

Arizona Criminal Justice Commission
Minutes
July 19, 2012

A public meeting of the Arizona Criminal Justice Commission was convened on July 19, 2012 at Little America Hotel, 2515 East Butler Avenue, Flagstaff, AZ 86004.

Members Present:

Daniel G. Sharp, Chairperson, Chief, Oro Valley Police Department
Bill Montgomery, Vice Chairperson, Maricopa County Attorney
Joseph Arpaio, Maricopa County Sheriff, Ray Churay representing
David Byers, Director, Administrative Office of the Courts
Clarence Dupnik, Pima County Sheriff, Warren Alter representing
Timothy Dorn, Chief, Gilbert Police Department
Chris Gibbs, Mayor, City of Safford
Robert Halliday, Director, Department of Public Safety
Jesse Hernandez, Chairperson, Board of Executive Clemency
Tom Horne, Attorney General, Andrew Pacheco representing
Kenneth Kimmel, Chief, Sierra Vista Police Department
Barbara LaWall, Pima County Attorney
Ralph Ogden, Yuma County Sheriff
Sheila Polk, Yavapai County Attorney
David Sanders, Pima County Chief Probation Officer by conference call
Linda Scott, Former Judge
Mark Spencer, Law Enforcement Leader
Carl Taylor, Coconino County Supervisor

Members Absent:

Charles Ryan, Director, Department of Corrections

Staff Participating:

John A. Blackburn, Jr., Executive Director
George Diaz, Public Information Officer
Karen Ziegler, Deputy Director
Larry Grubbs, Program Manager
Shana Malone, Senior Research Analyst
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Daniel Sharp at 2:02 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the May 24, 2012 Meeting

Chairperson Sharp called for a motion on the minutes. Commissioner Carl Taylor entered a motion to approve the minutes of the May 24, 2012 meeting. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

III. Executive Director's Report

A. Committee Assignments

Executive Director Blackburn discussed the Governor's new appointments to the Commission. Executive Director Blackburn stated since there may be three new appointments by the next Commission meeting, Chairperson Sharp decided to postpone appointing members to standing committee assignments until the Commission roster is complete.

B. Staff Update

Executive Director Blackburn stated three staff members were shifted to vacated positions and two staff members are leaving at the end of the month leaving three vacancies at ACJC. Staff is recruiting for a Compliance Auditor II, Grant Coordinator and Program Project Specialist I positions. Executive Director Blackburn stated that currently ACJC has twenty-three staff and is authorized for a total of thirty-two personnel. The agency has run effectively with twenty-seven positions; however, with process streamlining and budget cuts, ACJC would be currently operating with a staff of twenty-six employees.

C. Legislative Update

Executive Director Blackburn encouraged the Commission members to reach out to our stakeholders concerning the reauthorization of the Byrne/JAG fund. The bill is moving in the House of Representatives and the appropriation has been reduced to \$800M, which would still be more than usual. The Byrne/JAG fund has been reduced by 50 percent over the last three years with a 10 percent penalty for Sex Offender Registration and Notification Act (SORNA) non-compliance. Executive Director Blackburn noted this election year is a great opportunity to gain access to campaigns to voice your concerns regarding the impact the cuts have had on this program and the value of this program to states.

George Diaz, Public Information Officer presented the 2012 ACJC Legislative Summary. Mr. Diaz stated that staff could prepare talking points if needed to support local requests to Arizona's congressional delegation relative to cuts to the Byrne/JAG appropriations. ACJC is preparing for the next legislation session and will continue to serve as an organizing and coordinating function for stakeholders.

Mr. Diaz noted that the Arizona Youth Survey, a statewide bi-annual survey instrument was administered this year by the Statistical Analysis Center. The 2012 survey includes several new questions including the use of synthetic drugs, club drugs, cyber bullying, social support and the military status of among parents of the youth. Mr. Diaz also mentioned that bath salts and prescription drugs are drawing headlines statewide; this could be a great starting point to initiate legislative funding to combat this growing problem.

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

IV. ACJC Budget

A. Budget Update

Deputy Director Karen Ziegler presented the ACJC budget summary for FY12-F13 and a handout was given that showed the operating budget/pass through accounts for FY12 Actual and FY13 Budget. The FY12 budget closed on July 17, 2012 with expenditures below the approved funded plan. Staff projected revenue declines for FY12; however, the reductions were not as anticipated. For example: 1) Criminal Justice Enhancement Fund (CJEF) was projected at a 2.0 percent decline where the actual was 1.4 percent; 2) Drug Enforcement Account (DEA) was projected at a 5.0 percent decline where the actual was 1.0 percent. Deputy Director Ziegler stated the FY2014-2015 two year budget submittal is due on September 1, 2012; however, due to staff changes, ACJC has requested and been granted an extension until October 1, 2012.

