

**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, May 19, 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 | Chairperson Ralph Ogden |
| II. | Minutes of the March 31, 2011 Meeting | |
| | <ul style="list-style-type: none">• Approval of Minutes | P-F-T |
| III. | Executive Director's Report | John A. Blackburn, Jr. |
| | A. Budget Update | Info |
| | B. Legislative Update | Info |
| | C. State of Arizona Single Audit | Info |
| IV. | Proposed Change to AZ Rule of Evidence 801(d)(1)(A) | Mary Marshall |
| | <ul style="list-style-type: none">• Review, discussion, consideration and possible action on publishing a comment regarding the Arizona Supreme Court's pending petition to change Arizona Rule of Evidence 801(d)(1)(A). | P-F-T |
| V. | Crime Victim Compensation Program | Larry Grubbs |
| | <ul style="list-style-type: none">• Review, discussion, consideration and possible action on the following: | |
| | A. Designation of Operational Units | P-F-T |
| | B. FY12 Compensation Program Budget | P-F-T |
| | C. FY12 Compensation Program Funding Allocation | P-F-T |
| | D. Compensation Fund Distribution Method | P-F-T |

VI. Crime Victim Assistance Program **Larry Grubbs**

- Review, discussion, consideration and possible action on the following:
 - A.** FY12 Crime Victim Assistance Grant Awards:
Government agencies eligible to serve on the ACJC **P-F-T**
 - B.** FY12 Crime Victim Assistance Grant Awards:
Other government, and non-profit agencies **P-F-T**
 - C.** Evaluation of Crime Victim Assistance Funding Priorities **Info**

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

- Review, discussion, consideration and possible action on FY12 Drug, Gang and Violent Crime Control Cycle 25 Grant Awards. **P-F-T**

VIII. 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.

IX. Date, Time, and Location of Next Meeting

- The next Commission meeting will be held on **Thursday, July 21, 2011** at **2:00 p.m.** at Little America Hotel, Flagstaff, AZ.

X. 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:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the March 31, 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 March 31, 2011.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission
Minutes
March 31, 2011**

A public meeting of the Arizona Criminal Justice Commission was convened on March 31, 2011 at the 1110 W. Washington, Suite 250, and Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Daniel G. Sharp, Vice-Chairperson, Chief, Oro Valley Police Department, Larry Stevens representing
John Armer, Gila County Sheriff
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, Leesa Morrison representing
Robert Huddleston, Chief, Casa Grande Police Department
Barbara LaWall, Pima County Attorney by conference call
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, Cathy Allen representing

Members Absent:

Duane Belcher, Chairperson, Board of Executive Clemency
Joseph Arpaio, Maricopa County Sheriff

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Mary Marshall, Public Information Officer
Tony Vidale, Program Manager
Phil Stevenson, Director, Statistical Analysis Center
Michelle Neitch, Research Analyst, Statistical Analysis Center
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 January 20, 2011 Meeting

Chairperson Ogden called for a motion to adopt the minutes. Designee Warren Alter moved to approve the minutes of the January 20, 2011 meeting. The motion was seconded by Designee Larry Stevens and was unanimously adopted by the Commission.

III. Executive Director's Report

A. Budget Update

Executive Director Blackburn summarized how the Arizona Legislature continues to hear new bills while working on bills presented earlier and strikers.

On the federal side, a continuing resolution to operate the federal government remains in effect. Executive Director Blackburn explained there is speculation that Congress wants to make drastic cuts; the difference between the parties is how to achieve those cuts and it could lead to a government shutdown. The major concerns are the federal programs that have not been awarded monies for federal FY2011 like the Byrne/JAG program. ACJC is using prior year's funding to support our programs; however, next year's ACJC programs are dependent on funding in the federal fiscal year 2011 budget.

Karen Ziegler, Deputy Director updated the Commission in more detail on the state budget. Deputy Director Ziegler pointed out that budget reductions to ACJC in S.B. 1612 are the same as what the Governor proposed in January; however, the criminal justice reconciliation bill - SB1621, as introduced, further cuts the Fill the Gap program by eliminating the funds that go directly to the counties. The Senate bill eliminates the entire program and shifts the revenue from ACJC's State Aid to County Attorneys and State Aid to Indigent Defense Funds along with county funds to the DPS Public Safety Equipment Fund. The bill was amended in the House and restored the funding to the Fill the Gap program for both ACJC and the county programs. Staff will continue to review and analyze bills that impact county programs and ACJC. Deputy Director Ziegler stated the agency continues to make payments of fund sweeps for FY11 which amounted to \$4.5M; fund sweeps are expected to total \$4.0M in FY12.

B. Legislative Update

Executive Director Blackburn reported that he will be traveling to Washington, DC along with Public Information Officer Mary Marshall for meetings with the National Criminal Justice Association to discuss funding strategies; to meet with congressional delegations about the importance of federal funding to Arizona and the consequences of any penalties assessed to the Byrne/JAG grant. Next year, Congress will be implementing a 10 percent penalty against the Byrne/JAG grant for non-compliance with the Sex Offender Registration and Notification Act (SORNA). Executive Director Blackburn commented that Arizona HIDTA Executive Director Beth Kempshall was instrumental in setting up a meeting with five congressional delegates last month in Tucson for the Arizona HIDTA briefing where he discussed concerns of penalty assessments to Byrne/JAG.

Mary Marshall, Public Information Officer reviewed the criminal justice budget reconciliation bill in which the language now references the elimination of the provision redirecting the monies from the Fill the Gap funds to DPS. Ms. Marshall also stated the bill contains language that requires persons sentenced to one year or less in the Department of Corrections be placed in the custody of a county jail.

Next, the Commissioners were given two summary sheets on HB 2024 and SB 1609 that addressed changes to various Arizona state retirement systems that might impact state employees and elected officials.

Lastly, Ms. Marshall updated the Commissioners on the legislation that would amend Arizona's statute that governs the judicial process whereby citizens who have been adjudicated mentally incompetent may petition the courts to have their firearm rights restored. The National Rifle Association (NRA) agreed to maintain Arizona's evidentiary standard in the language of the bill, which had been a point of disagreement. A striker amendment was offered in senate judiciary and conformed to the language that was acceptable to the stakeholders. The bill has passed through caucus and Senate Republicans and Democrats both support the language. ACJC anticipates the legislation will be enacted. Ms. Marshall reviewed how this legislative item related to the National Instant Criminal Background Check System (NICS). Arizona currently does not meet the federal requirements for consideration under this grant program; however, passage of this legislation should meet the federal provision and allow Arizona to apply for this funding

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

IV. Medical Marijuana Presentation

Richard Porter, Department of Health Services gave a presentation of the Arizona Medical Marijuana program. Mr. Porter reviewed some important dates surrounding this program as well as the difference between Arizona's medical marijuana law and other state's medical marijuana law. The Arizona Medical Marijuana Act includes: 1) the requirement of registry identification cards; 2) limits the number of dispensaries; and 3) has the support of the Medical Board. Mr. Porter also explained that the program outlines in detail: 1) the requirements for a patient to qualify for medical marijuana; 2) the limitations of Nonprofit Medical Marijuana Dispensaries; 3) the verification system; and 4) steps qualifying patients or designated caregivers must follow in order to be afforded protections while engaged in the use of medical marijuana. Mr. Porter addressed a number of questions from those present.

