

**Arizona Criminal Justice Commission**  
**Minutes**  
**May 21, 2015**

A public meeting of the Arizona Criminal Justice Commission was convened on May 21, 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, John MacIntyre representing  
Mark Brnovich, Attorney General, Don Conrad representing  
Joe Brugman, Chief, Safford Police Department  
K. C. Clark, Navajo County Sheriff  
Sean Duggan, Chief, Chandler Police Department  
Clarence Dupnik, Pima County Sheriff, Deanna Johnson representing  
Chris Gibbs, Mayor, City of Safford  
Drew John, Graham County Supervisor  
Ellen Kirschbaum, Chairperson, Board of Executive Clemency  
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing  
Sheila Polk, Yavapai County Attorney  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer  
Heston Silbert, Department of Public Safety, Kenneth Hunter representing

**Members Absent:**

Frank Milstead, Director, Department of Public Safety  
Roberto Villaseñor, Chief, Tucson Police Department

**Staff Participating:**

John A. Blackburn, Jr., Executive Director  
Karen Ziegler, Deputy Director  
Andy LeFevre, Public Information Officer  
Larry Grubbs, Program Manager  
Tony Vidale, Program Manager  
Wendy Boyle, Executive Secretary

**I. Call to Order and Roll Call**

The meeting was called to order by Chairperson Bill Montgomery at 1:31 p.m. Roll was taken and a quorum was declared present. Chairperson Montgomery welcomed new members to the Commission.

**II. Minutes of the January 15, 2015 Meeting**

Chairperson Montgomery called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the meeting held on January 15, 2015. The motion was seconded by Commissioner Joe Brugman and was unanimously approved by the Commission. It was noted later in the meeting a correction to the minutes replacing the name Paul Lopez with Pat Lopez representing Joseph Arpaio, Maricopa County Sheriff.

**III. Executive Director's Report**

**A. Staff and Program Updates**

Executive Director Blackburn talked about the changes at ACJC that included the five new commission members. ACJC staff members Wendy Dolan, Human Resource Manager and Marc Peoples, Program Manager were introduced. New job promotions and reassignments were reported that included Shana Malone, as Director of the Statistical Analysis Center and Teri Barnes as Program Project Specialist in the Crime Victim Services Program. Also, ACJC staff is developing new relationships with the new administration at the Governor's office and with the new stakeholders.

**B. Budget Update**

Karen Ziegler, Deputy Director reported the four funding issues that were submitted in the FY2016 budget request to the Governor's office were not included in the Governor's budget proposal and ultimately not funded in FY16 state budget; so for the most part, the budget remains the same as FY2015.

Deputy Director Ziegler stated it is critical that the budget request for the Statistical Analysis Center be approved for FY17. Staff continues to see a decline in both federal and state revenue causing a strain on the agency's operating budget. Staff will present FY2017 budget issues at the July meeting that will include the Criminal Records Improvement Program, Fill the Gap

– State Aid to County Indigent Defense, funding from the Arizona Prevention Resource Center and the appropriation increase for the Victim Compensation program as well as other funding issues Commissioners may request.

### **C. Legislative Update**

Andy LeFevre, Public Information Officer stated ACJC had a successful legislative session.

Mr. LeFevre summarized how six drafted legislative proposals were approved for support at the Commission meeting in November 2014. The first three bills dealt with the continuation of work to transmit information from the courts on mental health ruling case information to law enforcement as reported to NICS. Two bills were associated with fingerprinting and one bill for the victim compensation program. ACJC was successful in getting three of the bills introduced by legislators.

Mr. LeFevre explained SB1294 would have required medical providers to accept payment from the Crime Victims Compensation Program as payment in full. The legislation was pulled at the request of the Hospitals Healthcare Association, who asked to begin a stakeholder discussion process to come to an agreement. Next, SB1295 was the Judgment of guilt fingerprinting document requiring, at the time of sentencing for certain offenses, the court to permanently place a defendant's fingerprint to the sentencing document/minute order or record the defendant's two-fingerprint biometric-based identifier in the criminal case file. This bill was introduced by Senator Steve Smith, passed both chambers unanimously and was signed into law. The final bill, SB1373 created the authorizing language necessary for DPS to provide law enforcement officers the indicator notification of the mental health court adjudication information. This was introduced by Senator John Kavanagh, passing both chambers unanimously and was signed into law.

### **Drug Enforcement Account (DEA) Audit (This item was presented after Item B)**

Karen Ziegler, Deputy Director presented the summary of the Drug and Gang Enforcement Account (DEA) audit conducted by Heinfeld, Meech & Co., contracted auditor per ARS 41-2402.

Deputy Director Ziegler reviewed the distribution of state DEA and federal Byrne/JAG funds for FY14 categorized by the activities established in the Drug, Gang and Violent Crime Control strategy. Federal distributions totaled \$4,734,315, non-federal funds of \$4,117,322 and minus \$345,013 in project reversions; for a combined total distribution of \$8,506,624 for the year ending June 30, 2014. From the program's inception in August 1987 through June 30, 2014, the total amount of drug and gang enforcement account funds distributed throughout the state equals \$301,685,027. Deputy Director Ziegler added that there were no findings reported in the audit and thanked the accounting staff for their hard work on behalf of the Commission.

