

**NOTICE OF PUBLIC MEETING
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **Thursday, January 21, 2016** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- I. Call to Order and Roll Call** **Chairperson Bill Montgomery**
- II. Minutes of the November 5, 2015 Meeting**
- Approval of Minutes **P-F-T**
- III. Election of a Chairperson and Vice Chairperson**
- John A. Blackburn, Jr.**
- Review, discussion, consideration and possible action on the election of a Chairperson and Vice Chairperson for the Arizona Criminal Justice Commission. **P-F-T**
- IV. Executive Director's Report** **John A. Blackburn, Jr.**
- A.** Staff and Program Updates **Info**
 - B.** Budget Update **Info**
 - C.** Legislative Update **Info**

- V. Legislative Proposal** **Andy LeFevre**
- Review, discussion, consideration and possible action on support of proposed ACJC legislation. **P-F-T**

- VI. Crime Victim Assistance Grant Program** **Larry Grubbs**
- Review, discussion, consideration and possible action on the following:
 - A. FY 2017 Grant Program Funding Level** **P-F-T**
 - B. FY 2017 Grant Program Funding Priorities** **P-F-T**

- VII. 2016-2019 Drug, Gang & Violent Crime Control (DGVCC) Strategy** **Tony Vidale**
- Review, discussion, consideration and possible action on approval of the DGVCC strategy. **P-F-T**

VIII. Call to the Public

Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

IX. Date, Time, and Location of Next Meeting

- The next Commission meeting will be held on **Thursday, March 24, 2016** at **2:00 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

X. Adjournment

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

ARIZONA CRIMINAL JUSTICE COMMISSION**Request for Commission Action**

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the November 5, 2015 Meeting

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on November 5, 2015.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission
Minutes
November 5, 2015**

A public meeting of the Arizona Criminal Justice Commission was convened on November 5, 2015 at Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

Bill Montgomery, Chairperson, Maricopa County Attorney
David Byers, Vice Chairperson, Director, Administrative Office of the Courts, Jerry Landau representing
Joseph Arpaio, Maricopa County Sheriff
Joe Brugman, Chief, Safford Police Department, by conference call
K.C. Clark, Navajo County Sheriff
Sean Duggan, Chief, Chandler Police Department
Chris Gibbs, Mayor, City of Safford, by conference call
Drew John, Graham County Supervisor
Ellen Kirschbaum, Chairperson, Board of Executive Clemency
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Frank Milstead, Director, Department of Public Safety, Ken Hunter representing
Sheila Polk, Yavapai County Attorney
Charles Ryan, Director, Department of Corrections, Jeff Hood representing
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by conference call
Heston Silbert, Law Enforcement Leader, Department of Public Safety
Roberto Villaneseñor, Chief, Tucson Police Department, Ramon Batista representing

Members Absent:

Mark Brnovich, Attorney General

Staff Participating:

John A. Blackburn, Jr., Executive Director
Andy LeFevre, Public Information Officer
Tony Vidale, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Bill Montgomery at 1:30 p.m. Roll was taken and a quorum was declared present.

II. Minutes

Chairperson Montgomery called for a motion on the minutes from the meetings on July 16, 2015 and September 10, 2015. Commissioner Chris Gibbs entered a motion to approve the minutes of meetings held on July 16, 2015 and September 10, 2015. The motion was seconded by Commissioner Drew John and was unanimously approved by the Commission.

III. Election of a Chairperson and a Vice Chairperson

Executive Director Blackburn stated the current terms of the Chairperson and Vice Chairperson will expire January 2016. According to ACJC policy, the process to nominate members for these positions needs to be announced in an open public meeting. Current Vice-Chairperson David Byers has expressed an interest in succeeding to the Chairperson position, and may succeed the Chairperson position unless a Commission member requests a vote to waive the policy. If the policy is not waived, the Commission would vote on the Chairperson position at the January 21, 2016 meeting. No motion would be necessary at this time.

