

Arizona Criminal Justice Commission
Minutes
January 24, 2013

A public meeting of the Arizona Criminal Justice Commission was convened on January 24, 2013 at the 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
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, Warren Alter representing
Chris Gibbs, Mayor, City of Safford, by conference call
Robert Halliday, Director, Department of Public Safety
Jesse Hernandez, Chairperson, Board of Executive Clemency
Tom Horne, Attorney General, Andrew Pacheco representing
Barbara LaWall, Pima County Attorney, Amelia Cramer representing
William Pribil, Coconino County Sheriff
Sheila Polk, Yavapai County Attorney
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing
Steven Sheldon, Former Judge

Members Absent:

Joseph Arpaio, Maricopa County Sheriff
Charles Ryan, Director, Department of Corrections
Mark Spencer, Law Enforcement Leader

Staff Participating:

Karen Ziegler, Deputy Director
George Diaz, Public Information Officer
Larry Grubbs, Program Manager
Steve Irvine, Research Analyst, Statistical Analysis Center
Shana Malone, Senior Research Analyst, Statistical Analysis Center
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 of the November 8, 2012 Meeting

Chairperson Sharp called for a motion on the minutes. Commissioner Bill Montgomery entered a motion to approve the minutes of the November 8, 2012 meeting. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

III. Executive Director's Report

A. Budget Update

Karen Ziegler, Deputy Director reported that the Governor released the state budget recommendations for FY14 and FY15. The priorities of health, education and child safety were emphasized as was stated in the Governor's State of the State address. ACJC submitted several critical issue requests of which none were recommended for funding by the Governor's office. The four requests included, 1) funding for the criminal justice records improvement program; 2) increase in the appropriation for the victim compensation and assistance fund; 3) increase in the appropriation for the state aid to county attorneys and state aid to indigent defense Fill the Gap programs; and 4) an agency operating request to fund ACJC research services.

Deputy Director Ziegler explained that the money requested for the state aid to indigent defense and research funding services requests are recommended to be swept and sent to the Department of Public Safety for the public safety equipment fund. For the other requests, the Governor's office reported that they would like revenues to stabilize before recommendations are made to increase appropriations.

Deputy Director Ziegler reported the legislative process is in progress and Executive Director Blackburn and George Diaz, Public Information Officer, will continue to work with legislators to include ACJC budget request in the final budget bill.

B. Legislative Update

George Diaz, Public Information Officer provided information on the state and federal legislative sessions.

Mr. Diaz also reported the Arizona Youth Survey state report was released in December 2012; following the release there were numerous inquiries regarding data related to marijuana usage and the sources used to acquire the marijuana.

Mr. Diaz discussed the current interest in criminal records, background checks, and the purchasing of guns as hot topics for the legislature. There have been 678 bills filed. One bill of interest to ACJC is the proposal related to victim compensation; by making the distribution of the county crime victim compensation funds less restrictive, the proposal intends to expand the availability of funding to ensure crime victim's needs are met.

On the federal front, the federal debt limit debate and pending sequestration will significantly impact grants. Mr. Diaz explained the limit has been raised temporarily until May 18, 2013. A sample copy of a support letter speaking out on the proven success of the Byrne JAG grants in the past was given to the Commissioners to use as a guide to reach out to the Arizona congressional delegation.

C. Staff and Program Update

Karen Ziegler, Deputy Director welcomed Angela Abolhassani as the new ACJC legislative intern assisting George Diaz, Public Information Officer on legislative issues.

Deputy Director Ziegler also discussed how ACJC received federal funding in 2011 and 2012 to fund the National Instant Criminal Background Check System (NICS) Task Force. This project guides the development and implementation of a long range records improvement plan for Arizona to improve records for background checks on firearms. Arizona was one of a few states that received this grant and the only state to receive a full funding request in 2012 in the amount of \$1,012,166. The NICS task force is finalizing their recommendations for improvements to the system. Those recommendations will also be presented to the Commission in March.

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

IV. Crime Victim Services Program Rules

Larry Grubbs, Program Manager updated the Commission on the rules process for the Crime Victim Services program area. Mr. Grubbs explained the rules package was approved by the Governor's Regulatory Review Council in December 2012 and will take effect on February 4, 2013. Staff prepared a compensation rules desk manual and provided training on the new rules to the compensation coordinators and board members who will use the information to administer the Crime Victim Compensation program at the county level. The training was also given to other victim organizations including the Arizona Coalition for Victims Services and the Attorney General's Victim Rights Council.

Mr. Grubbs addressed that staff updated the crime victim compensation application to reflect the rule changes; additionally, staff is in the process of developing a training curriculum for county board members as required under the new rules.

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

V. Crime Victim Assistance Grant Program

A. FY 2014 Grant Program Funding Level

Larry Grubbs, Program Manager presented the recommendation from the Crime Victims Committee to set the funding for the FY14 Crime Victim Assistance Program at \$1,250,000.

Mr. Grubbs reported the amount of \$1,250,000 is based on the revenue projections listed on page 12 of the agenda. The projection is an increase of over \$200,000 and is contingent upon legislative approval.

Mr. Grubbs explained the increased funding level called for a critical budget issue that if approved, gives ACJC the authority to spend the funds. Funding for the critical budget issue was not recommended in the Governor's budget; therefore, ACJC will make a case to the legislature to include funding for the budget issue in the final appropriation bill.

Commissioner Sheila Polk entered a motion to approve the funding level at \$1,250,000; not to exceed the funding amount for the Crime Victim Assistance Grant Program for FY14 pending legislation approval. The motion was seconded by Commissioner David Byers and was unanimously approved by the Commission.

