

**Arizona Criminal Justice Commission
Minutes
January 23, 2014**

A public meeting of the Arizona Criminal Justice Commission was convened on January 23, 2014 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Daniel G. Sharp, Chairperson, Chief, Oro Valley Police Department
Bill Montgomery, Vice Chairperson, Maricopa County Attorney, Mark Faull representing
Joseph Brugman, Chief, Coolidge Police Department
David Byers, Director, Administrative Office of the Courts
Timothy Dorn, Chief, Gilbert Police Department
Clarence Dupnik, Pima County Sheriff, Paul Wilson representing
Chris Gibbs, Mayor, City of Safford
Tom Horne, Attorney General, Andrew Pacheco representing
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Brian Livingston, Chairperson, Board of Executive Clemency
Sheila Polk, Yavapai County Attorney
William Pribil, Coconino County Sheriff
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by conference call
Steven Sheldon, Former Judge
Mark Spencer, Law Enforcement Leader

Members Absent:

Joseph Arpaio, Maricopa County Sheriff
Robert Halliday, Director, Department of Public Safety

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 Daniel Sharp at 1:30 p.m. Roll was taken and a quorum was declared present.

II. Minutes

A. Approval of Minutes from the November 5, 2013 meeting

Chairperson Sharp called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the November 5, 2013 meeting. The motion was seconded by Commissioner Joseph Brugman and was unanimously approved by the Commission.

B. Approval of Minutes from the November 14, 2013 meeting

Chairperson Sharp called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the November 14, 2013 meeting. The motion was seconded by Commissioner Joseph Brugman and was unanimously approved by the Commission.

III. Election of a Chairperson and Vice Chairperson

Executive Director Blackburn stated that at the November 14, 2013 meeting, the nomination for the position of Chairperson and Vice Chairperson was opened. Vice Chairperson Bill Montgomery was unable to attend this meeting but had expressed interest in serving as Chairperson of the Commission and there were no other nominations given.

Commissioner Chris Gibbs entered a motion to elect Commissioner Bill Montgomery as Chairperson of the Commission. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

Executive Director Blackburn reported that Commissioners Joseph Brugman and David Byers were nominated for the position of Vice Chairperson of the Commission. There were no other nominations given. Executive Director Blackburn stated the Commission would need a motion and a vote on the two nominations to elect the Vice Chairperson position. A vote by show of hands for those members present and by voice for members on the phone was required.

Commissioner Chris Gibbs entered a motion to accept the nomination of Commissioners Joseph Brugman and David Byers for the position of Vice Chairperson of the Commission. The motion was seconded by Designee Andrew Pacheco and was unanimously approved by the Commission.

Chairperson Sharp asked for a show of hands and those on the phone by voice designating a vote in favor of the nomination of Commissioner Joseph Brugman, then asked for a show of hands and those on the phone by voice designating a vote in favor of the

nomination for Commissioner David Byers. Chairperson Sharp called for the vote and declared Commissioner David Byers had received the majority of votes for Vice Chairperson. Chairperson Sharp congratulated Commissioner David Byers on being newly elected Vice Chairperson. Acting Chairperson Sharp thanked the Commission for the opportunity to serve as Chairperson and to continue to serve as a Commissioner.

IV. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn welcomed Andy LeFevre as the new Public Information Officer for ACJC and Ryan Mores as the new intern who will be assisting Mr. LeFevre on legislative issues. Executive Director Blackburn also reported that the Statistical Analysis Center has been actively promoting the 2014 Arizona Youth Survey with over 200 schools agreeing to participate.

B. Budget Update

Executive Director Blackburn addressed ACJC's budget recommendations and stated that we are working with the Governor's office on projects of joint interest, and with the Office of Strategic Planning and Budgeting (OSPB) to ensure our financial priorities are known. The budget recommendations remain the same as last year with the exception of the Indigent Defense Fund, which has been redirected to the Attorney General's office. ACJC is dealing with this issue and the loss of federal funds; and as a result we continue to evaluate positions, maintain core responsibilities, meet the statutory duties, and look for opportunities to find funding for support of programs and operations of the agency.

C. Legislative Update

Andy LeFevre, Public Information Officer provided the state legislative review.

Mr. LeFevre stated there were 637 bills dropped with 78 bills of interest to ACJC. The bills of interest include gun bills, drug and mental health issues, prescription drugs, and marijuana.

Mr. LeFevre explained the bills are not assigned to committees; however, staff is monitoring when the bills come up for vote and hearings. The main issue for ACJC is the National Instant Criminal Background System (NICS) bill introduced as House Bill 2322 by Representative Justin Pierce. There have been stakeholder meetings to receive input and to gather comments from groups who have expressed concerns about the bill. ACJC will continue to have meetings to find out specific concerns and how to best address these concerns to achieve the best outcome for the Commission.

Mr. LeFevre encouraged the Commissioners who can take a supportive position to go to the legislature and Representative Pierce to voice concerns for law enforcement, officers' safety, and public safety. The feedback would particularly help support Representative Pierce who has received negative feedback for being the sponsor of the bill.

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

V. Crime Victim Assistance Grant Program

A. FY 2015 Grant Program Funding Level

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to set the program level for the Crime Victim Assistance Grant Program for FY 2015 at \$1,250,000. Mr. Grubbs explained the recommended amount is equal to the program size for the current fiscal year based on revenue and expenditure projections as shown in Table VS1 on page 19 of the agenda.