Chairperson Montgomery explained that the Commission has so many new members that every member should have a say in the process and called for a motion on the nominating process that would allow anyone on the Commission to be considered for the nomination of the Chairperson. Designee Kathleen Mayer entered a motion to approve opening the nominating process for the position of Chairperson to all Commission members. The motion was seconded by Commissioner Sheila Polk and was unanimously approved by the Commission.

Chairperson Montgomery called for a motion on the nominating process that would allow anyone on the Commission to be considered for nomination of the Vice Chairperson. Designee Kathleen Mayer entered a motion to approve the nominating process for the position of Vice Chairperson for any member of the Commission. The motion was seconded by Designee Jeff Hood and was unanimously approved by the Commission.

An explanation of the nominating process for the position of Chairperson and Vice Chairperson was given and nominations will remain open until January 4, 2016. Interested Commission members should contact the Executive Director with the nominations. The names of the nominees will be announced at the Commission meeting on January 21, 2016 and the Chairperson and Vice Chairperson positions will be elected by vote.

IV. Executive Director's Report

A. Staff and Program Update

Executive Director Blackburn introduced Audrey Richardson and Samantha Faltermeier as new staff for the Statistical Analysis Center (SAC). ACJC also had three college interns for the fall semester working in the SAC unit and the Drug, Gang and Violent Crime Control Program. There were two offers to fill the two grant coordinator positions, with the hope of hiring by the end of November.

Executive Director Blackburn stressed that the reports in the agenda were done by a minimal staff because of reduced staffing levels. ACJC staff were thanked for their efforts and work to produce the timely reports.

Next, the Commission membership was reported with two open positions. They include the Retired Judge and Sheriff of Pima County. Another position will become vacant when Chief Villaneseñor retires from the Tucson Police Department at the end of December. ACJC hopes to have the vacancies filled and will continue working with the Governor's Office of Boards and Commissions.

B. 2016 Meeting Schedule

Executive Director Blackburn presented the ACJC 2016 public meeting schedule and asked the Commission members to review the schedule and contact staff if there are any significant conflicts with the meeting dates.

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

V. Legislative Proposals

Andy LeFevre, Public Information Officer presented proposed legislation for the 2016 legislative session. The Legislative Committee met earlier to review, discuss and support the draft legislation for recommendation to the Commission.

Mr. LeFevre introduced the first item of legislation that amends ARS 13-3101 adding to the definition of prohibited possessor in Arizona as those individuals under court appointed guardianship, except if the appointment is due solely to a physical incapacity; and authorizes the courts to share information with law enforcement or prosecuting agencies.

Commissioner Heston Silbert brought forth the following issues that were presented at the Legislative Committee: 1) is the intent on the mental health order to see if a person is a prohibited possessor and to arrest them for the charge or seize the weapon; 2) where will the data be stored; and 3) is the information for law enforcement able to show that a prohibited possessor is a convicted felon.

Chairperson Montgomery reported as part of other statutory changes in the last legislative session, there is a database of those who are adjudicated mentally incompetent by virtue of a court process that is being maintained and uploaded to NICS. Legislation was passed that gives law enforcement access to the

database. Currently, there is no database of registered firearms owners that can be cross-referenced with the database of those who may have been adjudicated mentally incompetent.

Designee Jerry Landau commented there are two issues: 1) the first is a policy issue that addresses if it is a crime to possess a firearm when a person is subject to a court order guardianship; and 2) under the previous legislation, if a person is entered into NICS, it was decided law enforcement should have information from an officer safety standpoint.

Commissioner Sheila Polk stated that if this is an officer safety issue, there are ways to accomplish that. Officers could receive notice that someone is under a guardianship, without making that person a criminal.

Designee Landau summarized on page four of the Prohibited Possessor; Mental Health, Information Sharing with Law Enforcement legislation, line 3, gives the authority for the court to transmit the information to DPS. Legislation was passed last year that gives DPS the authority to provide the information to local law enforcement, so they can decide what to do with it. The second part of the discussion is that the proposed definition would make it a crime to possess the weapon if the individual was under a court-ordered guardianship.

