

Arizona Criminal Justice Commission
Minutes
January 15, 2015

A public meeting of the Arizona Criminal Justice Commission was convened on January 15, 2015 at Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Bill Montgomery, Chairperson, Maricopa County Attorney
David Byers, Vice Chairperson, Director, Administrative Office of the Courts
Joseph Arpaio, Maricopa County Sheriff, Paul Lopez representing
Joseph Brugman, Chief, Safford Police Department, by conference call
Timothy Dorn, Chief, Gilbert Police Department
Clarence Dupnik, Pima County Sheriff, Paul Wilson representing by conference call
Chris Gibbs, Mayor, City of Safford, by conference call
Robert Halliday, Director, Department of Public Safety
Mark Brnovich Attorney General, Don Conrad representing
Drew John, Graham County Supervisor
Barbara LaWall, Pima County Attorney, by conference call
Ellen Kirschbaum, Chairperson, Board of Executive Clemency
Sheila Polk, Yavapai County Attorney
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer
Daniel G. Sharp, Chief, Oro Valley Police Department
Mark Spencer, Law Enforcement Leader

Members Absent:

William Pribil, Coconino County Sheriff
Steven Sheldon, Former Judge

Staff Participating:

John A. Blackburn, Jr., Executive Director
Andy LeFevre, Public Information Officer
Larry Grubbs, Program Manager
Phil Stevenson, Director, Statistical Analysis Center
Wendy Boyle, Executive Secretary

Guests Participating:

Marcus Reinkensmeyer, Administrative Office of the Courts

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Bill Montgomery at 1:30 p.m. Roll was taken and a quorum was declared present. Mr. Montgomery welcomed Don Conrad, designee for Commissioner Mark Brnovich, Attorney General.

II. Minutes of the November 13, 2014 Meeting

Chairperson Montgomery called for a motion on the minutes. Commissioner Daniel Sharp entered a motion to approve the minutes of the meeting held on November 13, 2014. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff and Program Update

Executive Director Blackburn welcomed four new employees at ACJC. Marc Peoples is the Program Manager for the Criminal Justice Systems Improvement Program. The other three new hires introduced were Carlena Orosco, Research Analyst for the Statistical Analysis Center (SAC), Vernie Bruehler, Grant Coordinator for the Victim Services Program, and Jerod McDaniel, legislative intern. Phil Stevenson will be leaving the agency in February 2015 for a position in Washington, DC. Mr. Stevenson has been with the agency 8 1/2 years as director of SAC. ACJC has opened the recruitment process to hire for the SAC director position; however, there is no word on how the hiring freeze may affect the process.

Executive Director Blackburn updated the Commissioners on their appointments. Fourteen of the nineteen memberships have expired; all the Commissioners will continue to serve as long as the requirements are met from the original appointment, therefore everyone is eligible unless they resign or are replaced.

Tony Vidale, Program Manager of the Drug, Gang and Violent Crime Control Program is working with the Department of Health Services, Division of Behavioral Health Services (DHS/DBHS) to utilize funds from a federal grant to focus on providing support to substance abuse prevention initiatives in Arizona. The grant is set to expire in September 2015 and totals \$650,000.

Also, ACJC was able to secure funding in the amount of \$250,000 from DHS/DBHS for an Adult Prevalence Survey that would fill in data gaps on adult substance use not collected from the Arizona Youth Survey.

Executive Director Blackburn stated ACJC will continue with the deaths in process reporting. The survey had been completed and submitted for several years; however, the Bureau of Justice Statistics contacted ACJC and stated the information was no longer needed. The law requesting the data was not reauthorized and the decision was not to continue the data collection. In December, Congress reauthorized the bill and ACJC is hoping to get the process started again. ACJC was concerned because this would be another 10 percent penalty for non-compliance against the Byrne JAG program. The Prison Rape Elimination Act (PREA) penalty is being held off so there will not be a penalty this year; however, there will be 10 percent penalty for non-compliance to the Sex Offender Registration and Notification Act (SORNA). The penalties assessed per year are \$142,000, for a total of \$426,000 lost to date.

