

**Arizona Criminal Justice Commission
Minutes
September 28, 2017**

A public meeting of the Arizona Criminal Justice Commission convened on September 28, 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 conference call
Mark Brnovich, Attorney General, Paul Ahler representing
Joe Brugman, Chief, Safford Police Department
Dave Byers, Director, Administrative Office of the Courts
K.C. Clark, Navajo County Sheriff, by conference call
Dave Cole, Retired Judge
Barbara LaWall, Pima County Attorney, by conference call
Bill Montgomery, Maricopa County Attorney
Mark Napier, Pima County Sheriff, Byron Gwaltney representing
Paul Penzone, Maricopa County Sheriff
Charles Ryan, Director, Department of Corrections
Daniel Sharp, Chief, Oro Valley Police Department
C.T. Wright, Chairperson, Board of Executive Clemency

Members Absent:

Frank Milstead, Director, Department of Public Safety
David Sanders, Pima County Chief Probation Officer

Staff Participating:

Andrew T. LeFevre, Executive Director
Larry Grubbs, Program Manager
Marc Peoples, Program Manager
Wendy Boyle, Program Project Specialist

I. Call to Order and 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. Approval of the Minutes of the September 19, 2017, Meeting

Chairperson Duggan called for a motion on the minutes. Commissioner Joe Brugman entered a motion to approve the minutes of the meeting held on September 19, 2017. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

IV. Executive Director's Report *Andrew T. LeFevre, Executive Director*

- Staff openings at ACJC are two in finance, one in the SAC unit, and one in Victim Services.
- ACJC interns announced were Lorraine Felix and Nikki Wiley whom both are working with the SAC unit as well as ACJC staff, Patty Hatvick as the new Finance Manager.
- JLBC approved the state and federal report for the RICO revenue and expenditure worksheet and the Seizure and Forfeiture report form.
- ACJC submitted a budget request on September 1, 2017, in the amount of \$350,000 for the Recidivism Study, \$100,000 for the implementation of new RICO reporting requirements.
- Executive Director LeFevre and Catie Clark, SAC Program Manager, are both involved in the Governor's Recidivism Reduction Breakthrough project.
- The CJEF working group will meet between now and November; will report to the Commission on the proposals for additional funding mechanisms to the CJEF fund.
- SAC researched the criminal statutes by the charge in the ACCH, FY 2002-2016 for the Criminal History Review project.
- Executive Director LeFevre presented the FY18 budget for the first two months that included the allocated funds across the program areas that were approved by the Commission in July 2017.

V. Committee Reports

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

There were no items to report.

B. Update on the activities of the Drug, Gang and Violent Crime Control Committee *Joe Brugman, Committee Chairperson*
The Drug, Gang and Violent Crime Control Committee will meet on November 2, 2017, and the RSAT grant and EDGE report will be the agenda items.

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

The Crime Victims Committee met on July 11, 2017, and September 12, 2017.

• **Crime Victim Compensation Program Rule Recommendations**

Program Manager Larry Grubbs presented the recommendations for the Crime Victim Compensation Program Rules. On the proposed rule changes to the Crime Victim Compensation Program on page 4 of the Recommendation Summary and Draft Rule Language document, Table VS1, Section A, the Committee recommended approval of the rules with no discussion and passed unanimously. On page 8 of the document, under Section B, there are seven proposals that the Committee recommended and there was a discussion on each recommendation. On page 9 under Section C, there were 11 proposals discussed at length, and the Committee did not recommend for the Commission.

Commissioner Bill Montgomery entered a motion to approve all the proposals in Table VS1, Section A except ID#13. Commissioner Charles Ryan seconded the motion and was unanimously approved by the Commission.

Commissioner Bill Montgomery entered a motion to reject the rule change to ID#13 that adds **stepsibling to the definition of "derivative victim"** and to study the compensation program for the next year to assess what the potential impact could be. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

Commissioner Bill Montgomery entered a motion to approve all other proposed changes in Table VS1, Section B except ID#4, 19 and 37. The motion was seconded by Commissioner Dave Cole and was unanimously approved by the Commission.

Commissioner Bill Montgomery motioned for Section B, ID#4 to amend the language in R10-4-102.I to read: **"If the Commission has not approved a cost rate schedule, the operational unit shall ~~may~~ negotiate a reasonable and customary cost with the service provider for the approved benefit cost."** The motion was seconded by Commissioner Paul Penzone and was unanimously approved by the Commission.

Commissioner Montgomery explained the objection to the proposal under Section B, ID#19 that **excludes consideration of contributory conduct for minor victims in any instance other than illegal behavior.** Each operational unit and victim compensation board should be able to look at a case by case basis where there may be a contributory conduct on whether an award would reduce or reject based upon the nature of the conduct. Commissioner Bill Montgomery entered a motion to reject the recommendation for #ID19 under Section B. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

Commissioner Montgomery remarked the issue with the proposal under Section B, ID#37, which states to replace the phrase **"required for"** with **"in the best interest of"** in the definition of "derivative victim" related to counseling justification. The concern is the term "in the best interest of" is ambiguous and vague; whereas "required for" provides more of the necessary guidance.

Commissioner Bill Montgomery entered a motion to reject the recommendation to change the phrasing from "required for" to "in the best interest of." Commissioner Dave Cole seconded the motion. After discussion, Commissioner Bill Montgomery motioned to accept the amendment to strike "in the best interest of" and the amendment to "required for" and replace with "is recommended for." The motion was seconded by Commissioner Dave Cole and was unanimously approved by the Commission.

• ***Crime Victim Assistance Program Rule Recommendations***

Program Manager Larry Grubbs presented the recommendations for the Crime Victim Assistance Program Rules. On the proposed rule changes to Table VS2, the Committee recommended approval of the rules with no discussion and passed unanimously.

Commissioner Charles Ryan entered a motion to approve the changes to the Crime Victim Assistance Program Rules identified in Table VS-2 of the rule revision document provided in the agenda. The motion was seconded by Commissioner Joe Brugman and was unanimously approved by the Commission.

D. Update on the activities of the Information, Technology & Systems Improvement Committee

David Byers, Committee Chairperson

- The Information, Technology, and Systems Improvement Committee will meet on October 23, 2017. Program Manager Marc Peoples briefed the Commission on the Orders of Protection process. In the first phase, staff traveled to every county to research how the Orders of Protection works in Arizona. The second phase, 450 signed up for the focus groups, 334 attended. From the group's recommendations, four webinars explored the proposals to vote for good practices, and modifications to the law to improve the Orders of Protection and injunction against harassment process. From there, two groups were formed by policy and technology. The recommendations from the two groups are ready for evaluation in draft legislation that should be ready by November.

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

The Legislative Committee will meet on October 24, 2017.

VI. Commission Members Issues of Concern *Andrew T. LeFevre, Executive Director*

- Designee Paul Ahler suggested that the fund balance for the Victim Compensation program is reviewed earlier and added as an agenda item in March.
- Update the endorsement to the congressional delegation on the tax bill for potential increase funding.
- Follow up on the Chairperson and Vice Chairperson positions to open up the nomination process in November and voting in January for a two-year term.

VII. Call to the Public

Chairperson Duggan made a call to the public. No members of the public came forward.

VIII. Date, Time and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting takes place on **Thursday, November 16, 2017**, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

IX. Adjournment

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Andrew T. LeFevre
Executive Director

Audio recording is available upon request