After discussion, Designee Jerry Landau motioned to address questions on ARS 13-3101 separately from ARS 14-5304. The motion was seconded by Commissioner Sheila Polk and was unanimously approved by Commission.

The Commission directed staff to meet with stakeholders, who are heading law enforcement agencies, to inquire whether or not anything can be done to address the issue. A separate stakeholder meeting will be scheduled.

Chairperson Montgomery called for a motion to table the item and refer back to the Legislative Committee for additional discussion. Designee Jerry Landau motioned to send the Prohibited Possessor; Mental Health; Information Sharing with Law Enforcement legislation back to the Legislative Committee for further discussion. The motion was seconded by Commissioner Sheila Polk and passed unanimously. Andy LeFevre, Public Information Officer stated he would schedule a meeting with stakeholders to address the issue.

The second piece of legislation Law Enforcement; Courts; Fingerprinting consists of amending ARS 41-1750 to define *the county sheriff as the booking agency*; (except if the person is booked into a municipal jail, it would mean the *municipal law enforcement agency*). It requires the booking agency to take a legible ten-print fingerprint for all persons arrested for certain crimes. It also requires courts to send individuals summoned into court for certain offenses, back to the booking agency to obtain a legible ten-print fingerprint.

Designee Landau shared that the last two years; committees comprised of DPS, AOC, ACJC, county sheriffs, local judges, and other local law enforcement, looked at mechanisms to increase the accuracy of the completion of criminal history records. The stakeholders agreed that the fingerprinting should be centered at the sheriff's office for all felonies, misdemeanors, sex crimes, domestic violence and DUI. This would lead to a higher rate of completeness.

Designee Jerry Landau entered a motion to support of the Law Enforcement; Courts; Fingerprinting legislation. The motion was seconded by Commissioner Drew John and was unanimously approved by the Commission.

The third item of legislation Failure to Appear; Classification amends the definition of *failure to appear in the second degree* and sets appropriate penalties.

Commissioner Drew John stated the Legislative Committee discussed combining the two pieces of legislation to send as one bill. Designee Landau further clarified the benefit of merging this draft legislation with the Law Enforcement; Courts; Fingerprinting legislation, as they both came out of the same series of discussions. There are currently two failure to appear statutes. Joining these two pieces of legislation would make it easier for law enforcement to know what to cite, book and identify the cases in the system. Commissioner Sheila Polk addressed a change to the language on ARS 13-2506, page 1, line 7, GIVEN A WRITTEN PROMISE TO APPEAR IN COURT should be replaced with the word, GAVE.

Chairperson Montgomery called for a motion to approve the change to the language in ARS 13-2506 and support the combination of the two pieces of legislation, ARS 41-1750 and ARS 13-2506. Designee Jerry Landau entered a motion to approve the language change to ARS 13-2506; and support combining the two

pieces of legislation: Law Enforcement; Courts; Fingerprinting and Failure to Appear; Classification. The motion was seconded by Commissioner Heston Silbert. Designee Kathleen Mayer added a friendly amendment to the motion to give Andy LeFevre, Public Information Officer, permission to make decisions at the legislature that is best for the new legislation to advance. Designee Jerry Landau agreed to the amendment to the motion. It was unanimously approved by the Commission.

The fourth piece of legislation Resource Center Fund; Spending Flexibility amends ARS 41-2402, paragraph G to allow greater flexibility in how the Arizona Criminal Justice Commission's Statistical Analysis Center can utilize Arizona Prevention Resource Center funds. Currently, statute only allows for funds to be used to support the Arizona Youth Survey. The language change would allow unused funds to be spent to conduct research identified by the Commission as important to Arizona's criminal justice community.

Commissioner Sheila Polk entered a motion to support the Resource Center Funds; Spending Flexibility legislation. The motion was seconded by Commissioner K.C. Clark and was unanimously approved by the Commission.

