

**Arizona Criminal Justice Commission  
Minutes  
September 19, 2013**

A public meeting of the Arizona Criminal Justice Commission was convened on September 19, 2013 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  
Joseph Arpaio, Maricopa County Sheriff, John MacIntyre 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, by conference call  
Robert Halliday, Director, Department of Public Safety  
Tom Horne, Attorney General, Andrew Pacheco representing  
Brian Livingston, Chairperson, Board of Executive Clemency  
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing  
Sheila Polk, Yavapai County Attorney  
William Pribil, Coconino County Sheriff  
Charles Ryan, Director, Department of Corrections, Jeff Hood representing  
David Sanders, Pima County Chief Probation Officer, Wendy Islas representing by conference call

**Members Absent:**

Steven Sheldon, Former Judge  
Mark Spencer, Law Enforcement Leader

**Staff Participating:**

John A. Blackburn, Jr, Executive Director  
Karen Ziegler, Deputy Director  
George Diaz, Public Information Officer  
Amanda Zibell, Grant Coordinator  
Phil Stevenson, Director, 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. Chairperson Sharp welcomed the newest member of the Commission, Brian Livingston, Chairperson, Board of Executive Clemency and announced that Director Charles Ryan would serve as Chairperson of the Crime Victims Committee.

**II. A. Minutes of the July 18, 2013 Meeting**

Chairperson Sharp called for a motion on the minutes. Commissioner Joseph Brugman entered a motion to approve the minutes of the July 18, 2013 meeting. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

**B. Minutes of the July 29, 2013 Meeting**

Chairperson Sharp called for a motion on the minutes. Commissioner Bill Montgomery entered a motion to approve the minutes of the July 29, 2013 meeting. The motion was seconded by Designee John MacIntyre and was unanimously approved by the Commission.

**III. Executive Director's Report**

**A. Staff Update**

Executive Director Blackburn presented the status of staff recruitments. Two vacant positions have been posted that include the Research Analyst I that will report to the Statistical Analysis Center (SAC) and Compliance Auditor that will report to the finance department. Staff expects the positions to be filled by November 12, 2013. Also, three interns

have been placed in the SAC. Vanessa Jones was introduced to the Commission as one of the interns who was present. ACJC will have 26 full time positions including two part time staff.

Executive Director Blackburn also recognized Debby Finkel, Jennifer Hawkins, Nina Clifford and Larry Grubbs for the work done in the civil rights compliance training for sub-grantees which is required by the Bureau of Justice Assistance. In addition, Dr. Phil Stevenson, SAC Director accepted the National Criminal Justice Association (NCJA) 2013 Western Regional Outstanding Criminal Justice Program award for the Prescription Drug Misuse and Abuse Initiative on behalf of ACJC in August of this year.

### ***B. Budget Update***

Karen Ziegler, Deputy Director reported ACJC submitted the FY14/15 budget to the Governor's Office on September 3, 2013. The purpose of the budget submittal is to update the FY13 actual figures and address any legislative changes that would need to be included for the FY15 budget year.

Ms. Ziegler explained the budget issues that were requested last year were continued in the submitted document with the exception of the Crime Victim Compensation and Assistance Fund request. ACJC received an increased appropriation in the victim compensation and assistance fund for FY14; therefore, that was not included in the current budget request. Ms. Ziegler informed the Commission that budget issues will be presented again in July 2014 for the FY16/17 budget submittal. Ms. Ziegler continued by stating the Criminal Justice Enhancement Fund (CJEF) revenues continue to decline. CJEF revenue projections were developed in partnership with the budget staffs of the Department of Public Safety (DPS) and Governor's office. The projected decline is 2.5% for FY14/15. In addition, the Drug Enforcement Account (DEA) is projected to decline by 2%. The Statistical Analysis Center is reviewing the data for these funds to better understand the reason for the revenue decline.

The FY14/15 budget submittal include requests for \$8M in general fund monies, \$8.1M in state appropriated spending that consists of CJEF, the Arizona Prevention Resource Center Fund for the Arizona Youth Survey, and the Fill the Gap – State Aid to County Attorneys Program; \$6M in non-appropriated funding which includes DEA monies, as well as the full service crime labs; and \$7M in federal funds.