B. Budget Update

Executive Director Blackburn addressed that the state budget from the Governor's office would not be ready until Friday, January 16, 2015. ACJC had several budget items brought forth earlier and was seeking support but received minimal feedback. Chairperson Montgomery is looking at signing a letter seeking support for the issue of the Drug and Gang Prevention Resource Center funds to help pay for operations of SAC.

Executive Director Blackburn stated because of the reduction in state and federal funding, staff is looking at other options and funding sources to support the agency.

Chairperson Montgomery echoed on the context of the funding and also added that there will be a need for a place to breakdown the offenses in the state. Currently there is no responsibility or statutory mandate for an annual study to be done that would look at the Department of Corrections (DOC) inmate population. Information is also needed on the on-going trends involving recidivism, truth in sentencing, impact on crime rates, projected population in categories for different offenders, and the changing demand on classification on where people are housed. This would create a different impact on capital expenditures which raises the discussion for greater flexibility of funds.

Commissioner Ryan added the DOC publishes a monthly newsletter Corrections at a Glance that covers information on the prisons. Currently the prison system has over 42,000 inmates with projections to grow 960 inmates per year for the next three fiscal years. The bed population is forecasted to be at 3,000.

Chairperson Montgomery reiterated that information and analysis is incumbent to the criminal justice system in Arizona when making policy decisions to have reliable data over time.

C. Legislative Update

Andy LeFevre, Public Information Officer provided an update on the six drafted legislative proposals that were approved at the Commission meeting in November, 2014. Mr. LeFevre summarized three bills that furthered the work on the passage of the National Instant Criminal Background Check System (NICS) bill which transmitted the information from the courts through the Department of Public Safety (DPS) up to the NICS. The other two bills relate to fingerprinting that created a cleanup bill and moved the section of fingerprinting into its own subsection. Another bill allows two biometric fingerprinting identification for the booking agency to collect fingerprinting information when it cannot be determined if prints were taken. The final bill concerns victim protection where the victim compensation program negotiates payment on behalf of a victim where the hospital or provider cannot collect monies over and above the agreed settlement.

Mr. LeFevre stated there were 250 bills introduced with half of the bills being apparent placeholders. The bills of interest include dealing with marijuana legalization and the use of the Prescription Drug Monitoring Program (PDMP). Staff has reached out to legislators Steve Smith and Sonny Borrelli, heads of the senate and house public safety committees who were receptive to ACJC's legislative proposals.

Mr. LeFevre stated several stakeholder groups have been contacted that include the National Rifle Association (NRA) on the NICS bills and the Hospital and Healthcare Providers Association on what the impact on a victim's protection bill would look like for their system monetarily. Staff anticipates having sponsorships and committee assignments to start working on the process. Mr. LeFevre reported from the NICS task force meeting; the NICS through automatic transmission went online January 1, 2015 successfully.

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

IV. Crime Victim Assistance Grant Program

A. FY 2016 Grant Program Funding Level

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to set the program funding level for the FY16 Crime Victim Assistance Grant Program at \$1,570,000.

Mr. Grubbs reported that based on the revenue projections, the proposal increases the program funding level by \$320,000 to \$1,570,000 for FY16. The Commission was referred to the chart listed on page 12 of the agenda that reflects the financial status of the Crime Victim Compensation and Assistance Fund.

Mr. Grubbs explained the increased funding level is contingent upon legislative approval. The \$320,000 increase was submitted to the Governor as a budget issue for FY16, requesting an increase to the total appropriation from the Crime Victim Compensation and Assistance Fund by that amount. There will be opportunities to revisit the Crime Victim Assistance program size at subsequent meetings in March or May depending on when the legislature finalizes the FY16 budget.

Chairperson Montgomery asked the rationale for increasing the program size amount for the budget request. Mr. Grubbs stated one of the factors was to demonstrate the need to utilize the funds for statutory intent and the availability of the funding gives the Crime Victim Assistance Program the opportunity to serve additional victims of crime.