The fifth legislative proposal was the Victim Compensation and Assistance Fund; Spending Flexibility that amended ARS 41-2407 to allow greater flexibility in how the Victim Compensation and Assistance Fund can expend funds across both program areas to meet the needs of Arizona's victims of crime and those agencies that provide direct services to victims. The amendment removes the word victim compensation from line 5 and victim assistance from line 6 since both funds are combined; and lines 14-16 removes the language: Not more than fifty percent of the monies distributed statewide for victim assistance shall be allocated to the governmental agencies or public officers specified in section 41 2404, subsection A and to the governmental agencies or public officers specified in section 41 2404, subsection B.

Designee Jerry Landau suggested combining both legislative proposals - ARS 41-2402 and ARS 41-2407 into one bill for lobbying purposes and getting sponsors as the volume of bills becomes an issue at the legislature.

Chairperson Montgomery called for a motion to approve the changes to ARS 41-2407 for presentation to the legislature and give Andy LeFevre, Public Information Officer the flexibility to determine how the legislation should best be presented.

Designee Kathleen Mayer entered a motion to support the Victim Compensation and Assistance Fund; Spending Flexibility legislation with the language change and to give Mr. LeFevre the flexibility for determination of how the legislation should be presented. The motion was seconded by Commissioner Drew John and was unanimously approved by the Commission.

VI. CY2016 Residential Substance Abuse Treatment Program (RSAT) Grant Awards

Tony Vidale, Program Manager, presented the recommendation by the Drug, Gang and Violent Crime Control Committee to award \$366,508 in federal and local cash and/or in-kind match funds for the 2016 Residential Substance Abuse Treatment (RSAT) grant program.

Mr. Vidale explained the purpose of the RSAT program is to assist governments in developing and implementing substance abuse treatment programs in state and local correctional and detention facilities; and to create and maintain community-based post-release services for offenders. The RSAT program is structured into three areas: 1) residential, 2) jail-based and 3) post-release treatment. There are two funding requirements for the RSAT program: ten percent of the federal award must be made available to local correctional or detention facilities, and funds cannot be awarded for post-release treatment services that exceed one year after release.

Mr. Vidale stated ACJC was awarded \$249,027 for the FFY 2015 grant; of which the agency was allocated ten percent for administrative costs totaling \$24,903. A total of \$366,508 is available to fund the CY2016 projects. The funding breakdown contains \$274,881 in federal funds (including \$50,757 in unexpended prior year grant funds) and \$91,627 in required matching funds. The RSAT grant solicitation opened on August 31, 2015 and closed on October 9, 2015. Table DC2 on page 25 of the agenda showed the requested amount of \$610,766 from five agencies with a breakdown of \$458,075 in federal monies and \$152,691 in match funds. The recommendation would be to fund the Coconino County Sheriff's Office, Arizona Department of Corrections, Maricopa County Sheriff's Office, Arizona Department of Juvenile Corrections, and Chicanos Por La Causa.

Chairperson Montgomery commented that although the monies are provided for substance abuse treatment programs in jails and prisons, the use of these funds is still consistent with Arizona's approach as a treatment first state in dealing with substance abuse and criminal offenses.

Commissioner Ellen Kirshbaum entered a motion to approve the award of \$366,508 in federal and local cash and/or in-kind match funds for the 2016 RSAT grant program beginning January 1, 2016 and ending December 31, 2016. The motion was seconded by Commissioner K.C. Clark and was unanimously approved by the Commission.

VII. 2016-2019 Drug, Gang & Violent Crime Control (DGVCC) Strategy

Tony Vidale, Program Manager, reported that the Drug, Gang and Violent Crime Control Committee decided to table the approval of the 2016-2019 Arizona DGVCC Strategy and to allow staff the time to make some clarifying statements in the document related to some of the data. Staff will work with Commissioner Sheila Polk to refine language for some of the data to help the reader better understand and interpret the information.