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

V. Drug, Gang and Violent Crime Control Program Funding Proposals

A. Byrne/JAG Program Funding Level

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to establish a funding level for the FY12 (Cycle 25) Drug, Gang and Violent Crime Grant Program. Mr. Vidale summarized the projected program size for FY12-FY14 by describing the decline in program revenue as a result of the end of American Recovery and Reinvestment Act (ARRA) funding, possible reduction in Byrne/JAG funding, and declining revenue in the Drug Enforcement Account. Mr. Vidale referred the Commission to the chart outlining projected funding scenarios for FY12-FY14; he emphasized that if the Commission agreed to fund only the core projects during these years, the program could experience a \$965,984 decline in FY12 followed by a \$2,705,928 decline in FY13. Possible funding scenarios include: 1) expending the remaining \$4.1M of FY09 federal funds, \$5.2M in FY10 federal funding, and projected \$2.3M in DEA funds for a program size of \$11,667,150 in FY12; or 2) spending less of the federal monies in FY12 and moving the remaining federal funds into FY13; thus, sharing significant cuts over both program years.

After review, Designee Larry Stevens moved to approve that the amount of \$11,667,150 be made available for Cycle 25 for the FY12 Drug, Gang and Violent Crime Grant Program beginning July 1, 2011 and ending June 30, 2012. The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

B. Cycle 25 Grant Match Requirements

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to not implement a match requirement for the Cycle 25 funded projects. Mr. Vidale described that agencies are facing similar economic struggles as they did in FY10; as a result, the Commission agreed to fund the FY10 grant program without a required match.

Designee Larry Stevens moved to approve a no match requirement for the FY12 Drug, Gang and Violent Crime Grant Program (Cycle 25). The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

C. Funding Support for Priority 5 Grant Projects

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to not provide funding for the Priority 5 projects for the FY12 Drug, Gang and Violent Crime Control Grant Program. Mr. Vidale explained that the American Recovery and Reinvestment Act (ARRA) funding will be expended at the end of FY11 and the program will not have the resources to support projects at the FY11 funding level.

After review, Designee Larry Stevens moved to not open the Priority 5 projects for FY12 funding under the Drug, Gang and Violent Crime Control Grant Program. The motion was seconded by Commissioner Charles Ryan and was unanimously adopted by the Commission.

VI. Arizona Youth Survey Presentation

Phil Stevenson, Director, Statistical Analysis Center and Michelle Neitch, Research Analyst presented an overview of the biennial Arizona Youth Survey results. The Arizona Youth Survey (AYS) is administered to 8th, 10th, and 12th graders every two years and includes measures such as 1) lifetime, 30-day, and age of onset of alcohol, tobacco and other drug usage; 2) antisocial behavior; 3) school safety, and 4) gambling. Ms. Neitch displayed and explained graphed representations of the percentage of respondent behaviors surrounding risk factors such as: 1) youth reporting past 30 day substance use; 2) students reporting antisocial behavior; 3) students reporting heavy substance use – drinking and driving; 4) students reporting school safety issues; 5) students reporting exposure to violence in past 12 months; 6) relationship between lifetime marijuana use, accumulated risk and protective factors; and 7) relationship between attacking someone to harm them and accumulated risk and protective factors. The survey yielded 63,784 respondents from 372 schools.

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

VII. Drug and Gang Enforcement Account Audit

Karen Ziegler, Deputy Director reported on the Annual Drug and Gang Enforcement Account Audit. ACJC is required by statute to conduct this audit every year. Deputy Director Ziegler explained this is a summary of the distribution of the funds from the Drug Enforcement Account and the federal Byrne/JAG monies. The FY10 report contains the ARRA funds and the monies for the Priority 5 projects. The audit reflected no findings and Deputy Director Ziegler gave special recognition to Amanda Zibell, Compliance Auditor for her work on the audit and the rest of the Finance staff for their exemplary accounting work which was reflected in the favorable review of the account.

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

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, May 19, 2011** at **1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, and Phoenix, Arizona 85007.

X. 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:
May 19, 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 state and federal budget.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 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 legislative issues.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 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 results of the State of Arizona single audit conducted by the Auditor General's office.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Proposed Change to AZ Rule of Evidence 801(d)(1)(A)

TO: Chairperson and Commission Members

FROM: Mary Marshall, PIO
Legislation and Policy

RECOMMENDATION:

The Commission decide whether to publish a comment on the Arizona Supreme Court's proposed change to the Arizona Rule of Evidence 801(d)(1)(A).

DISCUSSION:

There is a petition pending before the Arizona Supreme Court to conform Arizona's rules of evidence to the federal rules. This includes a change to the definition of hearsay in Rule 801(d)(1). To conform to Federal Rule of Evidence 801(d)(1)(A), AZ Rule 801(d)(1)(A) has been amended to require that a prior inconsistent statement be made under penalty of perjury in order to be considered non-hearsay under this rule. This action may have an impact on how domestic violence cases are prosecuted. The proposed Rule change is included.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Proposed changes to Arizona’s Rule of Evidence 801(d)(1)(A)

Rule 801. Definitions That Apply to This Article; Exclusions from Hearsay

To conform to Federal Rule of Evidence 801(d)(1)(A), Rule 801(d)(1)(A) has been amended to require that a prior inconsistent statement be made under penalty of perjury in order to be considered non-hearsay under this rule. Similarly, the last sentence of Rule 801(d)(2) has been added to conform to Federal Rule of Evidence 801(d)(2). Additionally, the language of Rule 801 has been amended to conform to the federal restyling.

ARTICLE VIII. HEARSAY

Rule 801. Definitions That Apply to This Article; Exclusions from Hearsay

The following definitions apply under this article:

~~(a) **Statement.** A “statement” is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by the person as an assertion.~~

~~(b) **Declarant.** A “declarant” is a person who makes a statement.~~

~~(c) **Hearsay.** “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.~~

~~(d) **Statements which are not hearsay.** A statement is not hearsay if—~~

~~(1) *Prior statement by witness.* The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with the declarant's testimony, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person or~~

~~(2) *Admission by party-opponent.* The statement is offered against a party and is (A) the party's own statement, in either an individual or a representative capacity, or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.~~

(a) **Statement.** “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) **Declarant.** “Declarant” means the person who made the statement.

