

**Arizona Criminal Justice Commission  
Minutes  
May 18, 2017**

A public meeting of the Arizona Criminal Justice Commission convened on May 18, 2017, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**Members Present:**

Sean Duggan, Chairperson, Chief, Chandler Police Department  
Sheila Polk, Vice Chairperson, Yavapai County Attorney, by phone  
Mark Brnovich, Attorney General, Paul Ahler representing  
Joe Brugman, Chief, Safford Police Department by phone  
David Byers, Director, Administrative Office of the Courts  
K.C. Clark, Navajo County Sheriff, by phone  
Dave Cole, Retired Judge  
Barbara LaWall, Pima County Attorney, by phone

Frank Milstead, Director, Department of Public Safety  
Bill Montgomery, Maricopa County Attorney  
Mark Napier, Pima County Sheriff, Byron Gwaltney representing  
Paul Penzone, Maricopa County Sheriff, Tommy McKone representing  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer by phone  
Daniel Sharp, Chief, Oro Valley Police Department  
C.T. Wright, Chairperson, Board of Executive Clemency

**Staff Participating:**

Andrew T. LeFevre, Executive Director  
Teresa Eierdam, Finance Manager  
Jaime Watson, Public Information Officer/Legislative Liaison  
Larry Grubbs, Victim Services Program Manager

Tony Vidale, Deputy Director  
Catie Clark, Statistical Analysis Center Director  
Marc Peoples, Systems Improvement Program  
Wendy Boyle, Program Project Specialist

**I. Call to Order, Roll Call**

The meeting was called to order by Chairperson Sean Duggan at 1:30 p.m. There was a roll call, and a quorum was declared present.

**II. Pledge of Allegiance**

Chairperson Duggan led the Pledge of Allegiance.

**III. Welcome to New Commission Members and Comments**

Chairperson Duggan welcomed Pima County Sheriff Mark Napier and Maricopa County Sheriff Paul Penzone as two new commission members. Designees Byron Gwaltney and Tommy McKone introduced themselves to the Commission in their absence.

**IV. Approval of March 23, 2017, Meeting Minutes**

Chairperson Duggan called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the meeting held on March 23, 2017. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

**V. Executive Director's Report - Andrew T. LeFevre, Executive Director**

**Staff and Program Updates**

- Director LeFevre welcomed Grace Kim as ACJC's new Research Analyst I. The two summer interns introduced were Annalynn Brown and Ashish Tyagi in the Statistical Analysis Center (SAC). Staff openings at ACJC include a Fiscal Services Specialist in Finance and a reclassification position for Grant Coordinator in Victim Services. Three vacancies on the Commission remain open that include a mayor, county supervisor and law enforcement leader. ACJC is involved in the Recidivism Breakthrough project, Opioid Reduction project, and the Governor's Public Safety Goal Council meetings. Also, ACJC was chosen by the National Institute of Corrections to receive a technical assistance trip on medically assistant treatment on inmates. ACJC is set to launch a new web page update using social media platforms.

**RICO Reporting Update Process**

- There will be meetings underway statewide in Phoenix, Flagstaff and Tucson with the police, sheriffs and county attorneys to discuss working through the forms of the information that requires reporting to ACJC as the final reporting entity for the state.

**Budget Update**

- Finance Manager Teresa Eierdam provided a condensed version of the ACJC budget that included the annual appropriation for each fund that shows salary expenses to date through April 30 and the operating expenses broken down into the categories. On the revenue by fiscal year, the funds shown goes from FY13 to ending FY17 as of April 30. Victim Compensation and Assistance Fund revenues and the Byrne fund revenue remains steady, ACJC made expense allocations to CJEF to stabilize the fund balance, and Finance is exploring an excess allocation budget in the APRC fund to use to fund different projects and training to SAC.