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

B. Critical Issue Budget Request

Deputy Director Karen Ziegler identified three critical issues that will be developed for the two year budget submittal.

The first critical issue relates to the Criminal Justice Records Integration Project. ACJC is requesting a four year \$8M funding allocation from the general fund. The funds would focus on projects directed at establishing a statewide integrated justice system to link information systems used by federal, state, local and tribal criminal justice entities.

The second critical issue request is the Fill the Gap, State Aid to County Indigent Defense. ACJC is requesting appropriation authority to spend the available funds of \$1M. This is based on the FY13 estimated revenue for Indigent Defense projects starting in the FY2014.

The third critical issue is the Crime Victim Compensation and Assistance Fund. There has been a carry forward balance of unexpected revenue from unclaimed victim restitution and lower expenditures for the fund over the past two years. Due to the rule changes to the Victim Compensation Program, it is anticipated that there will be a need for increased funding to cover the expanded benefits in the proposed rules.

Commissioner Bill Montgomery entered a motion to approve the three critical issues for submission in the FY2014/2015 budget. The motion was seconded by Commissioner Timothy Dorn and was unanimously approved by the Commission.

C. CJEF Formula Recommendation

Deputy Director Karen Ziegler stated ARS 41-2045.7 requires the Commission as part of the two year budget submittal request to make a recommendation on the Criminal Justice Enhancement Formula distribution and formula. Staff has recommended no change to the current formula.

Commissioner Barbara LaWall entered a motion to approve the recommendation on the Criminal Justice Enhancement Fund formula pursuant to ARS 41-2405.7. The motion was seconded by Commissioner Robert Halliday and was unanimously approved by the Commission.

V. Crime Victim Services Program Rules Revision

A. Approval of Crime Victim Compensation Program Rules

Larry Grubbs, Program Manager gave a brief overview on the Crime Victim Compensation Program and the Crime Assistance Grant Program specifically for new members of the Commission. Mr. Grubbs explained the following: 1) Crime Victim Compensation Program allocates state and federal compensation funds to provide financial assistance to victims of crime and other claimants who have experienced a financial loss as a direct result of a crime; 2) Crime Victim Assistance Grant Program provides annual state funded grant awards to crime victim service providers throughout the state.

Next, Mr. Grubbs summarized the rule revision process. In January 2012, the Commission approved opening the rulemaking dockets for the Crime Victim Compensation Program and the Crime Victim Assistance Grant Program. The dockets were opened with the Office of the Secretary of State on March 30, 2012, with one year to complete rules promulgation for both programs. Program staff then collected feedback from stakeholders on recommended rules changes. In February, a workgroup of county compensation program coordinators started meeting to review and give suggestions on the compensation program rules. The Arizona Coalition for Victims Services (ACVS) also formed a sub-committee to draft recommendations for rules changes.

Mr. Grubbs reported that regional meetings were held the first week of April in Phoenix, Flagstaff, and Tucson to request feedback from county compensation program board members, victim service community members and members of the public. On June 4, 2012, a recommendation summary of proposed rule changes and draft rule language was sent to Commission members, county compensation program staff, board members, victim service providers and individuals who attended the regional meetings. Program staff also provided an online survey for collecting feedback. Stakeholders provided 28 responses to the survey. The feedback gathered from the survey was incorporated into the final draft language presented to the committee.

Mr. Grubbs discussed the timeline for moving the approved changes through the Governor's Regulatory Review Council (GRRC) approval process. That process includes the following dates: 1) July, 2012 – approval from the Commission on the draft proposed rules for the crime victim compensation and assistance programs; 2) August, 2012 – notice of proposed rulemaking filed with the Secretary of State in the Arizona Administrative Register; 3) September, 2012 – public comment, oral proceeding, submit rules to the GRRC; 4) December, 2012 – rules on agenda for GRRC meeting; and 5) February 2013 – new rules for crime victim compensation and assistance programs take effect.