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

## **IV. Crime Victim Compensation Grant Program**

### **A. FY15 Funding Reallocation**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the available compensation funds for the current FY15 be reallocated to operational units in accordance with Table VS-1 on page 13 of the agenda.

Mr. Grubbs reported the purpose of the reallocation is to allocate available state compensation dollars to counties with a higher demand for funds, and who can expend the additional compensation funds by the end of the fiscal year. Staff closely monitors and reviews county compensation program expenditures, as well as, available restitution and subrogation balances for the county programs. Maricopa County submitted a request for reallocation in the amount of \$115,000. The reallocation comes from \$40,000 of unexpended funds from Cochise County and \$75,000 of unexpended funds from Pima County.

Designee Kenneth Hunter entered a motion to approve the compensation funds for the current year FY15 be reallocated to operational units in accordance with Table VS-1 of the agenda using the fund sources identified. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

### **B. FY16 State and Federal Funding Amount**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that proposed the total state and federal allocated funding for the FY16 Crime Victim Compensation Program be set at \$3,943,600. This total includes \$2,543,600 in state compensation funds and \$1,400,000 in federal VOCA compensation funds.

Mr. Grubbs explained the recommended allocation for FY16 is nearly the same as the total program size for FY15; and the total appropriation amount is the maximum allowed under current legislative appropriation.

Designee Kathleen Mayer entered a motion to approve the \$3,943,600 budget including: \$2,543,500 in state compensation funds and \$1,400,000 in federal VOCA compensation funds, in accordance to Table VS-2 on page 15 of the agenda. The motion was seconded by Designee John MacIntyre and was unanimously approved by the Commission.

### **C. FY16 Designation of Operational Units**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the fifteen County Attorney's Offices as operational units for the FY16 Crime Victim Compensation Program.

Commissioner Joe Brugman entered a motion to approve the designation of the fifteen County Attorney's Offices as the operational units for the FY16 Crime Victim Compensation Program. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

### **D. FY16 Operational Unit State and Federal Funding Allocation**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation of \$3,943,600 in state and federal crime victim compensation funds to each operational unit in the fifteen counties for FY16. The total program amount includes the \$3,943,600 in state and federal crime victim compensation funds as shown in Table VS-3 on page 18 of the agenda. The allocation formula was approved at the March 2013 Commission meeting and includes \$50,000 of state funds retained in emergency reserve; five percent of the most recent federal VOCA award allocated to ACJC for administrative costs; a fixed administrative allocation from state funds to each county program; a base allotment of

\$25,000 to each county program; and a 60% reimbursement to county programs spending other local funds on compensation benefits during the previous fiscal year. The remaining balance is distributed as follows: 50% allocated based on the county program's benefit expenditure average, 30% based on average share of crime, and 20% based on population.

Commissioner Charles Ryan entered a motion to approve the allocation of \$3,943,600 in state and federal crime victim compensation funds to the operational units for the FY16 Crime Victim Compensation Program. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

#### **V. Crime Victim Assistance Grant Program**

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the Crime Victim Assistance grant awards of \$1,444,200 for FY16.

Mr. Grubbs referred the Commission to the funding Table VS-4 on page 22 of the agenda that outlines the agency grant requests and recommendation for FY16. A summary of the funding recommendation and the funding allocation distribution was included on pages 21 and 23 of the agenda. At the January 2015 meeting, the Commission approved a total program size of \$1,570,000 for FY16. The program size was contingent upon Legislative approval of a budget issue submitted requesting an increase of \$320,000 to the total annual appropriation for the Crime Victim Compensation and Assistance Fund. The Legislative budget request was not approved, resulting in the reduced victim assistance funding recommendation presented in Table VS-4. The grant solicitation opened on February 2, 2015 and closed on March 13, 2015. Fifty-three applications were submitted by the deadline requesting a total of \$2,233,737.

Mr. Grubbs addressed the guidelines used by staff to develop the funding recommendation comprised of funding personnel services and ERE that provide direct services to victims, and pursuant to program rule, allocating no more than \$722,100 to applicant agencies eligible to serve as members of the Commission.

Mr. Grubbs reviewed the funding priorities listed on pages 20 and 21 of the agenda. Specifically, priority number nine where the Commission has the option of annually designating an emerging issue or underserved population as a funding priority for the upcoming fiscal years grant period. At the January 2015 meeting, the Commission designated programs providing direct services to victims of human trafficking as a funding priority for FY16. The total program size for FY16 includes an increase over the FY15 program size resulting in twenty-two of the forty-seven current grantees receiving an increase award for FY16 greater than their FY15 grant amount. Additionally, four victim service projects not currently funded by the victim assistance grant program were included in the funding recommendation. The new agencies are: the City of Surprise (Prosecutor), City of El Mirage (Police), Southern Arizona AIDS Foundation, and Tohdenasshai Committee against Family Abuse. There were also two additional grant requests not recommended for funding that included: Sojourner Center (DV and Human Trafficking) and Our Family Services, Inc.