**Discussion on ACJC Funds, Costs Allocations, and Administrative Costs**

- Director LeFevre presented the discussion points for costs allocations. The first item explored was the proposed cost allocation that stemmed from the Commission's decision not to charge the crime victims services area; however, that fund has remained stable. The proposed idea is using victim services as a cost center at ACJC, so the work is done out of the area paid from the funding source. ACJC will start receiving unclaimed restitution from the JP courts that could result in receiving some additional revenue. The Commission discussed waiting to see the funds ACJC receives from the JP courts to see if it provides a buffer where the staff does not have to worry about falling short for compensation to victims because of administrative costs. The other funding area discussed was the full-service crime lab fund. It operates as a granting program and requires time to put out the grant solicitation and typically does not charge for the fund. Lastly, SB 1278 passed that requires a pass-through appropriation fund for pre-trial intervention programs to go out to the county attorney's offices. ACJC through the bill's sponsor had expressed concerns with costs associated with administrating pass-through funds of staff's time and energy. The bill has written in law to allow ACJC to use one percent of monies for administrative costs. The discussion point opened up exploring the idea of ACJC charging up to one percent of administrative costs for some other pass-through funds. The Commission asked that staff compile an analysis of the workload on staff's time, costs, and resources; and present at the next Commission meeting for the Commission's consideration.

**VI. CJEF Working Group Update - Daniel Sharp, Committee Chairperson**

- Commissioner Daniel Sharp reviewed different options that the workgroup discussed to generate revenue for the areas that CJEF has covered. A few possibilities were examining homeowners insurance with an amount attached, the idea of exploring a surcharge on cell phones and considering a tax or fund on medical marijuana. Commissioner Bill Montgomery expressed his concerns and was not for taxing medical marijuana as a source. Commissioner David Byers suggested the possibility of intercepting federal income tax for state-owed debt.

## **VII. Committee Reports**

### **A. Update on the activities of the Executive Committee – Chairperson Sean Duggan**

- Chairperson Duggan reviewed at the last Commission meeting that Catie Clark, SAC Director reported on the mandated reports and grant-funded projects that SAC produces. He also reviewed that Vice-Chairperson Polk asked the Commissioners to go to their communities/counties and gather information on potential priorities that SAC could explore next year.

#### **Research Suggestions for the Statistical Analysis Center**

Vice Chairperson Sheila Polk offered two projects for SAC. First, compiling a comprehensive review of all the criminal statutes both misdemeanors and felonies to see if statutes are unused, repealed and if the behavior had an appropriate sentence attached. Second, to explore a broader comprehensive research work on recidivism in Arizona. Designee Paul Ahler provided another opportunity for SAC from the Domestic Violence Fatality teams that send reports to the Attorney General's office for distribution. The project would require a review, compiling statistics, providing a recommendation based on the information from the reports and giving a comprehensive analysis. Commissioner Montgomery expanded on the recidivism project by adding a more in-depth demographic review of the prison population for further breakdown. The Executive Committee will review and discuss with SAC, and report back to the Commission.

### **B. Update on the activities of the Drug, Gang & Violent Crime Control Committee**

*Charles Ryan, Commission member of the Drug, Gang & Violent Crime Control Committee*

- The Drug, Gang & Violent Crime Control Committee met on April 25, 2017, and presented a recommendation on the FY18 Drug, Gang & Violent Crime Control grant awards.

#### **Drug, Gang & Violent Crime Control Program Cycle 31 Grant Awards**

- Commissioner Charles Ryan entered a motion to approve the award of \$9,236,967 of the Arizona Drug, Gang & Violent Crime Control Cycle 31 grant funds as outlined in Table DC 4 on page 20 of the agenda to eligible criminal justice agencies for the period beginning July 1, 2017, and ending June 30, 2018. The grant award does not include the Attorney General's Office Medicaid Fraud project, which funds from October 1, 2017, and ending September 30, 2018. Commissioner Daniel Sharp seconded the motion and was unanimously approved by the Commission.

### **C. Update on the activities of the Crime Victims Committee - Charles Ryan, Committee Chairperson**

- The Crime Victims Committee met on April 27, 2017, and presented a recommendation on the FY18 Crime Victims Assistance grant awards.