Ms. Ziegler stated ACJC is looking to stabilize the agency operations with state funding sources and to decrease the dependency on federal grants. The budget plan from the Governor's office will be released January 2014, and ACJC will work with the budget staffs of the state legislature and the Governor's office to answer any questions, clarify issues and encourage them to include the agency requests in the Governor's proposal.

### ***C. Legislative Update***

Executive Director Blackburn gave an overview of the federal legislation. As reported at the July Commission meeting, there are conflicting budgets where the House is working under the guidelines of the sequestration cutting more funding from the non-defense programs. The Byrne/JAG program has an increase from \$352M to \$368M in the House bill, with the hope of the bill moving to the Senate. The expectations are the bill will be either rejected or modified. There is anticipation there will be a continuing resolution; however, the budget fight would not affect the upcoming grant cycle because the funding for the federal FY13 grants were received in August and September of this year. In addition, if there were a government shutdown, we anticipate the projects would not be affected for several months. Executive Director Blackburn stated the processing for the federal FY14 budget would occur in August 2014 with the probabilities of penalties and reductions at that time.

At the NCJA conference, caution was specified that besides the 10% Sex Offender Registration and Notification Act (SORNA) penalty for not being compliant; there also will be a 5% penalty for non-compliance to the Prison Rape Elimination Act (PREA). This would affect four grants that include the Byrne/JAG program at ACJC, two juvenile funds and a victims program.

Executive Director Blackburn explained the problem with the penalty is that the rules are new and unclear. The fines/fees are conditional to the Governor signing off and certifying that the state of Arizona is in compliance. There is one auditor qualified and certified to audit the program in Arizona. If not compliant, \$189,000 could be reduced from the Byrne/JAG program which funds the drug task forces.

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

## **IV. NICS Mental Health Legislation**

George Diaz, Public Information Officer informed the Commission on the mental health legislation as it relates to the delay or timeliness of updating information for prohibited indicators; specifically to Category 2: Information and Indictments. The specific question put forward by the Commission was how much time would lapse between an indictment being either adjudicated or not filed if there was a formal no file. Mr. Diaz answered that the time is 24 hours which is consistent across all categories.

Mr. Diaz stated the legislative liaisons will meet on October 4, 2013 to discuss the legislation before a final draft is written.

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

## **V. Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP)**

Amanda Zibell, Grant Coordinator presented the recommendation to direct FY2015 Byrne/JAG 5% set-aside funding designated for the Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) in the amount of \$110,000 to continue supporting the Records Improvement Program legal assistance previously funded under the FY2012 CJRIP award.

Ms. Zibell explained due to the limited funding available, staff recommends continuing a grant that was awarded previously to the Attorney General's Office for a dedicated attorney to provide legal support which has been critical in assisting ACJC and stakeholders in meeting the goals of the Records Improvement and Information Sharing Strategic Plan. The award would be used to cover the salary and fringe benefits of the attorney housed at the Attorney General's Office. Under the previous grant, legal guidance has provided review, analysis and recommendation for legislative drafts to support the improvement of Arizona's records transmitted to the National Instant Criminal Background System (NICS) including the mental health legislation, analysis of Arizona Revised Statutes for criminal justice code table for consistency, federal and state law research for the electronic warrant project and assisting Information Sharing Memorandum of Understandings for law enforcement consortiums.

Ms. Zibell further stated that without this grant award, the duties and legal analysis would fall back on the stakeholders and be funded through the individual agency budgets. The Commissioners were directed to the funding allocation worksheet that broke down the federal FY13 Byrne/JAG 5% set aside. The award of \$110,000 from the available funds of \$188,928 will allow for approximately \$79,000 to be carried forward and be utilized for the FY2016 CJRIP grant. Another option would be to open the grant for competitive solicitation for the entire allocation of \$188,928.

