two goals for Commission input. The goals were developed based on the scope of the problem, parameters of funding sources and review of overarching strategies including the *2011 National Drug Control Strategy* and the *2011 Southwest Border Counternarcotics Strategy*. The Strategy will serve as the Commission's blueprint for directing funds to achieve the following two goals:

- Curtail the flow of illicit drugs, drug proceeds, and instruments used to perpetuate violence across Arizona
- Reduce violent crime and illicit drug use, and deter repeat offenders in Arizona

Staff used these two goals as the starting point to developing the strategic response to the drug, gang, and violent crime problem in the state. The strategy outlines the nature and extent of the problem, including data and analysis, current and coordinated efforts, program analysis including strengths, weaknesses, opportunities, and challenges, goals and purpose areas, strategic principles, and program performance monitoring and evaluation. With the approved strategy, staff will request the Commission establish funding priorities each year that will be published in the grant announcement. These funding priorities will align with the goals and objectives of the statewide strategy.

To develop the 2012-2015 DGVCC Strategy, ACJC conducted public hearings in Tucson, Phoenix, Flagstaff, and Yuma in October 2011. Staff prepared a PowerPoint presentation that was shown at all public hearings, and accepted comments at the conclusion of the presentation. In addition, staff posted the presentation on the ACJC web site and sent out the presentation to all stakeholders with the invitation to submit written comments via e-mail. The following is a summary of the comments received from the public hearings.

- Several agencies expressed support of the *Strategy*. One agency noted that current programming has proved effective in addressing the problem and is in support of the *Strategy* as it provides the opportunity to support programming similar to the current structure. Several representatives of current subrecipients of funding testified to the value of ACJC grant-funded projects.
- Public commentary also included mention of the importance of continuing to move in the direction of supporting evidence-based programming, in alignment with the shift on the federal level. Two agencies relayed challenges associated with data collection.
- Public comment was provided in relation to the Program Performance Monitoring and Evaluation section of the *Strategy*. Per the feedback, Commission Staff incorporated recommended changes to several performance measures.

The Drug, Gang and Violent Crime Committee recommends to the Commission the adoption of the 2012-2015 Arizona Drug, Gang and Violent Crime Control Strategy.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	CY2012 Residential Substance Abuse Treatment Program (RSAT)

TO: Chairperson and Commission Members

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

RECOMMENDATION:

The Commission award \$674,903 in federal and local cash and/or in-kind match funds for the 2012 RSAT grant program beginning January 1, 2012 and ending December 31, 2012.

DISCUSSION:

See attached

The Drug, Gang & Violent Crime Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

2012 Residential Substance Abuse Treatment Awards

Program Background

The Residential Substance Abuse Treatment (RSAT) program assists governments in developing and implementing substance abuse treatment programs in state and local correctional and detention facilities, and to create and maintain community-based post release treatment services for offenders. These services allow offenders to overcome substance abuse and prepare for reentry into the community.

The RSAT program is divided into three areas: 1. Residential (6-12 months) program, 2. Jail-based (at least 3 months) program, and 3. Post-release treatment program.

The RSAT program requires that 10 percent of the federal award be made available to local correctional or detention facilities. If applications are not received for this program, these funds can be used by the residential in-correctional setting programs. There were three jail-based applications received during this solicitation.

In addition, RSAT guidelines provide that no more than 10 percent of the total award may be used for post-release treatment services. In CY 2011, ACJC was awarded enough grant funds to support post-release treatment services. In CY 2012, ACJC again has grant funds available to continue funding consideration of these program types. RSAT may fund post-release programs that provide treatment to offenders for a period not to exceed one year after release. For the CY 2012 RSAT grant, ACJC received one post-release treatment application.

Each applicant must meet the federal eligibility requirements for Residential Substance Abuse Treatment programs within the correctional residential setting. The requirements include:

- At least six months and no more than 12 months of treatment for Residential programs;
- At least three months for Jail-based programs;
- Participation limited to the last six to 12 months remaining in the inmate's confinement to insure they are released after completing the treatment and not returned to the general population;
- Residential housing and treatment facilities are provided away from the general correctional population;
- Focus on the substance abuse problems of the inmate using effective scientific practices;
- Development of the inmate's cognitive, behavioral, social, vocational and other skills to help solve the substance abuse problem; and
- Implement or continue urinalysis and/or other proven reliable forms of drug testing.