(c) **Hearsay.** “Hearsay” means a statement that:

(1) the declarant does not make while testifying at the current trial or hearing; and

(2) a party offers in evidence to prove the truth of the matter asserted in the statement.

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(1) A Declarant-Witness's Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

(A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(B) is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or

(C) identifies a person as someone the declarant perceived earlier.

(2) An Opposing Party's Statement. The statement is offered against an opposing party and:

(A) was made by the party in an individual or representative capacity;

(B) is one the party manifested that it adopted or believed to be true;

(C) was made by a person whom the party authorized to make a statement on the subject;

(D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or

(E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Comment to 2012 Amendment

To conform to Federal Rule of Evidence 801(d)(1)(A), Rule 801(d)(1)(A) has been amended to require that a prior inconsistent statement be made under penalty of perjury in order to be considered non-hearsay under this rule. Similarly, the last sentence of Rule 801(d)(2) has been added to conform to Federal Rule of Evidence 801(d)(2).

Additionally, the language of Rule 801 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent in the restyling to change any result in any ruling on evidence admissibility.

Statements falling under the hearsay exclusion provided by Rule 801(d)(2) are no longer referred to as “admissions” in the title to the subdivision. The term “admissions” is confusing because not all statements covered by the exclusion are admissions in the colloquial sense — a statement can be within the exclusion even if it “admitted” nothing and was not against the party’s interest when made. The term “admissions” also raises confusion in comparison with the Rule 804(b)(3) exception for declarations against interest. No change in application of the exclusion is intended.

Comment to Original 1977 Rule

Evidence which is admissible under the hearsay rules may be inadmissible under some other rule or principle. A notable example is the confrontation clause of the Constitution as applied to criminal cases. The definition of "hearsay" is a utilitarian one. The exceptions to the hearsay rule are based upon considerations of reliability, need, and experience. Like all other rules which favor the admission of evidence, the exceptions to the hearsay rule are counterbalanced by Rules 102 and 403.

Rule 801(d). This subsection of the rule has been modified and is consistent with the United States Supreme Court's version of the Rule and *State v. Skinner*, 110 Ariz. 135, 515 P.2d 880 (1973).

15 P.2d 880 (1973).

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY12 Crime Victim Compensation Program Designation of Operational Units

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the designation of the 15 County Attorney's Offices as operational units for the FY12 Crime Victim Compensation Program.

DISCUSSION:

The Commission is required to annually designate one operational unit for each county to receive an allocation from the Crime Victim Compensation and Assistance Fund, and to administer the Crime Victim Compensation Program for that county. Currently, the County Attorney's Offices in each of the 15 counties are the designated operational units. Staff proposes continuing the current designation of the County Attorney's Offices as operational units for FY12.

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

FISCAL IMPACT:

Significant – Administration of \$3,900,000 in Crime Victim Compensation funds for FY12.

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY12 Crime Victim Compensation Program Budget

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Crime Victims Committee recommends to the Commission that 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.

DISCUSSION:

See Attached

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

FISCAL IMPACT:

Significant – Expenditure of \$3,900,000 in Crime Victim Compensation funds for FY12.

ALTERNATIVES:

Not Approve - Modify - Table

CRIME VICTIM COMPENSATION PROGRAM

FY12 Program Budget

In past years, the allocation of federal and state compensation funds to county programs has been made in two separate distribution allotments. This process has proved to be inefficient in managing state and federal funds to the counties and has resulted in a surplus of federal funds that must be expended before they expire and returned to the federal government. To better manage the federal and state funds, staff proposes to combine the two allotments into one annual compensation allocation awarded on the state fiscal year. The combined allocation does not have a negative impact on the counties; rather it allows staff to better manage the available resources, and to effectively spend state and federal funds.

Based on state revenue projections, the legislative appropriation for FY12 and unused federal funds, staff proposes the total program size be set at \$3,900,000 with expenditures made in accordance with the attached budget. The total program size includes \$2,500,000 in state compensation funds and \$1,400,000 in federal VOCA compensation funds from previous unspent awards.

The FFY11 federal VOCA award that would typically be allocated in September will be held until next May when it will be combined with available state funds for the FY13 compensation program.

CRIME VICTIM COMPENSATION PROGRAM

FY12 PROGRAM BUDGET

State Compensation

	FY11	FY12	FY13	FY14
Beginning Balance	1,953,003	1,351,077	1,112,577	864,862
Revenue	2,219,000	2,219,000	2,252,285	2,308,592
Reversion	420,374	350,000		
	4,592,377	3,920,077	3,364,862	3,173,454
Expenditures				
Benefits	2,750,000	2,500,000	2,500,000	2,500,000
Study	35,000	-	-	-
Sweep	456,300	307,500	-	-
	3,241,300	2,807,500	2,500,000	2,500,000
Ending Balance	1,351,077	1,112,577	864,862	673,454

Federal VOCA Compensation

	FY11	FY12	FY13	FY14
Beginning Balance		24,226		
Revenue				
2008 grant	168,311	109,525		
2009 grant		989,637		
2010 grant		276,611	909,939	
2011 grant			490,061	682,239
2012 grant				1,500,000
	168,311	1,400,000	1,400,000	2,182,239
Expenditures	144,085	1,400,000	1,400,000	1,400,000
Ending Balance	24,226	-	-	782,239

*used in FY15

	FY12	FY13	FY14
County Program Size	3,900,000	3,900,000	3,900,000

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY12 Crime Victim Compensation Program Allocation

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the allocation of \$3,900,000 in state and federal Crime Victim Compensation funds to operational units for the FY12 Crime Victim Compensation Program.

DISCUSSION:

The table on page 19 reflects the dollar amounts proposed for allocation to each operational unit in the 15 counties. The allocation formula includes the following process steps:

1. \$50,000 of the state funds retained in emergency reserve as required by Program Rule R10-4-102.D
2. A fixed administrative allocation from state funds to county programs
3. A base allotment of \$11,100 to county programs
4. The remaining balance of funds distributed by population

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

FISCAL IMPACT:

Significant – Distribution of \$3,900,000 in Crime Victim Compensation funds to county compensation programs in FY12.