#### **Crime Victims Assistance Program**

##### **FY18 Crime Victim Assistance Grant Program Awards**

Commissioner David Byers entered a motion to approve the award of \$308,731 in FY18 Crime Victim Assistance grant funds as indicated in Table VS-1 on page 26 of the agenda. The motion seconded by Commissioner Daniel Sharp was unanimously approved by the Commission.

##### **Crime Victim Services Rule Change Update**

- Program Manager Larry Grubbs explained the process of discussions began with staff at the county victim compensation programs in October 2016 and have gained feedback on recommendations for the crime victim assistance and compensation programs. Also, ACJC program staff conducted regional meetings in Phoenix, Flagstaff, and Tucson to seek feedback; and also received responses provided by victim compensation boards at the county level. ACJC met with the rules work group comprised of victim compensation program coordinators monthly to review and make suggestions. Several recommendations identified from all the groups included interest in expanding benefits for derivative victims and establishing a payment rate schedule for medical expenses allowing victim assistance grants to fund prevention activity. Mr. Grubbs stated that draft language of the proposed rule changes would be made available for review at the Crime Victims Committee meeting in July.

### **D. Update on the activities of the Information, Technology & Systems Improvement Committee - David Byers, Committee Chairperson**

- The Information, Technology & Systems Improvement Committee had one action item to present to the Commission asking to approve the allocation of \$500,000 for next year's Forensic Crime Laboratory Grant Program. The current program is \$700,000; however, there are two fewer labs, one of the labs under DPS and the Scottsdale Police Department lab does not qualify.

#### **Full-Service Forensic Crime Laboratory Grant Program**

- Commissioner David Byers entered a motion to approve the Full-Service Forensic Crime Laboratory grant allocations for FY18 of \$500,000 as outlined in the attached table on page 30 of the agenda. The motion seconded by Commissioner Daniel Sharp was unanimously approved by the Commission.

#### **Conditions of Release**

- Program Manager Marc Peoples discussed the attempt to coordinate multiple court IT systems to provide conditions of release to the three operational units. The long project will have a team of system and business analysts to examine all systems and determine the processes, then decide a cost to facilitate providing the service to law enforcement.

### **E. Update on the activities of the Legislative Committee – David Sanders, Committee Chairperson**

- The Executive Committee and Legislative Committee met from January 20 to April 7, 2017, to discuss legislative updates and issues. Commissioner Sanders felt the meetings were productive and suggested having the same format next year. The legislative report will be ready for distribution at the July Commission meeting.
- **Priority Legislation Update and Review of Introduced Legislation** Jaime Watson, Public Information Officer, reviewed the priority legislation for HB 2085 (fingerprint cleanup bill), HB 2087 (ACJC continuation bill), HB 2375 (Victim Compensation Protection bill). The reported additional legislation includes HB 2269 the Attorney General's Victim omnibus bill which is the collection of unclaimed restitution funds from lower jurisdiction courts, and SB 1278 that is felony pre-trial intervention program that ACJC will serve as the pass-through agency for the funds appropriated for \$2.75M.

## **VIII. Commission Member Discussion of New Ideas - Andrew T. LeFevre, Executive Director**

- Commissioner Sharp asked if staff could research the Sex Offender Registration & Notification Act (SORNA) penalty imposed on Arizona as a result of reporting for the next Commission meeting. The discussion could provide an opportunity to go to the Legislature/Congress to waive the penalty enforced and bring back revenue.

## **IX. Call to the Public**

Chairperson Duggan made a call to the public. Jeff Taylor, Salvation Army explained more in detail about SB 1278.

## **X. Date, Time and Location of Next Meeting**

The next Arizona Criminal Justice Commission meeting takes place on **Thursday, July 20, 2017**, at Little America Hotel, Flagstaff, AZ.

## **XI. Adjournment**

The meeting adjourned at 3:10 p.m.

Respectfully submitted,



Andrew T. LeFevre  
Executive Director