Funding

Federal funding is provided by the U.S. Department of Justice, Bureau of Justice Assistance. The amount awarded for FFY 2011 was \$606,226. Of this amount, ACJC is allowed a 10% allocation to administer the grant. RSAT funds awarded to ACJC are granted out to sub-recipients on a calendar year basis. There is also \$225,323 in unexpended FFY 2010 grant funds available for the program. *Table 1* provides a breakdown of available funding for the CY 2012 RSAT grant program, which includes \$770,926 in federal funds and \$256,975 in required matching funds for a total of \$1,027,901. With a proposed CY 2012 program size of

\$674,903, the RSAT program would have \$352,998 available for the CY 2013 program, in addition to any federal award.

Table 1

<i>CY 2012 RSAT Grant Program</i>	
FFY 2010 Grant:	
Grant Balance	\$ 571,845
CY10 Grant Obligations	<u>(346,522)</u>
Available for CY11 program	\$ 225,323
FFY 2011 Grant:	
Grant Award	\$ 606,226
Less: 10% Admin	<u>(60,623)</u>
Available for CY11 program	\$ 545,603
Total Fed. Funds Available	\$ 770,926
Match Requirement	<u>256,975</u>
Available Program Size	\$ 1,027,901
Proposed CY12 Awards	\$ 674,903
Balance Available for CY13:	
Federal	\$ 264,749
Match	<u>\$ 88,249</u>
Total	\$ 352,998

Applications Received

On August 29, 2011, counties were notified via electronic mail announcing the availability of the CY 2012 Residential Substance Abuse Treatment program grants and application procedures through ACJC's grant management system. The deadline for submission of applications was Friday, October 7, at 3:00 p.m. Six applications were submitted by the deadline requesting a total of \$555,960 in federal funds. With the matching funds amount of \$185,320, the total requested program size was \$741,280. The six agencies that submitted applications were the Arizona Department of Corrections (ADC), the Arizona Department of Juvenile Corrections (ADJC), the Coconino County Sheriff's Office, the Maricopa County Sheriff's Office, Chicanos Por La Causa, and the Navajo County Sheriff's Office. Chicanos Por La Causa was the only non-profit to submit a proposal for post-release treatment services. The requested amounts are shown in *Table 3*, on page 26 of the agenda.

Evaluation and Scoring

The average score and ranking of each applicant is shown in *Table 2* on page 25. Each grant application was reviewed by a team of three individuals and scored based on established criteria contained in the grant announcement. The maximum possible score was 110.

The applications were evaluated using the following scoring criteria:

- Project falls within the RSAT guidelines
- Submitted on time, all requested information was provided
- The need for services in community

- Program adequately addresses the need for services in the community
- Coordination efforts with other agencies
- Goals and objectives that are reasonable and achievable
- Performance measures clearly identify the success of the program
- Budget costs are reasonable and allowable (matching funds are included in the request)
- Adequate internal financial controls
- Programs previously funded by the Commission have met the requirements of the grant

In addition, priority points were given to projects that had an aftercare component established.

Table 2

CY 2011 RSAT Grant Program Scoring			
Rank	Agency	Project	Average Score
1	ADOC	Gemini Program	93.7
2	Coconino SO	EXODUS Program	91.0
3	CPLC	Corazon Ctr.	91.0
4	Maricopa SO	Alpha Program	84.3
5	ADJC	RSAT Program	80.7
6	Navajo SO	NCDC Treatment Prog.	72.3

Recommendation

Staff proposes an award of \$674,903 in federal and local cash and/or in-kind match funds for CY 2012 RSAT grant awards beginning January 1, 2012 and ending December 31, 2012 as shown in *Table 3*, on page 26 of the agenda. Of this amount, \$506,177 is from federal funds and \$168,726 is from local match funds. This recommendation would fund the Coconino County Sheriff's Office (EXODUS Program), ADOC (Gemini Program), Maricopa County Sheriff's Office (Alpha Program), ADJC (RSAT Program), and Chicanos Por La Causa (Corazon Treatment Center). The Navajo County Sheriff's Office project did not fully meet the requirements of the grant program. This recommendation would comply with the RSAT requirement that at least 10% of the award is allocated to local correctional or detention facilities and no more than 10% of the award is provided for treatment of those released from a state facility.