B. Grant Program Emerging Issue Funding Priority

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee to not designate an emerging victim issue or underserved victim population for the FY14 Crime Victim Assistance grant program. Instead, the focus would be on available supplementary funds for increasing awards to high performing grantees and/or made additional awards to crime victim service programs not currently funded.

Commissioner Steven Sheldon entered a motion to accept the recommendation of the Crime Victims Committee to not designate an emerging issue or underserved victim population as a funding priority for the FY14 grant period; instead to use the funds for increasing awards to high performing grantees or crime victim service programs not currently funded. The motion was seconded by Commissioner Jesse Hernandez and was unanimously approved by the Commission.

VI. Crime Victim Compensation Program

A. FY 2013 Crime Victim Compensation Fund Reallocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that available crime victim compensation funds for the current FY13 be reallocated to the operational units in accordance with Table VS2 on page 16 of the agenda.

Mr. Grubbs explained how staff monitors the county victim compensation expenditures throughout the fiscal year and the disparities of the current allocation formula. The purpose of the adjustment is to reallocate compensation funding to counties with a higher demand for funds and who can expend the additional compensation funds by the end of the fiscal year.

Mr. Grubbs explained that during FY12, the process facilitated an additional \$410,000 in victim compensation benefit expenditures. The Commission was directed to a flowchart on page 15 of the agenda that outlines the eligibility criteria for the reallocation process.

Designee Andrew Pacheco entered a motion to accept the recommendation of the Crime Victims Committee to approve the reallocation of current FY13 compensation funds to the operational units listed in Table VS2 that meet the allocation criteria in accordance with the Victim Compensation Reallocation Eligibility flowchart. The motion was seconded by Commissioner Jesse Hernandez and was unanimously approved by the Commission.

B. Crime Victim Board Member Training Requirements

Larry Grubbs, Program Manager stated that beginning February 4, 2013, crime victim compensation program rules require that newly appointed crime victim compensation board members and reappointed crime victim compensation board members must meet all training requirements established by the Commission within six months of appointment or reappointment dates. The Commission was directed to the proposed curriculum for the crime victim compensation board member training as shown in Table VS3 on page 18 of the agenda.

Mr. Grubbs explained the body of coursework covers three broad subject areas. The first is a crime victim compensation program overview that includes the rules and the updated version of the desk manual as the primary resource for the course. The second lesson covers Arizona open meeting law focusing on the role of the individual board member as part of a public body, and participation in open public meetings. The third area includes a body of coursework associated with the dynamics of domestic violence and sexual assault. The goal of this lesson is to help board members understand the complexity of these victimization types and to increase their awareness of the challenges faced when making claim decisions related to these victimization types.

Mr. Grubbs stated the primary delivery method for the coursework is through computer based online training with alternate methods of delivery available as needed.

Commissioner Bill Montgomery entered a motion to approve the required training curriculum for crime victim compensation board members as outlined in Table VS3. The motion was seconded by Designee Amelia Cramer and was unanimously approved by the Commission.

VII. 2012 Arizona Youth Survey

Steven Irvine, Research Analyst gave a brief introduction to Arizona Youth Survey. Mr. Irvine discussed how the Arizona Criminal Justice Commission is mandated to measure the attitudes and prevalence of substance abuse and gang activity among Arizona youth. The Arizona Youth Survey (AYS) is administered every two years to 8th, 10th, and 12th grade students. The survey measures youth risk factors such as: 1) lifetime, 30-day, and age of onset of alcohol, tobacco, and other drugs; 2) antisocial behavior; 3) school safety; and 4) gambling. The 2012 AYS results included 62,817 valid results from 349 schools.

Shana Malone, Senior Research Analyst reported on the overall results of 2012 AYS report. The presentation focused on four factors, consumption, emerging trends, consequences and contextual factors. Ms. Malone stated that consumption identifies the severity of the problem. Since the 2008 AYS survey, each grade level has seen significant reductions in all risk factors; however, alcohol, marijuana and cigarette use continue to remain consistent. The survey tracked 30-day use of synthetic and club drugs and showed these substances could be emerging trends among teens. Consequences are identified by the costs of substance use and markers of return on investment for prevention as defined by heavy drinking and drunk driving behavior, and reported antisocial behavior. These factors continue to decline as more youth targeted prevention programs address this behavior.

Ms. Malone discussed contextual factors that identify what can be changed which included: 1) where Arizona youth obtained alcohol; 2) where Arizona youth obtained Rx drugs; 3) where Arizona youth obtained marijuana; 4) risk factors in Arizona; 5) age of first use by substance; 6) percentage of Arizona youth who perceived substance use as risky; and 7) reasons Arizona youth gave for using substance in the past 30 days.

In conclusion, Ms. Malone stated Arizona has done a remarkable job at reducing youth substance use although marijuana trends may prove to be the exception. The next steps suggests the focus include: 1) limiting access to gateway substances; 2) delaying early onset of substance use; 3) increasing the awareness about the risks of substance use; 4) getting parents and other adults communicating to children; and 5) giving children alternatives and coping strategies.

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

VIII. Call to the Public

Chairperson Sharp made a call to the public.

Commissioner Sheila Polk spoke about three legislative proposals surrounding marijuana currently pursued through the Arizona Prosecuting Attorneys' Advisory Council.

The first proposal deals with the support of the cannabis and the agricultural exemption in the law.

Commissioner Polk discussed how a recent court of appeals case upholding a Yuma County Superior Court Judge ruling to return marijuana to the person who had it because the individual had a valid medical marijuana card. This is related to the second piece of legislation that has law enforcement lawfully seizing marijuana in the course of an investigation. This proposal would direct law enforcement to not return marijuana because it would be a federal violation.

The last proposal is the deterrence of placing medical marijuana into edible foods to prevent the substance from being attractive to children.

IX. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, March 21, 2013 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

X. Adjournment

The meeting was adjourned at 2:56 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.