ALTERNATIVES:

Not Approve - Modify - Table

**CRIME VICTIM COMPENSATION PROGRAM
FY 2012 PROPOSED CRIME VICTIM COMPENSATION ALLOCATION
\$3,900,000 TOTAL PROGRAM**

COUNTY	POPULATION	% POPULATION	POPULATION ALLOTMENT	PRIVATE FUNDS SPENT	60% PRIVATE FUNDS ALLOTMENT	BASE ALLOTMENT	ADMIN ALLOTMENT	TOTAL ALLOTMENT	% OF TOTAL ALLOTMENT	QUARTERLY ALLOCATION
APACHE	71,518	1.12%	\$ 36,173	\$ -	\$ -	\$ 11,100	\$ 7,200	\$ 54,473	1.41%	\$ 13,618
COCHISE	131,346	2.05%	66,433	-	-	11,100	11,400	88,933	2.31%	22,233
COCONINO	134,421	2.10%	67,988	-	-	11,100	11,400	90,488	2.35%	22,622
GILA	53,597	0.84%	27,109	-	-	11,100	5,900	44,109	1.15%	11,027
GRAHAM	37,220	0.58%	18,825	-	-	11,100	4,600	34,525	0.90%	8,631
GREENLEE	8,437	0.13%	4,267	-	-	11,100	2,600	17,967	0.47%	4,492
LA PAZ	20,489	0.32%	10,363	-	-	11,100	3,500	24,963	0.65%	6,241
MARICOPA	3,817,117	59.72%	1,930,649	-	-	11,100	255,800	2,197,549	57.08%	549,387
MOHAVE	200,186	3.13%	101,252	-	-	11,100	15,000	127,352	3.31%	31,838
NAVAJO	107,449	1.68%	54,346	-	-	11,100	9,800	75,246	1.95%	18,812
PIMA	980,263	15.34%	495,804	-	-	11,100	69,100	576,004	14.96%	144,001
PINAL	375,770	5.88%	190,060	-	-	11,100	17,800	218,960	5.69%	54,740
SANTA CRUZ	47,420	0.74%	23,984	-	-	11,100	5,100	40,184	1.04%	10,046
YAVAPAI	211,033	3.30%	106,738	-	-	11,100	16,200	134,038	3.48%	33,509
YUMA	195,751	3.06%	99,008	-	-	11,100	15,100	125,208	3.25%	31,302
TOTAL	6,392,017	100.00%	\$ 3,233,000	\$ -	\$ -	\$ 166,500	\$ 450,500	\$ 3,850,000	100%	\$ 962,500

	RECOMMENDED FUNDING	LESS ACJC VOCA ADMIN*	LESS STATE RESERVE**	EQUALS COUNTY ALLOCATION
STATE COMPENSATION FUNDS	\$2,500,000		\$50,000	\$2,450,000
FEDERAL COMPENSATION FUNDS	\$1,400,000	-		\$1,400,000
TOTAL				\$3,850,000

*ACJC admin will equal 5% of FFY2011 VOCA award and be reflected in the FY13 allocation

**\$50,000 held in reserve as required by Program Rule R10-4-102.D

Source for Population: US Census Bureau 2010

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Compensation Fund Distribution Method

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve beginning in FY12, all Victim Compensation Program funding be distributed to the 15 county programs as a monthly expenditure reimbursement rather than through up front quarterly distributions.

DISCUSSION:

In September 2010 the compensation program implemented a reimbursement process for federal VOCA compensation claim expenditures. This process was initiated in response to the federal minimum cash on hand requirement. Since then, program staff identified the following issues associated with the expenditure of state and federal compensation funds on a statewide level:

- Historically, the Victim Compensation Program has struggled with spending all allocated state compensation funds during any given fiscal year;
- A current surplus of federal VOCA compensation funds must be spent down before those funds expire.

Coordinating a response to these issues on the county level would be inefficient and could have little impact. Instead these issues can be addressed by transitioning all compensation fund distributions to a reimbursement process. Reimbursement already provides significant assurance that federal funding sent to a county program will not be held beyond the 10 day deadline. The same process could also assure that state funding sent to a county program will not be reverted at the end of the fiscal year, and that the available balance of VOCA compensation funds can be gradually spent down.

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

FISCAL IMPACT:

Significant – Distribution of \$3,900,000 in Crime Victim Compensation funds to county compensation programs in FY12.

ALTERNATIVES

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY12 Crime Victim Assistance Grant Awards

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the award of FY12 Crime Victim Assistance funds, based on the table on page 23, to the criminal justice government agencies eligible to serve on the Commission.

DISCUSSION:

Fifty-four agencies applied for grant funding, requesting a total of \$1,904,604 in Crime Victim Assistance funds for FY12. The program size established by the Commission for FY12 is \$1,020,000.

A.R.S. § 41-2407 (B) states that no more than 50% of Crime Victim Assistance Funds can be allocated to criminal justice government agencies eligible to serve as a member of the Commission. These agencies are specified in A.R.S. § 41-2404 (A) and (B). The maximum amount available for distribution to the sixteen applicants in this category is \$510,000 for FY12.

The funding proposal on page 25 reflects the evaluation criteria and priorities approved by the Commission. A narrative is provided, beginning on page 24, summarizing the Victim Assistance Program, the evaluation process, and proposed funding for FY12.

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

FISCAL IMPACT:

Significant – Distribution of up to \$1,020,000 in Crime Victim Assistance grant funds to approved agencies for FY12.

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY12 Crime Victim Assistance Grant Awards

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the award of FY12 Crime Victim Assistance funds, based on the table on page 23, to non-profit agencies, and other government agencies.

DISCUSSION:

(See item IV-A)

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

FISCAL IMPACT:

Significant – Distribution of up to \$1,020,000 in Crime Victim Assistance grant funds to approved agencies for FY12.

ALTERNATIVES:

Not Approve - Modify - Table

Table 1 Summary of FY 2012 Grant Requests & Proposed Awards					
APPLICANT AGENCY	FY11 Grant Awards	FY11 Funded FTE Positions	FY12 Grant Request	FY12 Proposed Grant Awards	FY12 Proposed FTE Positions
VICTIM ASSISTANCE ACADEMY					
Arizona Coalition of Victim Services	\$ 20,000	0.5	\$ 21,093	\$ 20,000	0.5
COMMISSION ELIGIBLE CRIMINAL JUSTICE GOVERNMENT PROGRAMS					
Apache County Attorney's Office	19,200	0.5	41,383	19,200	0.6
Arizona Attorney General's Office	45,500	0.9	47,761	45,500	0.6
Chandler Police Department	19,500	0.3	87,182	19,500	0.4
Cochise County Attorney's Office	14,400	0.3	18,369	14,400	0.3
Gila County Attorney's Office	17,600	0.4	24,029	17,600	0.5
Graham County Attorney's Office	14,200	0.4	33,079	14,200	0.4
Greenlee County Attorney's Office	9,900	0.3	16,042	9,900	0.4
La Paz County Attorney's Office	17,600	0.4	25,432	17,600	0.5
Maricopa County Attorney's Office	104,400	1.9	171,650	104,400	1.9
Mohave County Attorney's Office	25,600	0.8	26,781	25,600	0.8
Navajo County Attorney's Office	25,600	0.6	52,599	25,600	0.7
Peoria Police Department	10,800	0.2	13,360	10,800	0.2
Pima County Attorney's Office	106,900	2.0	115,781	106,900	2.0
Pinal County Attorney's Office	25,600	0.4	27,615	25,600	0.5
Santa Cruz County Attorney's Office	17,600	0.4	52,764	17,600	0.6
Yuma County Attorney's Office	25,600	0.3	37,885	25,600	0.5
Sub-Total	\$ 500,000	10.1	\$ 791,712	\$ 500,000	10.9
NON-PROFIT AND OTHER GOVERNMENT PROGRAMS					
A New Leaf, Inc. - Prehab	41,600	0.8	63,545	41,600	0.7
Against Abuse, Inc.	16,000	0.5	17,595	16,000	0.5
Ama Doo Alchini Bighan, Inc. (ADABI)	0	0.0	31,061	0	0.0
Arizona's Children Association - Las Familias	8,800	0.2	12,352	8,800	0.2
Bullhead City Attorney's Office	11,800	0.2	15,072	11,800	0.2
Casa Grande City Attorney's Office	11,200	0.2	35,105	11,200	0.2
Chicanos Por La Causa, Inc.	12,000	0.3	15,902	12,000	0.4
Childhelp	12,000	0.2	15,600	12,000	0.2
Chrysalis Shelter For Victims of Domestic Violence	12,000	0.2	15,134	12,000	0.3
Colorado River Regional Crisis Shelter, Inc.	15,000	0.5	25,054	15,000	0.7
Community Alliance Against Family Abuse (CAFA)	0	0.0	31,200	0	0.0
EMPACT-SPC	10,800	0.2	42,720	10,800	0.3
Haven Family Resouce Center	12,000	0.3	15,674	12,000	0.4
Homicide Survivors, Inc.	28,700	0.8	34,517	28,700	0.5
Jewish Family and Children's Service	15,500	0.2	15,500	15,500	0.3
Jewish Family and Children's Services of Southern	0	0.0	24,358	0	0.0
Kingman Aid To Abused People, Inc.	9,600	0.2	11,600	9,600	0.2
Lake Havasu City Attorney's Office	0	0.0	66,929	0	0.0
Maricopa, City of	0	0.0	25,000	0	0.0
Mesa City Prosecutor's Office	24,500	0.5	51,605	24,500	0.5
Mt. Graham Safe House, Inc	0	0.0	23,926	0	0.0
Northland Family Help Center	9,000	0.3	13,785	9,000	0.2
Page Regional Domestic Violence Services	0	0.0	32,247	0	0.0
Phoenix City Fire Department	16,000	0.2	31,849	16,000	0.2
Phoenix City Prosecutor's Office	27,200	0.4	49,584	27,200	0.4
Sojourner Center	21,600	0.6	31,111	21,600	0.7
Southern Arizona Center Against Sexual Assault	16,700	0.3	16,628	16,700	0.3
Southern Arizona Children's Advocacy Center	17,600	0.4	25,000	17,600	0.4
Tempe City Social Services - Care 7	21,000	0.4	56,643	21,000	0.4
Time Out, Inc	13,000	0.4	30,126	13,000	0.4
Town of Gilbert Prosecutor's Office	0	0.0	19,306	0	0.0
Trauma Intervention Programs of AZ, Inc.	0	0.0	22,236	0	0.0
Tucson Centers For Women And Children - Emerge	46,100	1.5	71,518	46,100	1.5
U-Turn Foundation	0	0.0	14,861	0	0.0
Verde Valley Sanctuary	15,300	0.3	17,420	15,300	0.4
Victim/Witness Services For Coconino County	30,000	0.5	30,000	30,000	0.4
Wingspan	25,000	0.6	40,046	25,000	0.6
Sub-Total	\$ 520,000	11.2	\$ 1,112,902	\$ 520,000	11.5
TOTAL	\$ 1,020,000	21.8	\$ 1,904,614	\$ 1,020,000	22.9

Crime Victim Assistance Grant Program

The Crime Victim Assistance Program is established to provide victim assistance services to crime victims in the State of Arizona. In accordance with Crime Victim Assistance Program Rule R10-4-204, services eligible to receive funding are:

- Crisis Intervention
- Information and Referral
- Emergency Services
- Support Services
- Court Related Direct Services
- Temporary Protection Services
- Training
- Printing

These services are eligible for funding throughout the State of Arizona.

Services or expenses ineligible to receive funding are:

- Crime prevention efforts other than those aimed at providing specific emergency help after a victimization
- General public relations programs
- Advocacy for particular legislative or administrative reforms
- General criminal justice agency improvements
- Programs in which crime victims are not the primary beneficiary
- Management training and training for persons not providing direct services to victims
- Victim compensation provided under A.A.C. R10-4-101 through R10-4-108
- Homeless shelters

Applications Received

On January 31, 2011, non-profit and government agencies throughout the state were notified via electronic mail of the availability of the FY12 Crime Victim Assistance Program grant. The deadline for submission of the applications was Friday, March 11, 2011 at 3:00 p.m. Fifty-four applications were submitted by the deadline, requesting a total of \$1,904,614. Of this amount, the 16 criminal justice government agencies eligible to serve as a member of the Commission requested \$791,712; and 33 Non-profit and Other Government programs requested \$1,112,902. The total amount of funds requested far exceeding the \$1,020,000 available.

Evaluation and Scoring

The applications were evaluated pursuant to A.R.S. § 41-2702. All applications received were reviewed and scored by ACJC staff and outside evaluators. Scoring was based on the Crime Victim Assistance program rules, criteria, and priorities approved by the Commission. Applicants had to score a minimum of 700 points (out of 1,080) to be considered for grant funding. However, meeting the minimum score did not guarantee an award due to the limited funding available. Of the 54 applications submitted, all of them met the minimum score.

The applications were evaluated using the following scoring criteria:

- Services to be provided are eligible under Crime Victim Assistance Rules
- The completeness of the application, all requested information was provided
- Assistance in obtaining victim compensation
- Use of volunteers in the program
- New programs demonstrate a need for services that are not currently being met
- Collaboration efforts of the program with other agencies
- Goals and objectives are reasonable and achievable
- Performance measures clearly identify the success of the program

- Budget costs are reasonable and allowable (construction projects and land acquisitions are prohibited)
- Financial support is available to the program to match grant funds
- Existing programs demonstrate success
- Programs previously funded by the Commission have met the requirements of the grant

Also considered were those applications that met the following funding priorities established by the Commission:

- \$20,000 provided directly to the Arizona Victim Assistance Academy.
- Programs that provide unduplicated services within a 35-mile radius.
- Programs that provide multiple services to a diverse range of crime victims.
- Programs that demonstrate the highest ratio of Advocates to Victims Served.
- Programs that demonstrate the highest ratio of Victims to Services Provided.
- Programs operating in counties with the highest crime per capita rate based on the latest Uniform Crime Report. Crime data is based on all Index Crimes reported and Part II Victim Crimes only.
- Programs that demonstrate strong support of established goals and objectives and clearly identify how the success of the program will be measured.
- Programs that demonstrate a strong collaborative effort with law enforcement, prosecution, service providers, community organizations, and other social service agencies.
- Programs that demonstrate a strong component of assisting crime victims in filing victim compensation claims.