**CY 2012 RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT) GRANT
JANUARY 1, 2012 - DECEMBER 31, 2012**

Requested													
Applicant Agency	Personnel			Consult./ Con- tractual	In-State Travel	Out-of State Travel	Operating			Equipment	TOTAL CY 2012 REQUESTED	Federal	Match Provided
	Salary	Fringe Benefits	Overtime Expense				Registration/ Training	Supplies	Other Operating				
ADOC - Gemini Program	47,000	24,323	0	0	0	0	0	4,080	0	0	\$75,403	\$56,552	\$18,851
ADJC - RSAT Program	57,404	4,227	33,336	76,150	12,000	0	10,000	36,500	0	0	\$229,617	\$172,213	\$57,404
Chicanos Por La Causa	0	0	0	0	0	0	0	0	102,000	0	\$102,000	\$76,500	\$25,500
Coconino County Sheriffs Office - Exodus	131,615	51,508	0	5,625	0	0	0	5,026	0	0	\$193,774	\$145,330	\$48,444
Maricopa County Sheriffs Office - Alpha	56,451	17,658	0	0	0	0	0	0	0	0	\$74,109	\$55,582	\$18,527
Navajo County Sheriffs Office	0	0	0	48,600	0	0	0	17,777	0	0	\$66,377	\$49,783	\$16,594
TOTAL	\$292,470	\$97,716	\$33,336	\$130,375	\$12,000	\$0	\$10,000	\$63,383	\$102,000	\$0	\$741,280	\$555,960	\$185,320
Proposed													
Applicant Agency	Personnel			Consult./ Con- tractual	In-State Travel	Out-of State Travel	Operating			Equipment	TOTAL CY 2012 PROPOSED	Federal	Match Provided
	Salary	Fringe Benefits	Overtime Expense				Registration/ Training	Supplies	Other Operating				
ADOC - Gemini Program	47,000	24,323	0	0	0	0	0	4,080	0	0	\$75,403	\$56,552	\$18,851
ADJC - RSAT Program	57,404	4,227	33,336	76,150	12,000	0	10,000	36,500	0	0	\$229,617	\$172,213	\$57,404
Chicanos Por La Causa	0	0	0	0	0	0	0	0	102,000	0	\$102,000	\$76,500	\$25,500
Coconino County Sheriffs Office - Exodus	131,615	51,508	0	5,625	0	0	0	5,026	0	0	\$193,774	\$145,330	\$48,444
Maricopa County Sheriffs Office - Alpha	56,451	17,658	0	0	0	0	0	0	0	0	\$74,109	\$55,582	\$18,527
Navajo County Sheriffs Office	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0
TOTAL	\$292,470	\$97,716	\$33,336	\$81,775	\$12,000	\$0	\$10,000	\$45,606	\$102,000	\$0	\$674,903	\$506,177	\$168,726

X

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Medicaid Fraud Program Funding Request

TO: Chairperson and Commission Members

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

RECOMMENDATION:

The Commission approve of a request from the Arizona Attorney General's Office in the amount of \$100,816 from the state Drug Enforcement Account to fund the Medicaid Fraud Program.

DISCUSSION:

The Attorney General's Office is requesting funding from the DEA Account to support the Attorney General's Medicaid Fraud project. The requested funds will be used to match a federal grant. Federal funds cannot be used to match other federal funds; therefore, state DEA funds must be used if the project is approved. The Attorney General's Office will receive approximately \$300,000 in federal funds using \$100,816 in matching funds. A memo from the AG's Office is attached.

The Drug, Gang & Violent Crime Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to the Attorney General's Office

ALTERNATIVES:

Not Approve - Modify - Table



OFFICE OF ATTORNEY GENERAL TOM HORNE

Criminal Division
Health Care Fraud & Abuse Section

MEMORANDUM

TO: Arizona Criminal Justice Commission

FROM: Steven J. Duplissis, Chief
Health Care Fraud & Abuse Section

DATE: October 14, 2011

RE: Comments on the Success of the ACJC Medicaid Fraud Leverage Grant

I would like to provide the Commission with a brief, written commentary on the very positive developments that followed the Commission's awarding in July, 2009 and July, 2010 of the \$100,000 leverage grant to the Attorney General's Medicaid Fraud Section.

It may be particularly opportune to provide this commentary as the Commission establishes its strategic direction for the allocation of resources for the 2012 – 2015 time period.

Exactly as had been planned, the awarding of the ACJC leverage grant of \$100,000 yielded an annual federal match of \$300,000. The combined total fund increase to the Medicaid Fraud Section was \$400,000 per year which directly brought about the following:

- The hiring in the first year of five (5) new employees (and in the second year we were able to hire a sixth employee with the same \$100,000 grant.)
- The new personnel consisted of three (3) Special Agents, one (1) Prosecutor, and two (2) support personnel.
- The creation of a Medicaid Fraud Section office in Tucson.
- The number of persons indicted for drug diversion related crimes for the two years since the grant was awarded is seventy (70).

Along with the new personnel came the capability to devote substantially more Section resources to addressing the growing problem of prescription drug crime offenses that had been taking place within Arizona's health care industry.

