

Arizona Criminal Justice Commission
Minutes
May 20, 2010

A public meeting of the Arizona Criminal Justice Commission was convened on May 20, 2010 at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Dan Hughes, Chairperson, Chief, Surprise Police Department
Ralph Ogden, Vice-Chairperson, Yuma County Sheriff
John Armer, Gila County Sheriff
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Dave Byers, Director, Administrative Office of the Courts
Terry Goddard, Attorney General, Cameron Holmes representing
Robert Halliday, Director, Department of Public Safety
Barbara LaWall, Pima County Attorney by conference call
Richard Romley, Maricopa County Attorney, Jim Keppel representing
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer
Daniel G. Sharp, Chief, Oro Valley Police Department
George Silva, Santa Cruz County Attorney, Inti Vasquez representing by conference call
Carl Taylor, Coconino County Supervisor by conference call

Members Absent:

Clarence Dupnik, Pima County Sheriff
Robert Huddleston, Chief, Casa Grande Police Department
Linda Scott, Former Judge

Staff Participating:

John A. Blackburn, Jr., Executive Director
Larry Grubbs, Program Manager
Tony Vidale, Program Manager
Wendy Boyle, Executive Secretary

Guests Participating:

Karl Heckart, Administrative Office of the Courts

I. Call to Order and Roll Call

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

II. Minutes of the March 25, 2010 Meeting

Chairperson Hughes called for a motion to adopt the minutes. A motion was made by Commissioner Dave Byers and seconded by Designee Cameron Holmes to approve the minutes of the March 25, 2010 meeting. The motion passed unanimously by the Commission.

III. Executive Director's Report

A. Staff Update

Executive Director Blackburn reported that ACJC is seeking to fill the auditor position that has become vacant recently. Staff received permission from the Department of Administration (DOA) to open the announcement of the vacant position in order to meet the demands and reporting requirements for the ARRA funding. ACJC had hoped to use the vacancy savings from the other six vacant positions to offset the salary cuts and furlough days; however, the legislation was written in such a way that prevented it. On July 1, 2010 staff will receive a salary reduction and begin the first of six furlough days for FY11.

Executive Director Blackburn informed the Commission that Karen Ziegler, Deputy Director and Amanda Zibell, Accountant were recognized by the High Intensity Drug Trafficking Areas (HIDTA) finance department and board for their service as the former fiduciary and for their assistance in transitioning to the new fiduciary, Tucson Police Department. The annual Law Enforcement Pow Wow brochure was distributed to the Commission. Executive Director Blackburn stated that he will be participating on the final day of Pow Wow as he was given permission by DOA to take an alternate furlough day to attend since it falls on the first furlough day.

Also, the following ACJC staff was recognized for outstanding achievements. Janice Simpson, Grant Coordinator completed the FBI Citizens Academy; Bill Kalaf, Program Manager received a master's degree from the U.S. Homeland Defense and Security Studies program through the U.S. Department of Homeland Security and Naval Post Graduate School; and the National Organization of Black Law Enforcement Executives (NOBLE) awarded Susan Preston, Human Resources Manager an Outstanding Community Service Award and Executive Director Blackburn received an Outstanding Achievement Award.

B. Budget Update

Executive Director Blackburn stated that FY11 will be the last year to maintain the program size for the drug task forces and that it is likely that priority 5 projects will not be funded for FY12. Additional information will be reported on this item later in the meeting during the Drug Program presentation. A state deficit of up to \$2 billion is looming and there may be another special legislative session on the horizon for the overall budget. On the federal side, Arizona received encouraging support of law enforcement programs; although we will likely see no increase, funding will remain level.

C. Legislative Update

Executive Director Blackburn reported that the legislature adjourned on April 29, 2010; the new laws will take effect July 29, 2010 including SB 1070 that is still a work in progress. There were 1,233 bills posted, 352 passed and 14 vetoed. ACJC staff will have the legislative summary ready for distribution at the July Commission meeting in Flagstaff.