Commissioner David Byers entered a motion to approve directing \$110,000 under state FY15 Byrne/JAG 5% set-aside funding to continue support for the Records Improvement legal services/assistance to the Attorney General's Office. The motion was seconded by Commissioner Timothy Dorn and was unanimously approved by the Commission.

## **VI. Prescription Drug Misuse and Abuse Initiative**

Phil Stevenson, Director, Statistical Analysis Center followed up with the questions asked earlier about the reason for decline in the DEA revenues. The SAC unit compiled data that suggest from 2008-2012 there was an 8.5% reduction in sworn officers, and in 2007 the superior court had a 14% reduction in force and the municipal courts had an 18% reduction in hiring.

Shana Malone, Senior Research Analyst presented on the Prescription Drug Misuse and Abuse Initiative. The four pilot counties involved in the Initiative are Pinal, Graham, Greenlee and Yavapai.

Ms. Malone explained the conceptual framework is comprised of experts in the treatment, prescriber, pharmacist, and law enforcement/prevention arenas to develop strategies to reduce prescription drug misuse and abuse as well as the consequences. Some of the strategies include use of the prescription drug monitoring program by promoting sign up and use of the system housed at the Board of Pharmacy; encourage proper storage and disposal methods such as permanent drop boxes and take-back events; endorse responsible prescribing through a partnership with the Department of Health Services and the Arizona Pharmacy Association; enhance law enforcement practices by educating law enforcement personnel (Rx Drug Crimes Curriculum), increase public awareness and patient education (Rx360 Curriculum), and improve assessment and referral to treatment.

Dr. Stevenson reviewed the process evaluation being conducted in the pilot counties. Currently, there are 34 drop boxes that are operational in the pilot programs and two take-back events were held in each site with a collection of 5,783 pounds of medication. This includes prescription and over the counter medications that are not in the supply chain and at risk in our water supply. Also, there are over 1,100 prescribers now receiving quarterly report cards that allow them to self monitor their prescribing in relation to other prescribers in their field.

Dr. Stevenson then covered the Yavapai County Impact Evaluation results. The first is the Rx360 Awareness and Education Curriculum that resulted in making adults more aware that Rx drug misuse is a problem, information of the risks of Rx drug misuse have increased, facts of proper disposal methods have grown, and adults understand the importance of communicating to children about Rx drug misuse. The second is the Rx Drug Crime Curriculum that consists of law enforcement becoming heightened to Rx drug misuse as a problem in their jurisdictions, law enforcement identifies the importance of their role in Rx drug diversion investigations, and the information of Rx fraud investigation procedures have increased. The third is the Prescription Drug Monitoring Program (PDMP) where the sign up has increased 115% for law enforcement, 53% for prescribers and 149% for pharmacists in the pilot sites. The PDMP use has increased 60% for prescribers in Yavapai County. Dr. Stevenson presented charts that showed the controlled substance prescriptions/percent change; and the controlled substance prescription pills/percent change from May 2012 to June 2013.

Ms. Malone continued with the lessons learned from the Initiative. They include: 1) PDMP needing improvement through online sign-up and physicians asking for the capability of a designee to run the drug queries; 2) reimbursement/patient satisfaction issue; 3) misconceptions about the Arizona Healthcare Cost Containment System

(AHCCS) formula; 4) report cards with the need for more rigorous methods of establishing "outliers", 5) RMS systems presenting challenges for systematic Rx crimes flagging system; 6) difficulty reaching adults with Rx360 curriculum.

Ms. Malone discussed the next steps which addresses the following approach: 1) patient education; 2) PCP and community prescriber guidelines; 3) prescriber training modules; 4) referral to treatment process; 5) addressing the unintended consequences (i.e. pharmacy/prescriber communication, desperation, shift to heroin); 6) curriculum piece for pharmacy and medical student training (i.e. Arizona Pharmacy Association, Midwestern University, University of Arizona); 7) legislation for office designee, good Samaritan law; and 8) new counties and intended statewide implementation plan.

This 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. No members of the public addressed the Commission.

**VIII. Date, Time, and Location of Next Meeting**

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, November 14, 2013** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**IX. Adjournment**

The meeting was adjourned at 3:05 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.