In summary, the \$100,000 leverage grant not only attracted \$300,000 in a federal match, it also was responsible for the informal establishment of de facto drug diversion task forces, first in Tucson and more recently in Phoenix. These informal task forces have melded together the experienced street crime investigators of the DEA and local police agencies with the expert medical fraud and insurance fraud investigators and prosecutors of the Medicaid Fraud Section of the Attorney General's Office.

Several recent cases illustrate the formidable punch the multi-agency approach has yielded.

- State v. Corina Hollander D.P.M., et al – This case was worked through the joint investigative efforts of the DEA's Tucson Tactical Diversion Squad and the AG's Medicaid Fraud Control Unit. The investigation found that Tucson Podiatrist Corina Hollander and her two live-in co-workers had corrupted her podiatry business to the point that the true focus for the business had become the illegal acquisition and abuse of prescription pain medicine by her and the two main accomplices. There were more than 1000 prescription forgeries that were passed by this group. Ultimately, eight persons were found to be involved in the crimes, all successfully prosecuted, including Podiatrist Corina Hollander, who was sentenced to 33 months in prison which will be followed by five (5) years of probation.
- State v. Tyler Deane, et al – This case began in July, 2010, when a Peoria police officer learned of a single fraudulent prescription that had been passed at a local pharmacy. The Peoria officer was aware of the AG's prescription drug crime initiative (ACJC Leverage Grant) and contacted our office when he learned that the crime had been aided by a corrupt medical assistant working at a Medicaid-funded doctor's office. A joint three-month investigation ensued, which resulted in 20 persons being charged for numerous drug diversion crimes. The principal leaders of the crime ring have been sentenced to DOC as follows: Tyler Deane received a sentence of 7.5 years; the corrupt medical assistant was sentenced to 5 years; Kenneth Rump was sentenced to 6.5 years; and Samuel Chung was sentenced to 4 years. The group was responsible for diverting over 5000 Oxycodone #30 pills with a street value that ranged between \$79,000 and \$159,000.
- State v. Albert Yeh, MD - On March 11, 2011, Mohave County medical doctor Albert Yeh was sentenced to 2.5 years in prison, and he agreed to forfeit \$1,707,595 of his seized assets. Of the seized money, \$683,038 was returned to the AHCCCS program, \$170,759.50 was deposited in the State's RICO fund, and the remaining \$853,797.50 was distributed to DEA, which in turn, distributed the money to eight law enforcement agencies in Arizona and Nevada.

The AG's Medicaid Fraud Control Section aided DEA in both the investigation and prosecution of Dr. Yeh. The investigation determined that Dr. Yeh was able to attract over 140 patients a day (his office was only open one day a week in Arizona) by virtue of his well-deserved reputation as a prolific prescriber of prescription pain medicine. The customers who sought him out would leave satisfied following just a two-minute medical exam --if at the end of the "exam" they would be provided the prescription they sought. Dr. Yeh would then bill the patient's insurance company, including Medicaid and Medicare, as if he had provided a 30-minute health care exam.

The massive billing fraud scheme developed by the Medicaid Fraud Control Section was the basis for many of the criminal charges filed against Dr. Yeh, and these were the charges to which Dr. Yeh would plead. It is worthwhile to note that for the past two years, ACJC had awarded a total of \$200,000 to the AG's Medicaid Fraud Control Section, and the Dr. Yeh case resulted in over five times that amount (\$1,024,556) being returned to the State's RICO fund and eight law enforcement agencies.

I will be present at the Commission's November 10, 2011 meeting and would like to provide for you an in-person review of the excellent results that have come from your awarding of this leverage grant.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Enhanced Drug & Gang Enforcement (EDGE) Report

TO: Chairperson and Commission Members

FROM: Janice Simpson, Program Coordinator
Drug Control and Systems Improvement

RECOMMENDATION:

Information Only

DISCUSSION:

The 2011 Enhanced Drug and Gang Enforcement (EDGE) report highlights activities funded by the Drug and Gang Enforcement Account and the Criminal Justice Enhancement Fund that relate to illicit drugs and drug related gang activity. Per A.R.S. § 41-2405 (A) 11, this report shall be submitted to the Governor, the President of the Senate and Speaker of the House of Representatives by October 31 of each year. Staff will present the highlights of this report.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 10, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Proposals

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the support of proposed legislation from stakeholders.

DISCUSSION:

All legislative liaisons were asked to submit proposed legislation they desired to have the Commission support. The following legislation being proposed by stakeholders for the upcoming legislative session will be presented in an effort to gain support from the Commission. Stakeholders will be available to provide an explanation on proposed items.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table