D. DEA Audit

Executive Director Blackburn presented the Drug Enforcement Account (DEA) audit findings to the Commission. Due to the severe cuts in the Auditor General's office, an outside contractor conducted the program audit; there were no findings. Executive Director Blackburn thanked the finance staff for their hard work in complying with the demands of the audit.

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

IV. Crime Victim Compensation Program

A. Designation of Operational Units

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate each of the 15 County Attorneys' offices as operational units for the FY11 Crime Victim Compensation Program.

Commissioner Dave Byers motioned that the Commission approve the designation of the 15 County Attorneys' offices as the operational unit for the FY11 Crime Victim Compensation Program. The motion seconded by Commissioner Ralph Ogden passed unanimously.

B. FY11 Compensation Program Budget

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission set a \$2,492,500 program budget with \$50,000 retained in reserve as required by Program Rule R10-4-102, D.

Commissioner John Armer motioned that the Commission adopt a \$2,492,500 budget for the FY11 Crime Victim Compensation Program as shown on page 13 of the agenda. The motion seconded by Daniel Sharp passed unanimously.

C. FY11 Compensation Program Allocation (State Fund)

Larry Grubbs, Program Manager presented the proposed allocation to each operational unit in the 15 counties as shown on page 15 of the agenda. Mr. Grubbs explained that the legislative fund sweeps impacting the FY11 compensation program affects the money available for compensation benefit payments only. The decrease in funding available for benefit payments is 13 percent below the FY10 approved funding level. Mr. Grubbs stated that the administrative allocation is equal to the funding for FY10; however, it has increased the percentage of state funds used for administrative expenses in FY10 from 16 percent to 18 percent for FY11. Also, it may be necessary in the future to review the fixed administrative allocation to ensure the percentage remains at an appropriate level; especially if further state cuts continue to impact the level of funding to the compensation program.

After review, Commissioner John Armer motioned that the Commission approve the allocation of \$2,492,500 in state Crime Victim Compensation funds to the operational units for the FY11 Crime Victims Compensation Program. The motion seconded by Commissioner Daniel Sharp passed unanimously.

V. Crime Victim Assistance Program

A. FY11 Criminal Justice Government Agencies Grant Awards

Larry Grubbs, Program Manager summarized that fifty-three agencies submitted applications in the amount of \$1,965,027 for the FY11 Crime Victim Assistance grant awards. The Commission was provided a copy of the FY 2011 Victim Assistance Grant Recommendation Summary. The program size established by the Commission for FY11 is \$1,000,000 which is a 23 percent decrease from last year. Mr. Grubbs referred the Commission to the funding proposal chart on page 20 of the agenda that summarized the applicants by criminal justice government agencies eligible to serve on the Commission and non-profit and other government agencies. There were 16 applications from criminal justice government agencies eligible to serve on the Commission requesting a total of \$917,031 and 37 applications from non-profit and other government agencies requesting \$1,047,996; both far exceeded the FY11 program size of \$1,000,000. Mr. Grubbs stated that staff considered the following parameters for allocating the funds: 1) reducing all awards to programs funded during the FY10 grant period by 20 percent; and 2) provided a reduced percentage reduction or no award reduction to the top five scoring applicants.

Commissioner David Sanders motioned to approve the award of FY11 Crime Victim Assistance funds to criminal justice government agencies eligible to serve on the Commission as shown in Table 1 on page 20 of the agenda. The motion seconded by Commissioner Daniel Sharp passed unanimously.

Chairperson Hughes entertained a motion on Action Item V-B to award FY11 Crime Victim Assistance grant funds to non-profit and other government agencies. Commissioner David Sanders moved and Commissioner Daniel Sharp seconded the motion to approve the award of FY11 Crime Victim Assistance funds to non-profit and other government agencies as shown in Table 1 on page 20 of the agenda. The motion carried unanimously.

Mr. Grubbs referred to the revised copy of the Victim Assistance grant awards Table 3 handout that was approved by the Crime Victims Committee as an alternate recommendation to the Commission for Action Items V-A and V-B.