Mr. Vidale asked Chairperson Montgomery for permission to present the 2016-2019 Arizona Drug, Gang and Violent Crime Control (DGVCC) Strategy to the Commission; which includes the overall content and purposes, with the exception of the clarifying data.

Chairperson Montgomery referred to DGVCC Committee member, Commissioner Sheila Polk, asking if there were issues and concerns with the data being given. Commissioner Polk stated there were not and noted the report has tremendous value. Because of its importance, there were a few areas that needed to be clarified before it is presented to the public and law enforcement.

Mr. Vidale added that delaying the approval of the strategy would not hinder moving forward with the process in 2016. Staff can make the clarifying changes and come back in January 2016 and present it to the Commission for approval.

Mr. Vidale reviewed the process that was used to develop the DGVCC Strategy. The current strategy focuses on projects that enforce and prosecute drug offenders and trafficking violators, as well as, projects that support forensic testing, court programs, treatment/drug education, and prevention programs. The DGVCC strategy takes a balanced approach to a statewide, system-wide program that supports drug control efforts in Arizona. In developing the strategy, a public hearing was held at ACJC on October 14, 2015, with the opportunity to participate by web-conferencing. Additionally, the presentation was recorded, posted on the ACJC website, and comments were accepted from the public.

Mr. Vidale shared the strategy is used as a primary decision-making tool and directs funds to achieve the established goals of the program.

Mr. Vidale reviewed the following content in the strategy: 1) the nature and extent of the problem; 2) current and coordinated efforts; 3) program analysis of strengths, weaknesses, opportunities, and challenges; 4) goals and purpose areas; 5) strategic principles; and 6) program performance monitoring and evaluation.

Chairperson Bill Montgomery referred to the power point presentation slide titled, *Challenge examples*. A challenge listed for the DGVCC Program Analysis was the "erosion of support for apprehension and prosecution of drug cases, as they are costly to manage." Chairperson Montgomery asked staff to identify statistics on the potential costs of not apprehending and prosecuting drug offenders and suggested staff also review High Intensity Drug Trafficking Area's (HIDTA) recently produced report that looks at the impact of medical marijuana.

Chairperson Montgomery called for a motion to table approval as recommended by the Drug, Gang and Violent Crime Control Committee.

Commissioner Sheila Polk entered a motion to table the approval of the 2016-2019 Drug, Gang and Violent Control Strategy. The motion was seconded by Commissioner Sean Duggan and passed unanimously.

VIII. 2015 Enhanced Drug & Gang Enforcement (EDGE) Report

Tony Vidale, Program Manager, presented the 2015 Enhanced Drug & Gang Enforcement (EDGE) Report.

Mr. Vidale explained the report meets the statutory requirement for ACJC to submit a report on law enforcement activities related to illicit drugs and drug-related gang activity.

Mr. Vidale reviewed the highlights of the report with the Commission. In 2015, ACJC awarded a combined total of \$10,518,946. Of this amount, \$3,623,283 was awarded in federal funds, \$4,344,068 in state funds, and \$2,551,595 in local matching funds.

The projects included: 14 drug task forces, under the drug apprehension program; 16 prosecution projects; one statewide forfeiture project; two drug forensic projects; one adjudication project at the Administrative Office of the Courts; one Medicaid Fraud project at the Attorney General's office; and one criminal records improvement project.

Under the purpose areas, the following allocations were funded: 1) \$3,439,148 for apprehension programs; 2) \$3,719,944 for prosecution program activities; 3) \$503,343 for Forensic Drug Analysis Programs; 4) \$1,677,546 for Arizona Supreme Court Anti-Drug Adjudication project; 5) \$211,749 for Criminal Justice Records Improvement Program (CJRIP); and 6) \$100,816 for Arizona Attorney General's Office Medicaid Fraud project.

