

Arizona Criminal Justice Commission
Minutes
January 21, 2010

A public meeting of the Arizona Criminal Justice Commission was convened on January 21, 2010 at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
Dan Hughes, Vice-Chairperson, Chief, Surprise Police Department
John Armer, Gila County Sheriff
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Dave Byers, Director, Administrative Office of the Courts
Clarence Dupnik, Pima County Sheriff, Warren Alter representing

Terry Goddard, Attorney General, Don Conrad representing
Robert Huddleston, Chief, Casa Grande Police Department, Don Daniel representing
Barbara LaWall, Pima County Attorney, David Smutzer representing by conference call; Ms. LaWall joined the call later in the meeting
David Sanders, Pima County Chief Probation Officer, by conference call
Charles Ryan, Director, Department of Corrections
Daniel G. Sharp, Chief, Oro Valley Police Department
Andrew Thomas, Maricopa County Attorney, Mark Faull representing
George Silva, Santa Cruz County Attorney, Inti Vasquez representing

Members Absent:

Duane Belcher, Chairperson, Board of Executive Clemency
Linda Scott, Former Judge
Carl Taylor, Coconino County Supervisor
Roger Vanderpool, Department of Public Safety

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Larry Grubbs, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Ralph Ogden at 1:30 PM. Roll was taken and a quorum was declared present.

II. Minutes of the November 19, 2009 Meeting

Chairperson Ogden called for a motion to adopt the minutes. A motion was made by Designee Jesse Locksa and seconded by Designee Mark Faull to approve the minutes of the November 19, 2009 meeting. The motion passed unanimously by the Commission.

III. Election of a Chairperson and Vice Chairperson

Executive Director Blackburn reported that Vice-Chairperson Dan Hughes has expressed intent to serve as Chairperson of the Commission; therefore, the nomination process for Vice-Chairperson was open. Only one name was submitted for the Vice-Chairperson vacancy.

Executive Director Blackburn advised a formal vote on the Chairperson position was required. Commissioner Daniel Sharp moved and Designee Jesse Locksa seconded the motion to elect Dan Hughes as Chairperson of the Arizona Criminal Justice Commission. The motion carried unanimously.

Executive Director Blackburn reported that Commissioner Ralph Ogden was nominated to serve as the Vice-Chairperson of the Commission during the nomination process. Sheriff Ogden agreed to serve if the Commission so desired.

Newly elected Chairperson Dan Hughes asked for a motion to open the floor to nominations for the office of Vice-Chairperson. Designee Mark Faull moved and Commissioner Daniel Sharp seconded the motion to open the nominations for the position of Vice-Chairperson. The motion carried unanimously.

Chairperson Hughes then called for the Vice-Chairperson nominations. A motion was made by Designee Mark Faull and seconded by Commissioner John Armer to elect Ralph Ogden as Vice-Chairperson. Chairperson Hughes called for additional nominations and there were none.

A motion was then made by Commissioner Dave Byers, seconded by Designee Mark Faull to close the nominations for Vice-Chairperson and elect Commissioner Ralph Ogden. The motion passed unanimously. Commissioner Ralph Ogden was elected Vice-Chairperson of the Criminal Justice Commission by unanimous vote.

IV. Executive Director's Report

A. Staff Update

Executive Director Blackburn introduced Carter Sieber, Grant Coordinator and Brittany Martin, Statistical Analysis Center intern as new ACJC staff. ACJC has completed staff hiring, leaving six authorized positions vacant in response to current and anticipated budget reductions.

B. Budget Update

Executive Director Blackburn discussed the Governor's Office summary of recommendations to balance the state's general fund budgets for FY10 and FY11. The FY10 state budget deficit is reported at \$1.4-\$1.6 billion; and the FY11 budget shortfall is projected at \$3.4 billion. ACJC is concerned that agencies are not included in the decision making process and will continue to work with the legislature offering more effective ways to implement the reductions.

C. Legislative Update

Executive Director Blackburn moved on to the legislative update that includes state and federal reporting. On the state side, the legislature is in session with 775 bills posted. A bill of particular interest to ACJC is SB 1025 introduced by Senator Russell Pearce which deals with the oversight of the Criminal Justice Enhancement Fund (CJEF) under A.R.S. § 41-2405(8). In some of the statutes, ACJC was taken out of governing CJEF in 1994. At the request of the Commission, ACJC began the process of amending the statute by obtaining permission from the Governor's office to start the initial phase of rulemaking to cover oversight of the funds. The process will take six months to a year and staff will continue working with stakeholders on the appropriate course of action.