Commissioner David Sanders motioned to withdraw the motion on the table for Action Item V-A, seconded by Commissioner Dave Byers. The motion carried unanimously.

After review, Commissioner John Armer motioned to approve the award of FY11 Crime Victim Assistance funds, based on the revised Table 3 as the alternate recommendation from the Crime Victims Committee on Action Item V-A. The Commission then asked for more clarity on the alternate table presented by staff.

Mr. Grubbs explained the revised table and recommendation was in response to additional information provided by Emerge Center against Domestic Abuse in Tucson during the Crime Victims Committee meeting earlier today; and that the change is reflected in the non-profit and other governmental agencies category only. Emerge Center against Domestic Abuse in Tucson represents a merger of two former non-profit agencies, Brewster Place and Tucson Center for Woman and Children; both were FY10 Crime Victim Assistance grant award recipients. The Crime Victims Committee voted to restore Emerge Center against Domestic Abuse in Tucson to the FY10 funding level less the percentage reduction applied to the other projects in this category. This would essentially equate to Emerge Center against Domestic Abuse in Tucson being awarded \$46,100 in FY11.

After additional review and discussion, the motion on the table to accept the Crime Victims Committee recommendation to award criminal justice government agencies eligible to serve on the Commission as shown in Table 3 was seconded by Commissioner Daniel Sharp and passed unanimously.

B. FY11 Non-profit and other Government Agencies Grant Awards

The Commission moved on to Action Item V-B. Commissioner Dave Byers motioned to withdraw the motion on the table for Action Item V-B, seconded by Commissioner John Armer. The motion carried unanimously.

Commissioner Dave Byers then motioned to approve the award of FY11 Crime Victim Assistance funds, based on Table 3 as the alternate recommendation from the Crime Victims Committee for non-profit agencies and other government agencies not eligible to serve on the Commission. The motion was seconded by Commissioner David Sanders and passed unanimously.

VI. Drug, Gang and Violent Crime Control Program Grant Awards

A. FY11 Drug, Gang and Violent Crime Control Grant Renewal projects

Tony Vidale, Program Manager gave an overview on the Drug, Gang and Violent Crime Control Grant projects. In May, 2009 the Commission approved the funding for priority area 1 projects (drug task forces and tandem prosecution) and priority 3 projects (forensic support and adjudication/probation enhancement) for one year with an option to renew. The priorities come from the state Drug, Gang, and Violent Crime Control Program Strategy that continues for a five year period. The projects were funded by: 1) the Byrne Justice Assistance Grant/American Recovery and Reinvestment Act (ARRA) with an award of \$25,306,956 given to Arizona in Byrne/JAG ARRA funds in 2009; and 2) the state Drug and Gang Enforcement Account (DEA). Mr. Vidale explained that the Commission approved the amounts of \$4,443,921 for Drug Apprehension projects, \$5,231,505 for Drug Prosecution projects, \$595,280 in Drug Forensic projects, and \$2,261,628 in Drug Adjudication projects for FY10.

Mr. Vidale then referred to the Grant Recommendation Summary handout that detailed the FY11 grant renewals for the Drug, Gang, and Violent Crime Control grant projects. The Drug, Gang and Violent Crime Committee recommended to the Commission the renewal of grants in FY11 for the Drug, Gang and Violent Crime Control grant projects as shown on Table 4 page 23 of the agenda since the grantees have continued to meet the grant requirements for the second year. The breakdown of FY11 funding for the grants would be \$10,270,706 of ARRA monies under the drug task force, tandem prosecution, forensic support projects; and \$2,261,628 of DEA revenue for the drug adjudication projects. Also, the grantees would be asked to update their performance measures and if needed, to adjust the program income formulas before the new grant cycle.

Designee Cameron Holmes entered a motion that the Commission award grant renewals in FY11 for drug task forces, their tandem prosecution programs, forensic support projects, and adjudication/probation enhancement projects according to Table 4 on page 23 of the agenda. The motion seconded by Commissioner Charles Ryan passed unanimously.

