

**Arizona Criminal Justice Commission  
Minutes  
July 14, 2016**

A public meeting of the Arizona Criminal Justice Commission was convened on July 14, 2016 at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

Sean Duggan, Chairperson, Chief, Chandler Police Department  
Sheila Polk, Vice Chairperson, Yavapai County Attorney  
David Byers, Director, Administrative Office of the Courts  
Mark Brnovich, Attorney General, Paul Ahler representing  
Joe Brugman, Chief, Safford Police Department  
K.C. Clark, Navajo County Sheriff  
Dave Cole, Retired Judge, by conference call  
Chris Gibbs, Mayor, City of Safford  
Drew John, Graham County Supervisor  
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing  
Frank Milstead, Director, Department of Public Safety  
Bill Montgomery, Maricopa County Attorney  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer, by conference call  
Daniel Sharp, Chief, Oro Valley Police Department  
Heston Silbert, Law Enforcement Leader

Members Absent:

Joe Arpaio, Maricopa County Sheriff  
Ellen Kirschbaum, Chairperson, Board of Executive Clemency

Staff Participating:

Andrew T. LeFevre, Executive Director  
Karen Ziegler, Deputy Director  
Marc Peoples, Criminal Justice Systems Improvement Program Manager  
Wendy Boyle, Executive Secretary

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

The meeting was called to order by Chairperson Sean Duggan at 2:00 p.m. He began the meeting by asking everyone to join in reciting the Pledge of Allegiance. Roll call was taken, and a quorum was declared present.

**II. Approval of the Minutes for the May 19, 2016 Meeting**

Chairperson Duggan called for a motion on the minutes. Commissioner Chris Gibbs entered a motion to approve the minutes of the meeting held on May 19, 2016. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

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

- The statewide Employee Engagement Survey results for ACJC showed a very favorable margin of 31.8 to 1 factoring in positive remarks versus negative remarks making ACJC a healthy working environment.
- ACJC received notification from the Legislature and the Committee of Reference to answer some questions from the sunset review and the auditor general's report. A review in front of the legislature will take place in either September or October for the process to vote formally to continue the agency.
- ACJC is working in conjunction with the Executive Office on a project together with the National Governor's Association and the National Criminal Justice Association. Teams from other states conduct discussions on criminal justice reforms, reducing recidivism and re-entry, achieving reductions in incarceration, strengthening approaches to mental health and substance abuse. ACJC is sending a letter of interest to participate; then a selected five states will be chosen, and technical assistance will be provided to help with getting the right stakeholders to meet to move the issues forward.
- In ACJC staff news, Deputy Director, Karen Ziegler has retired and agreed to stay on a temporary basis to help hire a finance manager, train and finish the ACJC budget. Offers were extended and accepted for the program compliance auditor and accountant positions, and the public information officer/legislative liaison position will post in mid-August. The Statistical Analysis Center (SAC) analyst II position opened up because of the APRC funding. Shana Malone accepted a job with the Arizona Health Care Cost Containment System (AHCCCS) and is leaving ACJC so the SAC Director position will remain vacant until filled.
- ACJC received no issues or findings raised by the auditors for the Drug Enforcement Account (DEA) Audit.

Chairperson Duggan called on Arizona Speaker of the House, David M. Gowan, Sr. He spoke briefly to the Commission on their services to public safety.

**IV. ACJC Budget - Karen Ziegler, Deputy Director**

**A. FY2016/2017 Budget Update**

- Deputy Director Karen Ziegler outlined the revenue trends from FY2011 through FY2016 that support the agency and the ACJC Budget Summary. The Victim Compensation and Assistance Fund has leveled off because of a deposit of unclaimed victims restitution. The state Drug Enforcement Account (DEA) revenues continue to decline. The concern is the recreational marijuana initiative and ACJC staff along with DPS are planning on reviewing the ACCH records for fines and fees to determine the impact to agencies and the DEA fund. Commissioner David Byers stated AOC has the figures filed in the courts and would pass the information to ACJC. The Criminal Justice Enhancement Fund (CJEF) revenue was down 5.4 percent. ACJC staff will do an analysis and projections for FY18 as part of the budget submittal on September 1, 2016.
- The ACJC Budget Summary was reviewed that includes the FY16 actual expenses and the approved budgets for FY16 and FY17. There was a discussion on looking at structuring some alternative funding sources to present to the legislature for additional enforcement collections, as well as intercepting federal and state tax returns. Commissioner Daniel Sharp volunteered to help put together a committee to discuss this issue.