In addition, the legislature has formed a sentencing committee in the House of Representatives to look at sentence reform with the focus on reducing the number of prisoners. ACJC has met with House of Representatives member Cecil P. Ash offering to assist with research and recommendations for sentencing changes or release of prisoners. Executive Director Blackburn stated many stakeholders are voicing concern over the discussion of sentence reform and early prisoner release. The law enforcement community is seeking a more comprehensive review of this matter and its impact to citizens; they are urging the sentencing committee to render a decision that does not make budget deficit reduction the primary goal.

On the federal side, Arizona continues to get support for programs including funding for RSAT and the multi-jurisdictional drug task forces. Executive Director Blackburn noted that one of the major concerns for drug task forces are that the local jurisdictions because of budget cuts may be forced to reduce task force participation in order to cover their agency's core requirements. This could necessitate removing staff from the task forces to handle calls for service in their respective jurisdictions.

ACJC staff was successful in distributing the Byrne Recovery and Reinvestment Act funds with associated reporting requirements to the Governor's office; the Governor's office files a comprehensive report to the federal government on recovery fund spending for the State of Arizona. The Executive Director's Report was presented for informational purposes and did not require Commission action.

V. 2010/2011 Budget Options

Executive Director Blackburn explained that since FY08 ACJC has experienced a \$19M budget reduction that has severely impacted most program areas. Staff continues in their efforts to be heard by the legislature and Governor's office on how to make the reductions. The Office of Strategic Planning and Budgeting (OSPB) has agreed to consider staff's alternative budget reduction proposal if approved by the Commission; however, the final outcome is contingent upon legislative approval.

Deputy Director Karen Ziegler referred to page 14 of the agenda that outlines fund reductions to date and the impact Senate Bill 1001 represents. Senate Bill 1001 that was passed on December 19, 2009 includes a combination of Excess Balance Transfer (EBT) funds and Fund Reduction and Transfer (FRAT) funds. The FRAT is a fund reduction that is an expenditure decrease in ACJC's appropriated account which cannot be changed; however, there is flexibility in funds identified for EBTs.

Deputy Director Ziegler also directed the Commission to staff's recommendation for the proposed alternative budget reduction plan to Senate Bill 1001 on page 15 of the agenda. The proposal includes the permanent cuts and the funds that could be shifted with less impact on the programs. Deputy Director Ziegler summarized how the proposal would use all the available revenue from the DUI Abatement account and the Drug and Gang Prevention Resource Center fund after ACJC has fulfilled the commitment for FY10 programs. The remaining funds to make up the EBTs are out of the Drug Enforcement Account and the Victim Compensation & Assistance fund. The cuts will impact the FY11 program; however, staff has tried to minimize the effect for remainder of FY10. The FRAT cuts will impact the programs for this fiscal year.

Total reductions to date include: 1) CJEF operating budget at \$115,800; 2) Dedicated funding for the Arizona Youth Survey (AYS) in the amount of \$25,000; DEA Account/Full Service Lab at \$2,547,500; 4) Fill the Gap program at \$4M; and 5) Victim Compensation and Assistance fund at \$2,985,000.

After review and discussion, Commissioner Daniel Sharp moved and Commissioner Ralph Ogden seconded the motion to approve the proposed alternative budget reduction plan in the amount of \$2,892,500 pursuant to SB1001. A vote of the Commissioners was unanimously in favor of the motion.

VI. Reduction of FY 2010 Victim Services Program Allocation

Larry Grubbs, Program Manager addressed the reduction to the Crime Victim Compensation and Assistance Program for FY10. In December 2009, the legislature mandated that the allocations from the Crime Victim Compensation Fund be reduced by \$307,500 which would be swept into the general fund as part of the budget fix for that year. Allocations for FY 2010 include state funds for the Crime Victim Compensation program in the amount of \$2.8M and funding for the Crime Victim Assistance program totaling \$1,300,000.

Mr. Grubbs also explained that the legislation governing these programs view the Crime Victim Compensation and Assistance fund as one account source that supports two different programs; as a result, the Commission has the flexibility to take \$307,500 from a combination of both programs or separately.