The Commission was directed to page two of the "Crime Victim Services: Rule Revision 2012 Recommendation Summary and Draft Rule Language" document that provided a high level analysis of the Crime Victim Compensation and Assistance Fund. Under the Crime Victim Compensation Program, the total allocation was increased by \$200,000 to a total of \$4.1M for FY13. Historically, the average gap between the allocation and actual program expenditures has been \$500,000; however, during FY12, the compensation program was more successful in spending the allocated funds. For the Crime Victim Assistance Grant Program, program revenue has come in at or slightly below allocated program funding for the fiscal year, so the program cannot be expanded.

Mr. Grubbs then referred the Commission to Tables VS1 and VS2 that summarized the changes found in the draft language of the rules. Mr. Grubbs also identified changes recommended by the Crime Victims Committee that met earlier that day. Under R10-4-108 C 6 (d), the rule recommendation read "The victim obtaining a sexual assault forensic examination or participating in a sexual assault forensic interview, and" was changed to "The victim obtaining a **medical forensic** examination or **medical forensic** interview, and". Under R-10-4-108 D 5, the rule recommendation read "For funeral expenses, \$7,500." was changed to "For funeral expenses, **\$10,000.**".

Commissioner Bill Montgomery entered a motion to approve the draft language of the Crime Victim Compensation Program Rules as amended by the Crime Victims Committee. The motion was seconded by Designee Andrew Pacheco and was unanimously approved by the Commission.

B. Approval of Crime Victim Assistance Program Rules

Commissioner Robert Halliday entered a motion to approve the draft language of the Crime Victim Assistance Program Rules as proposed by the Crime Victims Committee. The motion was seconded by Designee Andrew Pacheco and was unanimously approved by the Commission.

VI. Prescription Drug Reduction Initiative

Shana Malone, Senior Research Analyst gave a presentation on a pilot program, the Arizona Prescription Drug Reduction Initiative organized by ACJC with the Arizona Substance Abuse Partnership (ASAP) and the Governor's Office for Children, Youth and Families (GOCYF). The Arizona Prescription Drug Reduction Initiative is a multi-systemic approach for targeting Rx drug misuse and abuse.

On the national level, the Center for Disease Control (CDC) reported deaths from prescription pain relievers have reached epidemic proportions. In 2011, there were 476 million class II-IV pills prescribed in Arizona, with pain relievers having the highest percent at 50.14 affecting adults and youth. The CDC reported estimates of prescription pain relievers costing health insurers up to \$72.5 billion annually.

Ms. Malone explained that in 2011, the Office of National Drug Control Policy published the prescription drug abuse prevention plan. In October 2011, Arizona High Intensity Drug Trafficking Area (HIDTA) held a prescription drug summit that focused on law enforcement, medical treatment and prevention.

Ms. Malone stated that ASAP made prescription drug abuse their strategic area of focus in January 2012. As another first step, ACJC and GOCYF hosted a prescription drug expert panel in February 2012. A set of strategies were developed from recommendations made by the expert panel/attendees and a pilot project will be used as a feasibility study.

Next, Ms. Malone reviewed the strategies that include: 1) reduce illicit acquisition of these drugs; 2) educate prescribers and pharmacists about prescription drug best practices; 3) enhance prescription drug practice and policies in law enforcement; 4) increase public awareness about the risks of prescription drug misuse; and 5) building resilience in children and adults.

Ms. Malone summarized the progress of the initiative to date: 1) needs assessment conducted in three counties; 2) Yavapai county law enforcement training in June 2012; 3) Rx 360 curriculums developed; 4) Arizona Department of Health Services hosted a Prescriber Best Practice forum on July 18, 2012; 5) infrastructure for Prescription Drug Monitoring Program feedback system to begin in August 2012 with dissemination to begin in September 2012; 6) letters of commitment submitted to medical associations and boards; and 7) media blasts initiated in Yavapai County via radio and press release.

The next steps include: 1) possible commitment from Pima County; 2) determine feasibility of treatment strategy (#6); 3) rollout five strategies in Yavapai County; 4) consider lessons learned in Yavapai County and roll out Pinal County in October; 5) measure lessons learned in Yavapai County and Pinal counties and possibly rollout Pima County in January 2013; 6) draft a formal feasibility evaluation report; and 7) seek federal funding for statewide implementation.

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

VII. Call to the Public

Chairperson Sharp made a call to the public.

VIII. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, September 20, 2012 at 1:30 p.m.** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

IX. Adjournment

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director