B. FY11 Drug, Gang and Violent Crime Control Grant Awards for Priority 5 projects (Cycle 24)

Tony Vidale, Program Manager recapped the FY11 Drug, Gang and Violent Crime Control grant awards for priority 5 projects, Cycle 24. Mr. Vidale reported that ACJC opened the limited competitive grant for priority 5 projects for state and local initiatives on March 12, 2010. Approved projects include technical assistance, training, personnel, equipment, supplies, contractual support, and informational systems for criminal justice agencies. The grant solicitation closed on April 9, 2010 with thirty-one applications requesting a total of \$4,327,452. The projects were evaluated based on the criteria printed in the solicitation with significant consideration given to the agency's ability to monitor, evaluate and manage the grant in the past and in the future.

Mr. Vidale reported that the Drug, Gang and Violent Crime Committee recommended to the Commission grant funding of \$1,362,066 for priority 5 projects for FY11 consisting of \$1,261,250 in Byrne/JAG funding and \$100,816 in Drug Enforcement Account (DEA) funds as shown on page 27 of the agenda. Mr. Vidale also noted that the Drug, Gang and Violent Crime Control Program would possibly not be able to sustain the priority 5 projects in FY12 based on estimated funding for the Byrne/JAG award and DEA projected revenue.

Chairperson Hughes made a call to the public. Brandon Huntley spoke on behalf of the Phoenix Police Department and gave a summary of how the grant funds would be used for their agency and thanked the Commission for their consideration.

Commissioner Daniel Sharp entered a motion that the Commission award FY11 Drug, Gang and Violent Crime Control grant funds to priority 5 projects as shown in Table 3 on page 27 of the agenda for the period beginning July 1, 2010 and ending June 30, 2011. The motion seconded by Designee Cameron Holmes passed unanimously.

VII. Gerald Hardt Memorial Criminal Justice Records Improvement Program

Pat Nelson, Program Manager reported to the Commission on the Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) funding. The program is designed to implement projects to improve the state's criminal justice records systems with particular attention to criminal history information. Ms. Nelson stated that from the start the priority of the long term strategic plan was to improve the disposition reporting to the central state repository. The Arizona Disposition Reporting System (ADRS) was approved and supported by the Commission to automate the paper process; \$932,000 was awarded in funding last year to the Department of Public Safety (DPS) to rewrite the computer application for automating this process. Also, the Commission chose to approve set aside funding in 2008 for maintenance and support of the system rather than open a new CJRIP grant solicitation. Ms. Nelson then recapped how the Administrative Office of the Courts (AOC) had been included in the development of the court system upgrade and that funding is required to deploy ADRS to the courts. ACJC staff arranged a workgroup with experts from criminal justice agencies to address business process needs. Currently, the workgroup is addressing issues in the warrant process and disposition reporting for Failure to Appear violations. AOC will conduct a needs assessment for a warrant repository to provide criminal justice stakeholders the required information.

Ms. Nelson explained staff's recommendation to direct the FY11 Byrne/JAG 5% set aside funding for the Gerald Hardt Criminal Justice Records Improvement Program in the amount of \$405,000 to the AOC. Staff is requesting no match to the allocation due to budget constraints. Karl Heckart, AOC provided a presentation on the AOC CJRIP Proposal.

A motion was made by Designee Jesse Locksa, seconded by Commissioner John Armer to approve directing FY11 Byrne/JAG 5% set-aside funding designated for the Gerald Hardt Criminal Justice Records Improvement program in the amount of \$405,000 to the Administrative Office of the Courts for development and support of the ADRS. A vote of the Commission was unanimously in favor of the motion.

VIII. Call to the Public

Chairperson Hughes made a call to the Public. No members of the audience addressed the Commission.

IX. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, July 22, 2010 at 2:00 PM** at Little America Hotel, American Room C, Flagstaff, Arizona.

X. Adjournment

The meeting was adjourned at 2:56 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.