Staff proposes to deduct \$307,500 out of the \$2.8M allocation to the Crime Victim Compensation program for FY 2010. This would reduce the state fund allocation to the Crime Victim Compensation program from \$2,800,000 to \$2,492,000. The reduction would impact the fourth quarter allotment in FY10 and carry into FY11.

Mr. Grubbs reported the Crime Victims Committee met today and questioned staff about other alternative proposals. The discussion included the consideration that the Maricopa County Compensation program could carry the larger portion of the reduction as a result of an increased allocation of federal compensation funds and the balances of other compensation accounts available to offset the reduction to the program. The Crime Victims Committee approved the recommendation that \$307,500 be deducted from the allocation of state funds from the Crime Victim Compensation Program for FY10 to the Maricopa County Compensation Program. This would spare other county grant recipients a reduction in their Crime Victim Compensation award for the current fiscal year.

Mr. Grubbs cautioned there could be a negative impact towards the Crime Victim Compensation program because the funding award equals 60 percent of non-federal funds spent on the program in any given fiscal year. The reduction of \$307,500 in state funds this year could mean a reduction in the federal award in the amount of \$180,000 in years to come. The reduction of federal funds could be avoided if all county programs offset this year's funding reduction by spending an amount equal to the reduction that would have been experienced if Maricopa County not intervened. Those expenditures must come from non-federal accounts eligible for the 60 percent reimbursement to include, donation, restitution, subrogation or interest monies.

After review and discussion, Designee Mark Faull moved and Designee Jesse Locks seconded the motion that the recommendation of the Committee be accepted to approve the decrease of FY10 state funding in the amount of \$307,500 for the Crime Victim Compensation Program and that the full amount be reduced from the allotment of state compensation funds to the Maricopa County Compensation Program. The motion passed unanimously.

VII. Crime Victim Assistance Program Funding Level FY 2011

Larry Grubbs, Program Manager presented the funding level for the Crime Victim Assistance Program for FY11. In FY10, the program level was set at \$1,300,000; however, due to fund sweeps by the legislature and conservative revenue projections, staff recommends setting the program level for FY11 at \$1,000,000. The Commission was referred to the chart listed on page 19 of the agenda that outlines the financial status.

Mr. Grubbs identified the amount of \$235,739 projected for the FY11 program as the fund balance that should be available at the end of this fiscal year after the program has met its FY10 grant obligation. The \$1M Crime Victim Assistance grant program is dependent upon the fund balance being available through FY11.

The FY11 projected revenue under community supervision fees in the amount of \$821,500 was also noted. Mr. Grubbs explained the importance of this amount for the following reasons: 1) if the legislature sweeps the \$235,739 fund balance, the Crime Victim Assistance program would be left with a revenue balance of \$821,500 in FY11 to spend; and 2) because the proposed \$1M program size will all but deplete the fund balance in FY11, the program size for FY12 will have to be in line with projected revenues estimated at \$821,000. Mr. Grubbs cautioned the program size decrease from \$1.3M to \$800,000 would be overwhelming to programs; however, without a significant increase in revenue for FY11, a program size of \$800,000 in the Crime Victim Assistance program could occur in FY12.

A motion was made by Designee Jesse Locksa and seconded by Designee Mark Faullo to approve the FY11 Crime Victim Assistance program funding level be set at \$1,000,000. A vote of the Commissioners was unanimously in favor of the motion.

VIII. Victim Compensation Claim Management System Update

Larry Grubbs, Program Manager informed the Commission on the progress of the Victim Compensation Claim Management System (VCCMS). Mr. Grubbs explained the continued development of the project has improved the existing program code, increased functionality and ease of the use for county programs. The most recent update included the data function input and on-line application process. The development focus for the next few months consists of the claim approval and financial processes. Staff anticipates completion of the project by the end of FY10. ACJC is required to submit monthly progress reports and the project is monitored by the Government Information Technology Agency (GITA).

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

IX. Call to the Public

Chairperson Hughes made a call to the public. Mike Durham, registered lobbyist spoke on the cold case registry law that went into effect October 1, 2009 and the need for law enforcement to comply with the rule and design of the system to implement.

X. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 25, 2010 at 1:30 PM** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

The meeting was adjourned at 2:15 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.