The table on page 23 displays the staff recommendation for funding allocations to Criminal Justice Government programs eligible to serve on the Commission, Non-profit programs, and Other Government programs. The table summarizes the FY11 grant awards and FTE Positions, FY12 grant requests, proposed FY12 awards, and FTE Positions for all funded programs for FY12.

In allocating funding, staff prioritized maintaining funding levels for currently funded programs, over increasing individual awards or funding a new program. Revenue projections show the victim assistance program cannot sustain a \$1,020,000 total program size beyond the 2012 fiscal year. Without an infusion of additional revenue the total program size for FY13 could be as low as \$850,000.

To prepare for this significant reduction in the total program size, and the cuts it will necessitate, ACJC staff recommends a reevaluation of the funding priorities for the ACJC Crime Victim Assistance Grant program. With the reevaluation complete these priorities will guide program staff through the difficult task of reducing or eliminating individual program funding for FY13.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Evaluation of Crime Victim Assistance Funding Priorities

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

Information Only

DISCUSSION:

Revenue projections show the Victim Assistance Program cannot sustain a \$1,020,000 total program size beyond the 2012 fiscal year. Without an infusion of additional revenue, the total program size for FY13 could be as low as \$850,000.

To prepare for this significant reduction in the total program size, and the cuts it will necessitate, ACJC staff recommends a review of the funding priorities for the ACJC Crime Victim Assistance Grant program. The current program priorities are listed on page 25 of the agenda.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
May 19, 2011	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Drug, Gang & Violent Crime Control Program Cycle 25 Awards

TO: Chairperson and Commission Members

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

RECOMMENDATION:

The Commission approve the award of Cycle 25 Arizona Drug, Gang and Violent Crime Control grant funds to eligible criminal justice agencies for the period beginning July 1, 2011 and ending June 30, 2012.

DISCUSSION:

See attached.

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

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

Program Background

The Drug, Gang, and Violent Crime Control Program (DC) allows state, county, local and tribal governments to support activities that combat drugs, gangs, and violent crime. The DC program provides funding to support the components of a statewide, system-wide enhanced drug, gang, and violent crime control program as stated in the *2008-2011 Arizona Drug, Gang, and Violent Crime Control Strategy*. The strategy includes the following priority areas:

- *Priority Area one* - Multi-jurisdictional, multi-agency drug, gang and violent crime task forces, their tandem prosecution projects and state-wide forfeiture activities.
- *Priority Area two* - Information system improvements through the Gerald Hardt Memorial Criminal Justice Records Improvement Program.
- *Priority Area three* - Support projects such as enhancement to adjudication and probation departments; forensic drug analysis; inmate security in county correctional facilities; model residential drug treatment programs in correctional facilities that supports the increased workload due to activities provided in Priority Area 1.
- *Priority Area four* - Prevention and education programs utilizing proven approaches that focus on substance abuse problems.
- *Priority Area five* - Other areas eligible for funding under the federal Byrne Justice Assistance Grant.

For the FY 2012 grant, the Commission made eligible only priority area one and three projects. Funding was not available in FY 2012 to cover priority area five projects. **Table 1** on page 30 shows a summary of the FY 2011 grant awards and corresponding FTE's funded, the FY 2012 grant requests made by applicants, and the FY 2012 recommendation.

Funding

The program is supported by several funding streams to successfully carry out the statewide strategy. The Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG) funds awarded to Arizona by the U.S. Department of Justice, Bureau of Justice Assistance (DOJ/BJA) continue to support program activities along with state Drug and Gang Enforcement Account (DEA) funds established under A.R.S. §41-2402, and matching funds when approved by the Commission. At its March 2011 meeting, the Commission approved waiving the match requirement for the FY 2012 grant in response to the difficult fiscal conditions agencies were experiencing.

In FY 2011, \$12,532,334 was allocated to priority one and three projects. For FY 2012, the Commission approved \$11,667,150 in funding for the grant, representing an \$(865,184) reduction below the previous fiscal year. The program will utilize \$9,304,722 in Byrne/JAG funding and \$2,362,428 in DEA funds. It is expected that all ARRA funds will be expended by the end of FY 2011, therefore the funding plan does not include any ARRA monies.

Applications Received

The solicitation for the Drug, Gang and Violent Crime Control Program opened March 14, 2011 and closed April 8, 2011. Due to limited resources as a result of budget reductions, only priority one and three projects were eligible to apply. Thirty-seven applications were received requesting a total of \$17,549,708 and 211.6 FTE positions. Of the 37 applications, 15 were apprehension projects, 16 were tandem prosecution projects, one was a statewide forfeiture project, two were forensic support projects, two were drug adjudication projects, and one was a law enforcement project that did not meet program requirements for being a multi-jurisdictional, multi-agency task force. **Table 2** on page 31 displays the grant request for each eligible applicant broken out by priority area and expenditure type.

Evaluation and Scoring

Eligible applications were reviewed by an evaluation team consisting of four ACJC staff and two outside evaluators. One law enforcement project was not scored by the evaluation team because it did not meet the requirements of the grant program as a multi-jurisdictional, multi-agency task force under priority area one. The projects were scored based on the criteria published in the solicitation with an emphasis on the goals of the statewide strategy.

Recommendation

Staff recommends funding according to **Table 3** on page 32. Under the proposal, \$4,058,248 would be allocated to priority one apprehension projects, \$3,972,442 for priority one tandem prosecution projects, \$983,862 for a priority one statewide forfeiture project, \$549,284 for priority three forensic support projects and \$2,103,314 for priority three drug adjudication projects. All of the funding would support personnel costs for grant projects.

Considering the large funding reductions the program faced, across-the-board reductions were not implemented as a funding strategy. For applicants scored as eligible, all expenditure types were analyzed by staff and allocated based on the needs and best interests of the grant program in meeting the statewide strategy. The following guidelines were used by staff to build the recommendation:

- Prioritize funding core operations positions. Core operations positions were those considered most critical in meeting the purposes of the strategy (i.e. task force officers, attorneys, criminalists).
- Fully fund a position and the associated ERE costs.
- Avoid funding multiple-type support positions for any project.
- Attempt to fund at least 1 FTE position for each priority 1 and 3 project.
- Provide no salary or ERE increase for any position previously funded under the program.
- Take into consideration a project's ability to cover any reduction with program income in FY12.
- Attempt to fund a similar number of FTE positions for similar sized programs in each purpose area.