Mr. Grubbs explained the reasons for not recommending funding for those agencies were based on lack of critical detail regarding project evaluation methods and how services provided could meet the unique needs of victims of human trafficking.

Mr. Grubbs mentioned although there were no applications for human trafficking funded for this priority area, the process has been beneficial and staff is aware of those programs that expressed interest this fiscal year. The score team can provide the scores and comments to guide applicants for future applications.

Designee John MacIntyre entered a motion to approve the award of FY16 Crime Victim Assistance grant funds in accordance to Table VS-4 with \$656,294 awarded to Commission membership eligible applicants, and \$787,906 awarded to all other applicants. The motion was seconded by Commissioner Sean Duggan and was unanimously approved by the Commission.

#### **VI. Drug, Gang and Violent Crime Control Program Cycle 29 Grant Awards**

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Crime Control Committee that the Commission award the FY16 Drug, Gang and Violent Crime Control Cycle 29 grant funds to eligible criminal justice agencies.

Mr. Vidale explained the proposed program size of \$10,305,097. The funding would include \$3,529,362 from the federal Byrne/JAG grant, \$4,224,663 from the state DEA funds, and \$2,551,072 in local match funds. The FY 2016 program size represents an overall decrease of \$2,100 in funds from FY 2015.

Mr. Vidale referred the Commissioners to various charts in the agenda that highlight significant information relative to this grant cycle from pages 26 through 31 of the agenda. Table DC-1 summarizes the grant awards for FY2015, applicant grant requests for FY2016, and the proposed grant awards for FY2016; Table DC-2 refers to the change in program size by fund source for FY2015 and FY2016; Table DC-3 outlines the grant requests for each eligible applicant as categorized by priority area and expenditure type; Table DC-4 breaks down the proposed funding allocation for FY2016 as a recommendation. The proposal includes the allocation of \$3,439,148 to projects addressing apprehension of drug offenders, \$3,815,660 to prosecution of drug offenses, \$869,400 to statewide forfeiture activities, \$503,343 to forensic support of task forces, and \$1,667,546 to drug adjudication projects for a total funding recommendation of \$10,295,097. The grant solicitation opened February 23, 2015 and closed March 20, 2015. There were 36 grant applications submitted; of those received 14 were apprehension projects, 17 prosecution projects, one statewide forfeiture project, two forensic support projects, and one drug adjudication project.

Mr. Vidale briefly reviewed the guidelines used by staff to form the funding recommendation and discussed other considerations that factored into the proposal. The Attorney General's Medicaid Fraud project would provide matching funds for a federal grant and the grant period would run concurrent to the federal fiscal year. One application that was not included in the recommendation for funding was the Department of Corrections, which fell short of the key components of the grant program by not aligning with the statewide strategy.

Lastly, Mr. Vidale referred the Commissioners to Table DC-5 that breaks out the total grant awards to each of the fifteen counties.

Commissioner Joe Brugman entered a motion to award the FY 2016 Drug, Gang and Violent Crime Control Cycle 29 grant funds as shown in Table DC-4 on page 30 of the agenda for the period beginning July 1, 2015 and ending June 30, 2016, except the Attorney General's Office Medicaid Fraud project, which will be funded from October 1, 2015 and end September 30, 2016. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

**VII. Update on the FY 2015 Substance Abuse Prevention and Education Grant Awards**

Tony Vidale, Program Manager updated the Commission on the FY 2015 Substance Abuse Prevention and Education Grant Program. ACJC partnered with the Arizona Department of Health Services, Division of Behavioral Health Services and acquired funding that was unexpended federal grant monies through the Substance Abuse and Mental Health Services Administration (SAMHSA) for drug prevention. The SAMHSA grant is set to expire on September 30, 2015.

Mr. Vidale explained staff developed an expedited process to allocate the funding to viable projects by establishing two categories of applicants: criminal justice/government agencies and non-profit agencies. The grant opened on February 2, 2015 for all the applicants. Criminal justice/government agency applications were due on February 27, 2015 and non-profit agency applications were due March 13, 2015. Nineteen agencies submitted applications for the funding that included nine criminal justice/government agencies and ten non-profit agencies.

Mr. Vidale noted thirteen agencies received awards totaling \$604,339 and each project was evidence based, as required. The non-profit agencies that were not funded were not evidence based or did not have a criminal justice agency collaboration. The breakdown consisted of nine criminal justice/government agencies awarded a total of \$401,159 and four non-profit agencies awarded a total of \$203,180. A summary of the funding requests and recommended projects were shown on Table DC-6 on page 34 of the agenda and detail of each agency requests for funding on Table DC-7. Table DC-8 on page 35 of the agenda provided a breakout of each project funded by budget line item and a summary of each award was shown on the project focus and types of expenditures funded.

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

**VIII. Call to the Public**

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

**IX. Date, Time, and Location of Next Meeting**

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, July 16, 2015** at Little America Hotel, Flagstaff, AZ.

**X. Adjournment**

The meeting was adjourned at 2:28 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.