Mr. Grubbs explained that Karen Ziegler, Deputy Director provided an update to the Committee on the FY14 figures for the first six months of this current fiscal year. The revenue received to date lags behind what was received at this time last year; however, it supports the recommendation of maintaining the program level pending legislative approval.

Commissioner Sheila Polk entered a motion to approve the funding level for the Crime Victim Assistance Grant Program for FY 2015 at \$1,250,000. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

B. Grant Program Emerging Issue Funding Priority

Larry Grubbs, Program Manager stated each year the Commission has the opportunity to designate an emerging victim issue, or an underserved victim population as a funding priority for the Crime Victim Assistance Grant Program.

Mr. Grubbs explained that at the November 2011 meeting, the Commission approved the option of annually designating an emerging victim issue, or an underserved victim population as a priority for the upcoming grant period. The recommendation from the Crime Victims Committee is to not designate an underserved population or emerging issue as a funding priority for FY15 grant period; instead allowing applicants to identify the needs of victims in their own communities through the regular grant process.

Designee Kathleen Mayer entered a motion to approve that an emerging victim issue or underserved victim population not be designated as a funding priority for the FY 2015 grant period. The motion was seconded by Designee Mark Faull and was unanimously approved by the Commission.

VI. FY 2015 Match Requirement for Drug, Gang and Violent Crime Control Grant

Tony Vidale, Program Manager presented the recommendation from the Drug, Gang and Violent Crime Control Committee to implement a 25 percent match requirement for FY 2015 grant year. Mr. Vidale explained each year per program rule the Commission must set a match amount for the Drug, Gang and Violent Crime Control Grant.

The Commission was referred to Table DC1 on page 23 of the agenda that provides an overview of federal and state funding from FY 2011 through FY 2015. For FY 2015, staff is estimating grant fund availability for the program at \$7.4 million. Mr. Vidale directed the Commission to Table DC 2 on page 24 of the agenda that displayed the match allocation options for the FY 2015 Drug, Gang and Violent Crime Control Grant. The first is a zero match that would set the total program size at \$7.5 million; this option does not require grantees to commit additional funds to the project. The second option is a 20 percent match that would provide a program size of \$9.3 million; this match is currently in place for FY 2014 and reduces the program size by 10 percent. The final option is to establish a 25 percent match requirement that sets the program size at \$9.9 million. The total program size would be reduced by 4 percent from the previous year.

Acting Chairperson Sharp asked if there were any members of the public that would like to address this issue and no one came forward.

The Commission discussed and had concerns on how the calculation for the match allocation under the federal and state fund sources equaled the total program size. Mr. Vidale explained the share of cost equates to 75 percent grant funds and 25 percent match by the grantee representing a 75-25 split of the program size.

Deputy Director Ziegler gave an example of a project proposal to fund a task force effort at an estimated cost of \$100,000. The \$100,000 award would be approved and reimbursed at 75 percent of the submitted expenditure up to the limit of the grant award leaving the remaining 25 percent to be supported by the grantee.

Executive Director Blackburn suggested staff use the wording "total program size" for clarification in the future.

Commissioner Steven Sheldon entered a motion to approve a 25 percent match requirement of the total award allocated to an agency for the FY 2015 grant year. The motion was seconded by Designee Mark Faull and was unanimously approved by the Commission.

VII. Program Income Policy – Drug, Gang and Violent Crime Control Funding

Designee Mark Faull reported to the Commission that the Drug, Gang and Violent Crime Control Committee had extensive discussion on this issue. The item was tabled and the Committee requested staff to address the concerns of the Committee and return the matter for further consideration.

Commissioner Timothy Dorn then entered a motion to accept the recommendation of the Drug, Gang and Violent Crime Control Committee to table Item VII asking for further study from staff. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

VIII. Fine Structure – Drug, Gang and Violent Crime Control Funding

Tony Vidale, Program Manager presented the recommendation from the Drug, Gang and Violent Crime Control Committee to make changes to Arizona Revised Statutes; specifically to Title 13, Chapter 34 that would make drug fines mandatory including preparatory offenses and making the level of fines more consistent with sentencing.

Mr. Vidale explained the issue came out of the November 2013 meeting where the Committee expressed concern over revenue issues. It was found that not all violations in Title 13, Chapter 34 or associated preparatory offenses have mandatory fines, and the fine schedule in statute is not consistent with sentencing. Staff was directed to explore any improvement to the current fine structure for drug crime convictions.

Mr. Vidale focused attention on two specific issues related to drug fines in statute; namely, not all violations and associated preparatory offenses have a mandatory fine, and the fine schedule in statute is inconsistent with sentencing. For example, the same class offense involving different drugs may have the same sentence but different fine amounts.

The Commission was directed to Table DC1 on page 28 of the agenda that outlined changes to class offenses and included preparatory offenses. The schedule would maintain the option that allows convictions for marijuana, dangerous drugs, narcotic drugs, offenses involving or using minors, or offenses in drug-free school zones to be fined at three times the value of the drug. Staff also proposes language in statute that the court not waive the assessment of a fine or any surcharge imposed by A.R.S. § 12-116.01 or § 12-116.02.

Mr. Vidale stated that the Committee asked if staff would consider implementing language that included a type of exemption for individuals that successfully completed drug court and he agreed that staff would certainly consider that suggestion.

After discussion, Designee Kathleen Mayer entered a motion to approve directing staff to draft appropriate language for legislative consideration to implement the fine structure developed with the addition of a waiver of the fine if the offender successfully completed a diversion program or drug court. The motion was seconded by Designee Mark Faull and was unanimously approved by the Commission.

IX. Call to the Public

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

X. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 20, 2014** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.