Two requests were not recommended for funding based on their application and alignment with the requirements of the program. The Yavapai County Sheriff's Office proposal did not meet the criteria under priority area one and the Mohave County Probation project, funded as a priority five project in FY 2011, was not recommended for funding and this type of project could be funded through the grant award to the Administrative Office of the Courts.

Table 1 Summary of FY 2012 Grant Requests & Proposed Awards					
APPLICANT AGENCY	FY11 Grant Awards	FY11 Funded FTE Positions	FY12 Grant Request	FY12 Proposed Grant Awards	FY12 Proposed FTE Positions
Priority 1 Apprehension					
Apache County SO	\$ 280,840	4.00	\$ 306,785	\$ 246,008	3.43
Cochise County SO	212,204	1.00	212,196	175,210	1.00
Flagstaff PD	325,870	4.00	411,905	298,117	4.00
Gila County SO	344,288	5.00	752,412	344,288	5.00
Graham County SO	29,152	0.00	30,151	29,152	0.00
Greenlee County SO	32,560	0.00	70,000	32,560	0.00
Kingman PD	387,845	5.00	651,754	370,117	5.00
La Paz County SO	131,776	5.00	364,007	131,776	5.00
Maricopa County SO	412,000	5.36	542,062	383,560	4.95
Navajo County SO	283,080	6.00	1,018,884	245,193	5.00
Pinal County SO	192,765	2.04	472,923	166,313	2.00
Santa Cruz County SO	226,620	4.00	276,810	178,696	3.00
Prescott Valley PD	513,626	6.00	1,306,090	418,399	6.00
Tucson PD	816,976	14.00	1,145,746	787,010	13.00
Yuma SO	254,319	4.00	348,871	251,849	4.00
Sub-Total	\$ 4,443,921	65.40	\$ 7,910,596	\$ 4,058,248	61.38
Priority 1 Tandem Prosecution					
Apache County Attorney	\$ 96,152	0.82	\$ 104,596	\$ 96,152	0.82
Cochise County Attorney	167,425	2.00	204,632	167,425	2.00
Coconino County Attorney	146,080	1.50	283,668	146,080	1.50
Gila County Attorney	72,063	1.00	67,727	67,727	1.00
Graham County Attorney	-	0.00	54,284	54,284	1.00
Greenlee County Attorney	-	0.00	36,600	36,600	0.50
La Paz County Attorney	77,435	1.00	104,136	77,435	1.00
Maricopa County Attorney	1,573,656	16.50	1,601,128	1,482,804	15.50
Mohave County Attorney	214,085	3.29	364,770	165,935	2.29
Navajo County Attorney	117,040	1.04	199,514	117,040	1.04
Pima County Attorney	586,176	9.00	638,819	555,071	8.20
Pinal County Attorney	198,598	2.16	269,999	198,598	2.16
Santa Cruz County Attorney	52,838	0.60	96,755	52,838	0.60
Tucson City Prosecutor	360,064	5.00	448,687	332,171	4.50
Yavapai County Attorney	134,115	1.89	188,992	134,115	1.89
Yuma County Attorney	326,172	5.00	344,199	288,167	4.00
Sub-Total	\$ 4,121,899	50.80	\$ 5,008,506	\$ 3,972,442	48.00
Priority 1 Forfeiture Activities					
Attorney General's Office	\$ 1,109,606	10.27	\$ 1,307,158	\$ 983,862	10.00
Sub-Total	\$ 1,109,606	10.27	\$ 1,307,158	\$ 983,862	10.00
Priority 3 Forensic Support					
Arizona Department of Public Safety	\$ 547,760	7.00	\$ 901,718	\$ 482,388	6.00
Tucson PD - Forensics	47,520	0.50	116,096	66,896	0.58
Sub-Total	\$ 595,280	7.50	\$ 1,017,814	\$ 549,284	6.58
Priority 3 Drug Adjudication					
Administrative Office of the Courts	\$ 2,261,628	26.17	\$ 2,262,065	\$ 2,103,314	24.00
Mohave County Probation	\$ -	0.00	\$ 43,569	\$ -	0.00
Sub-Total	\$ 2,261,628	26.17	\$ 2,305,634	\$ 2,103,314	24.00
TOTAL	\$ 12,532,334	160.14	\$ 17,549,708	\$ 11,667,150	149.96