Commissioner Daniel Sharp entered a motion that the Commission approve the funding level for the Crime Victim Assistance Grant Program for FY16 be set at \$1,570,000. The motion was seconded by Commissioner Timothy Dorn and was unanimously approved by the Commission.

B. Grant Program Emerging Issue Funding Priority

Larry Grubbs, Program Manager stated that at the November 2011 meeting, the Commission approved the Emerging Issue Funding Priority as a means to fund programs providing services that address an emerging victim issue or an underserved victim population.

Mr. Grubbs presented the recommendation from the Crime Victims Committee that up to \$100,000 of the total program size for the FY16 Crime Victim Assistance Grant program be available to fund programs providing direct services to victims of human

trafficking. During FY14, grantees currently funded by the victim assistance grant program reported serving over 97,000 victims of crime; of that number 168 were identified as victims of human trafficking. ACJC does not currently fund a program for victims of human trafficking as a program's primary beneficiary. This particular population has received additional attention due to the Super Bowl and former Governor Brewer's establishment of the Arizona Human Trafficking Council.

Mr. Grubbs referenced an Associated Press article published in December highlighting that nationally states have already implemented statutory changes that increased protections for human trafficking victims and increased penalties for offenders; however, the funding for these initiatives often lags behind the statutory changes. In that same article, Arizona was highlighted as one of the states that has implemented statutory changes related to human trafficking in April 2014, although funding has yet to follow.

Mr. Grubbs explained the funding priority that was established in 2011 by the Commission gives the crime victim assistance grant program the opportunity to respond quickly when emerging populations or issues are identified. Any funds that are not utilized under the human trafficking purpose area would revert back to the larger general victim assistance pool of funding for FY16. Applicants would be allowed to submit proposals under both general victim assistance and human trafficking purpose areas. The same program activities eligible under the general victim assistance grant program would also be eligible under the human trafficking purpose area. If the funding requested exceeds the \$100,000 available under the human trafficking purpose area the Commission may choose to prioritize the unique needs of victims of human trafficking.

Mr. Grubbs stated that contingent upon the legislative budget process, if the crime victim assistance grant program is funded at a different amount than anticipated, staff would bring the issue back to the Commission to review the program size and emerging issue priority.

Commissioner Sheila Polk agreed with the proposal. However, she stated that human trafficking cases in general that originate in another country and whether they are brought here for sex or labor, they would qualify as a human trafficking case.

The Commission also asked what impact the funds will have on other programs. Mr. Grubbs stated this would minimally impact current grantees and potential applicants that may not fall under this initiative.

Commissioner Daniel Sharp entered a motion that the Commission approve up to \$100,000 of the total program size for the FY16 Crime Victim Assistance Grant program be used to fund programs providing direct services to victims of human trafficking. The motion was seconded by Commissioner Timothy Dorn and was unanimously approved by the Commission.

V. Standard Violation Code Table Project

Marcus Reinkensmeyer, Administrative Office of the Courts (AOC) presented the results of the Standard Violation Code Table. The Standard Violations Code Workgroup was formed because of inconsistencies between violation code tables that had been an obstacle and caused difficulty in matching charges and dispositions. The workgroup also reviewed A.R.S. violation codes and established a standard set for publication which can be used by all court and /or law enforcement management systems for charging defendants. The workgroup consisted of members from AOC, ACJC, Arizona Prosecuting Attorneys Advisory Council (APAAC) and Arizona Department of Transportation (ADOT).

Mr. Reinkensmeyer addressed the impact of incomplete records that includes a risk to public safety and convicted persons having no criminal record. In Arizona, there are 116 citing law enforcement agencies that do not use all the same codes. ACJC maintains a high level table of criminal violations for DPS and the prosecutors at all levels have their own variation of the tables, many which may not be in court databases. There are also 10 court case management system with various sets of charge codes.