**B. FY2018 Budget Issues Request**

- Ms. Ziegler identified two budget issues developed for the agency's budget submittal. The first is the initial funding request of \$1.8M for the Criminal Justice Systems Improvement and Records Integration program to allow the establishment of an integrated computer system with accurate, complete and timely criminal records data on individuals and events. The second budget issue is requesting \$700,000 for the Fill the Gap – State Aid to County Indigent Defense. Commissioner Sheila Polk entered a motion to approve the two budget issues for submission in the FY2018 budget. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

**C. CJEF Formula Recommendation**

- Ms. Ziegler stated ARS 41-2405.7 requires the Commission as part of the budget submittal process to make a recommendation on the CJEF purposes and formula of the fund monies. The staff has recommended no change to the current formula. Commissioner Daniel Sharp entered a motion to approve the recommendation from staff on the CJEF formula under ARS 41-2405.7. Commissioner David Byers seconded the motion. Commissioner Bill Montgomery added to the motion to have a subcommittee look at the distribution of the percentages and aligning with programs to see if it is time to readjust the distributions. Commissioner Daniel Sharp accepted the amendment. The Commission unanimously approved the motion.

**V. Full-Service Forensic Crime Laboratory Grant Program – Marc Peoples, Criminal Justice Systems Improvement Program Manager**

- Marc Peoples presented the F17 Full Service Forensic Crime Laboratory grant proposals and allocations of funds for \$700,000 as shown on page 15 of the agenda. Mr. Peoples stated the amount decreased because the CJEF funds did not come in as projected and there was no population allocation. Mr. Peoples reported that the lab directors were given the projections ahead of time and informed the lab directors the base allocation might need adjusting due to the decrease of CJEF funding for FY18. Commissioner David Byers entered a motion to approve of Full-Service Forensic Crime Laboratory grant allocations for the cycle of July 1, 2016, through June 30, 2017. The motion was seconded by Commissioner Frank Milstead and was unanimously approved by the Commission.

**VI. Commission Member Issues for Consideration – Charles Ryan, Director, Arizona Department of Corrections**

- Commissioner Charles Ryan addressed the cost for the state to house DOC inmates in the county jails for extended periods of time during the court proceedings. The charges stem between \$5 million to \$6 million where the use of taxpayer's money can be of better use. He gave the scenario that arraignment is made for the inmate, could return to DOC provided five working days' notice given. If the issue of access to the public defender comes up, arrangements for video conferencing or telephones are available.
- Commissioner Ryan reported that a community correction center is opening up in Maricopa County, replicating the same program in Pima County where inmates released as technical violators voluntarily go to an intermediate sanction facility. In the last two fiscal years, 18 percent of prisoners sent to DOC returned as technical violators serving an average of 65 days, \$65 per day at \$17.5M a year. This option provides an alternative to using the money to be put to better use.
- Commissioner Ryan asked the Commission to consider allowing him to chair a working group and asked for volunteers to participate and to review the cost of not having the individuals spend time in the county jails, allowing to return to the DOC, for better use of the taxpayer's money. Commissioner Ryan discussed presenting the information to the judges in October and reporting back to the Commission. Commissioner David Byers suggested the public defenders need to be involved and often this situation requires a shifting of the budget. Commissioner Bill Montgomery stated there is room for negotiations to address the questions and concerns, and to repurpose some of the money to implement more recidivism reduction program within DOC over the course of the inmate's incarceration and offered to help. Commissioner Drew John volunteered as a representative of the counties.

**VII. Auditor General's Report – Andrew T. LeFevre, Executive Director**

- In the Auditor General's report, there were two main findings as part of the performance audit. The first states ACJC should develop a strategic approach to using its research center for better assistance. By doing this, a committee would help bring issues to the research center to develop priorities to guide research activities. In the second finding, the report has that ACJC established effective grant-awarding and monitoring processes; however, should formalize coordination efforts in one area. In doing this, learn how ACJC can play a role in victim services and filling the gaps that cannot be funded by VOCA, and continue working with the Commission's Crime Victim Services Committee to access victim needs statewide with DPS to develop funding priorities.
- In the sunset review, the first recommendation is to assess its existing Commission membership. ACJC should look at partnerships and new opportunities that define the Commission. The second recommendation is to seek the legislative changes regarding the reporting requirements for the statutorily required sexual assault report.
- The Commission discussed having a strategic meeting in September to review the actions and the standing committee memberships. Commissioner Sheila Polk presented some projects that were started by the Arizona Prosecuting Attorneys' Advisory Council (APAAC) that could go to the large body of the criminal justice community. The topics included a review of the criminal code, and making recommendations to the legislature for revisions. Other ideas consisted of disclosure obligation for the bodycam issue, domestic violence lethality assessment tool, recidivism issues, identifying matters that involve the criminal justice partners, prioritize the capacity of SAC, and review sentencing reform.

**VIII. Call to the Public**

Chairperson Duggan made a call to the public. Commissioner Bill Montgomery introduced Eddie Johnson, Director of Planning and Research for the Maricopa County Attorney's Office. Commissioner Sheila Polk acknowledged ACJC staff member Shana Malone for her efforts in the SAC unit.

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

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, September 22, 2016**, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**X. Adjournment**

The meeting was adjourned at 3:27 p.m.

Respectfully submitted,



Andrew T. LeFevre  
Executive Director