Table 2 FY 2012 Drug, Gang, & Violent Crime Control Grant Requests									
Applicant Agency	Salary	Overtime	ERE	Prof./ Outside Svs	In-State Travel	Out-of-State Travel	Operating Expense	Equipment	Total FY12 Requested
Priority 1 Apprehension									
Apache County SO	\$ 201,904	\$ -	\$ 104,881	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 306,785
Cochise County SO	24,500	130,054	11,187	-	8,050	5,750	32,655	-	212,196
Flagstaff PD	218,235	74,819	91,611	-	3,000	3,600	20,640	-	411,905
Gila County SO	492,174	-	260,238	-	-	-	-	-	752,412
Graham County SO	-	30,151	-	-	-	-	-	-	30,151
Greenlee County SO	-	67,500	-	-	2,500	-	-	-	70,000
Kingman PD	227,289	165,571	129,269	-	41,925	38,890	48,810	-	651,754
La Paz County SO	268,180	4,056	91,771	-	-	-	-	-	364,007
Maricopa County SO	260,578	82,773	122,982	-	-	-	75,729	-	542,062
Navajo County SO	665,516	-	353,368	-	-	-	-	-	1,018,884
Pinal County SO	244,439	81,443	70,041	5,000	6,000	12,000	44,000	10,000	472,923
Santa Cruz County SO	153,382	39,148	79,280	-	-	-	5,000	-	276,810
Prescott Valley PD	679,163	191,999	326,128	-	-	-	108,800	-	1,306,090
Tucson PD	786,831	-	346,415	-	-	-	-	12,500	1,145,746
Yuma SO	234,538	22,171	90,662	-	1,000	-	500	-	348,871
SUB-TOTAL	\$ 4,456,729	\$ 889,685	\$ 2,077,833	\$ 5,000	\$ 62,475	\$ 60,240	\$ 336,134	\$ 22,500	\$ 7,910,596
Priority 1 Tandem Prosecution									
Apache County Attorney	82,528	-	22,068	-	-	-	-	-	104,596
Cochise County Attorney	160,189	-	44,443	-	-	-	-	-	204,632
Coconino County Attorney	210,850	-	72,818	-	-	-	-	-	283,668
Gila County Attorney	51,293	-	16,434	-	-	-	-	-	67,727
Graham County Attorney	40,000	-	14,284	-	-	-	-	-	54,284
Greenlee County Attorney	29,280	-	7,320	-	-	-	-	-	36,600
La Paz County Attorney	80,000	-	24,136	-	-	-	-	-	104,136
Maricopa County Attorney	1,219,019	-	382,109	-	-	-	-	-	1,601,128
Mohave County Attorney	261,892	-	99,912	-	-	-	-	2,966	364,770
Navajo County Attorney	150,377	-	37,327	-	2,170	-	4,740	4,900	199,514
Pima County Attorney	517,274	-	121,545	-	-	-	-	-	638,819
Pinal County Attorney	209,310	-	60,689	-	-	-	-	-	269,999
Santa Cruz County Attorney	74,000	-	22,755	-	-	-	-	-	96,755
Tucson City Prosecutor	312,227	-	136,460	-	-	-	-	-	448,687
Yavapai County Attorney	145,782	-	43,210	-	-	-	-	-	188,992
Yuma County Attorney	251,073	-	93,126	-	-	-	-	-	344,199
SUB-TOTAL	\$ 3,795,094	\$ -	\$ 1,198,636	\$ -	\$ 2,170	\$ -	\$ 4,740	\$ 7,866	\$ 5,008,506
Priority 1 Forfeiture Activities									
Attorney General's Office	\$ 964,995	\$ -	\$ 342,163	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,307,158
SUB-TOTAL	\$ 964,995	\$ -	\$ 342,163	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,307,158
Priority 3 Forensic Support									
Arizona Department of Public Safety	\$ 595,294	\$ 59,243	\$ 220,881	\$ -	\$ 6,300	\$ -	\$ 20,000	\$ -	\$ 901,718
Tucson PD - Forensics	80,622	-	35,474	-	-	-	-	-	116,096
SUB-TOTAL	\$ 675,916	\$ 59,243	\$ 256,355	\$ -	\$ 6,300	\$ -	\$ 20,000	\$ -	\$ 1,017,814
Priority 3 Drug Adjudication									
Administrative Office of the Courts	\$ 1,667,533	\$ -	\$ 536,113	\$ -	\$ -	\$ -	\$ 58,419	\$ -	\$ 2,262,065
Mohave County Probation	\$ 28,829	\$ -	\$ 10,090	\$ -	\$ -	\$ 4,000	\$ 650	\$ -	\$ 43,569
SUB-TOTAL	\$ 1,696,362	\$ -	\$ 546,203	\$ -	\$ -	\$ 4,000	\$ 59,069	\$ -	\$ 2,305,634
TOTAL	\$ 11,589,096	\$ 948,928	\$ 4,421,190	\$ 5,000	\$ 70,945	\$ 64,240	\$ 419,943	\$ 30,366	\$ 17,549,708

Table 3

FY 2012 Drug, Gang, & Violent Crime Control Grant Proposed Awards

Applicant Agency	Personal Services	Overtime	ERE Costs	Prof./ Outside Svs	In-State Travel	Out-of-State Travel	Operating Expense	Equipment	Total FY12 Proposed
Priority 1 Apprehension									
Apache County SO	\$ 158,644	\$ -	\$ 87,364	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 246,008
Cochise County SO	24,071	98,437	52,702	-	-	-	-	-	175,210
Flagstaff PD	199,152	-	98,965	-	-	-	-	-	298,117
Gila County SO	344,288	-	-	-	-	-	-	-	344,288
Graham County SO	-	21,952	7,200	-	-	-	-	-	29,152
Greenlee County SO	-	32,560	-	-	-	-	-	-	32,560
Kingman PD	245,835	-	124,282	-	-	-	-	-	370,117
La Paz County SO	105,421	-	26,355	-	-	-	-	-	131,776
Maricopa County SO	260,578	-	122,982	-	-	-	-	-	383,560
Navajo County SO	174,804	-	70,389	-	-	-	-	-	245,193
Pinal County SO	114,367	-	51,946	-	-	-	-	-	166,313
Santa Cruz County SO	119,683	-	59,013	-	-	-	-	-	178,696
Prescott Valley PD	286,879	-	131,520	-	-	-	-	-	418,399
Tucson PD	687,024	-	99,986	-	-	-	-	-	787,010
Yuma SO	182,273	-	69,576	-	-	-	-	-	251,849
SUB-TOTAL	\$ 2,903,019	\$ 152,949	\$ 1,002,280	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,058,248
Priority 1 Tandem Prosecution									
Apache County Attorney	75,032	-	21,120	-	-	-	-	-	96,152
Cochise County Attorney	130,084	-	37,341	-	-	-	-	-	167,425
Coconino County Attorney	121,887	-	24,193	-	-	-	-	-	146,080
Gila County Attorney	51,293	-	16,434	-	-	-	-	-	67,727
Graham County Attorney	40,000	-	14,284	-	-	-	-	-	54,284
Greenlee County Attorney	29,280	-	7,320	-	-	-	-	-	36,600
La Paz County Attorney	59,233	-	18,202	-	-	-	-	-	77,435
Maricopa County Attorney	1,140,619	-	342,185	-	-	-	-	-	1,482,804
Mohave County Attorney	122,802	-	43,133	-	-	-	-	-	165,935
Navajo County Attorney	94,027	-	23,013	-	-	-	-	-	117,040
Pima County Attorney	455,212	-	99,859	-	-	-	-	-	555,071
Pinal County Attorney	156,796	-	41,802	-	-	-	-	-	198,598
Santa Cruz County Attorney	38,613	-	14,225	-	-	-	-	-	52,838
Tucson City Prosecutor	332,171	-	-	-	-	-	-	-	332,171
Yavapai County Attorney	100,558	-	33,557	-	-	-	-	-	134,115
Yuma County Attorney	217,781	-	70,386	-	-	-	-	-	288,167
SUB-TOTAL	\$ 3,165,388	\$ -	\$ 807,054	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,972,442
Priority 1 Forfeiture Activities									
Attorney General's Office	\$ 734,079	\$ -	\$ 249,783	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 983,862
SUB-TOTAL	\$ 734,079	\$ -	\$ 249,783	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 983,862
Priority 3 Forensic Support									
Arizona Department of Public Safety	\$ 332,099	\$ -	\$ 150,289	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 482,388
Tucson PD - Forensics	46,456	-	20,440	-	-	-	-	-	66,896
SUB-TOTAL	\$ 378,555	\$ -	\$ 170,729	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 549,284
Priority 3 Drug Adjudication									
Administrative Office of the Courts	\$ 2,103,314	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,103,314
Mohave County Probation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SUB-TOTAL	\$ 2,103,314	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,103,314
TOTAL	\$ 9,284,355	\$ 152,949	\$ 2,229,846	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,667,150