The AOC is committed to maintaining the comprehensive literal table for all offenses and all levels of offenses (civil, criminal and traffic) for agencies to use in their record management and case management systems and will provide updates after each legislative session. ACJC will continue to maintain the literal tables for criminal offenses, especially for fingerprint reporting and local violation codes for DPS, Arizona Automated Fingerprint Identification System (AZAFIS) and AZ Computerized Criminal History (ACCH) Systems.

Mr. Reinkensmeyer explained the Standard Violation Code Table is presented as a reference document and will be maintained by AOC under the direction of the multi-agency workgroup. The table will also include historical and current codes for felonies, misdemeanors, petty offenses and civil traffic violations. The benefits of the state-wide table consists of improved conviction and disposition reporting, meaningful statewide statistical reports, and improved identification requirements for information sharing projects.

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

VI. AZ Prescription Drug Misuse and Abuse Initiative

Phil Stevenson, Director, Statistical Analysis Center (SAC) reported on the review of the impact and outcome evaluation findings from the Arizona Prescription Drug Misuse and Abuse Initiative as well as the research brief series.

The first strategy of the Rx Initiative was to reduce illicit acquisition and diversion of prescription drugs. The results were 117 prescription drop boxes statewide collecting more than 15,000 pounds of unused and unneeded medications, and an increase in knowledge statewide of proper storage of prescription medications at 64.7 percent. The second strategy included a focus on increasing the use of Arizona's controlled substance and monitoring program (PDMP) as an effective tool that medical practitioners can use to improve patient care and self-monitor their prescribing habits. The third strategy includes the involvement of law enforcement and prescription drug diversion crime training to enhance prescription drug practice and policies in law enforcement. The fourth strategy emphasizes educating the public on the prescription problem, the risks of prescription medications, and tools on how to talk to youth on prescription misuse and abuse, as well as effective resistance strategies. The fifth strategy is the treatment component of the initiative. This covers the promotion of the Screening Brief Intervention and Referral to Treatment (SBIRT) as a screening tool for medical professionals to assess their patients; and create a substance abuse treatment locator.

Mr. Stevenson reviewed the decreases in past 30 day prescription drug use from youth in non-pilot counties and pilot counties. There was a larger decrease in two of the three pilot sites. There were also decreases in youth reporting prescription and alcohol use in Non-Pilot Counties, Yavapai County, Pinal County and Graham/Greenlee Counties. Finally, there were decreases in non-fatal poisoning related inpatient hospitalizations in non-pilot counties and pilot counties; however, there was a larger decrease in the pilot sites. There were increases in opiate/opioid related deaths in Non-Pilot Counties but a decrease in the pilot counties by one-fourth.

Mr. Stevenson talked about lessons learned and the next steps for improvement to the initiative. Some of the improvements consist of enhancements to the prescription drug monitoring program such as the morphine milligram equivalent daily dose data, referral

to treatment methods, the need for earlier prevention strategies, and monitoring unintended consequences of opioid drug usage to heroin use.

Mr. Stevenson concluded the presentation with information on the SAC research briefs with the emphasis on collecting, maintaining and sharing criminal justice data for our stakeholders. The SAC briefs are broken down by Arizona Youth Survey (AYS) data that includes the AYS Overview, Youth Marijuana, Under-age Drinking, Prescription Drugs and Youth Bullying. The other project briefs consist of Arizona's Prescription Drug Initiative, Trends in Violent Crime, Trends in Property Crime, and Gang Threat Assessment.

Commissioner Sheila Polk acknowledged the projects and the quality of work that the SAC unit produces and provides for the Commissioners. Mr. Stevenson was thanked for all the impeccable results on the data provided as well as his leadership.

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

VII. Call to the Public

Chairperson Montgomery made a call to the public. Vice Chairperson David Byers informed the Commissioners that a rule change petition was filed this week to move forward the Warrants Project and urged that comments can be taken through March, 2015. No other members of the audience addressed the Commission.

VIII. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 19, 2015** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

IX. Adjournment

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.