Mr. Vidale summarized the results of the programs and projects. There were 4,900 arrests by the funded task forces, with marijuana, as the number one drug involving arrests; followed by, methamphetamine and heroin. The most common arrestee was male, Caucasian, and over 18. 439 weapons were seized, of which 237 were handguns. There were 212 drug trafficking organizations dismantled and 186 were disrupted. Drug seizures totaled: 84,000 pounds of marijuana, 752 pounds of cocaine, 2,000 pounds of methamphetamine, and 197 pounds of heroin. On the prosecution side, there were over 30,451 drug prosecutions: 77 percent resulted in convictions, 15.2 percent were dismissed, and 0.1 percent resulted in acquittal.

Mr. Vidale reported the most common type of drug offense was for possession or concealment of drugs; 86 percent of drug offenses were prosecuted as felony charges and 14 percent were misdemeanors. Marijuana was the drug most often involved in prosecutions. The report indicated 15,533 offenders received sentences. The most common sentence was probation, followed by a prison sentence.

On the other projects, the civil forfeiture project, under the Attorney General's office, reported there were close to \$26.5M forfeited in assets that included 283 weapons. The forensic support project performed over 13,000 analyses on various types of drugs. Forensic staff testified 203 times in court and the project trained 497 officers on drug field testing. The adjudication project supported 12 drug courts that served 2,059 participants and 4,495 probationers. Probation officers produced 1,924 pre-sentence investigation reports, and 1,090 indigent defendants were provided services.

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

IX. Call to the Public

Chairperson Montgomery 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, January 21, 2016** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

XI. Adjournment

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.

III

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Election of a Chairperson and Vice Chairperson for the Commission

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission select a Chairperson and Vice Chairperson to fulfill the regular term through January 2018.

DISCUSSION:

The names of the nominees will be announced and recommended to the full Commission. The Commission will then vote to fill the positions.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table



ARIZONA CRIMINAL JUSTICE COMMISSION Policy and Procedure

Subject
**SELECTION OF CHAIRPERSON & VICE
CHAIRPERSON**

Policy Number
CJC-115

Effective Date
01/20/2011

Supersedes: 11/19/09

INTRODUCTION

This policy establishes the procedures for the formal selection of a Chairperson and Vice Chairperson from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission (as outlined in ARS §41-2404). These procedures allow for smooth transition of leadership and insure orderly succession. This policy may be waived, as deemed appropriate by a vote of the Commission as a standing body.

POLICY AND PROCEDURES

1. Definitions: The following terms used in this policy may also be found in CJC 101 of the Arizona Criminal Justice Commission policy manual and, where appropriate, in ARS §41-2404.
 - A. "Chairman" (Chair or Chairperson) is the person selected by the members of the Commission (as outlined in ARS §41-2404) to provide general oversight and consultation to the Executive Director, assure that the Commission meets as required by mission and statute, chair and conduct Commission regular and special meetings, approve meeting agendas and any and all other functions deemed appropriate by the Commission as a body or outlined in ARS §41-2404.
 - B. "Vice Chairman" (Vice Chairperson) is the person who, in the absence of the Chairperson (or when asked by the Chairperson), exercises the authority of the Chair on behalf of the Commission and its members as outlined in ARS §41-2404.
 - C. "Term of Chairperson and Vice Chairperson" is the term of office in which members selected from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission hold these two positions. Terms shall run from the first regular meeting of the Commission in a calendar year for a period not to exceed 24 months. The Vice Chair may normally succeed the outgoing Chairperson, unless this policy is waived by vote of the Commission or other circumstances dictate.
 - D. "Nominations for Chair and/or Vice Chair" shall be announced in open, public meeting(s), seconded and voted upon by the entire Commission. Those members interested in being considered for either of these two positions will notify the Executive Director during the period of time deemed necessary by the Commission or announce their interest during the open, public meeting and shall follow the normal selection process.

Procedure:

2. Normal Selection
 - A. Calls for nominations for Chairperson and Vice Chairperson.

1. During the remaining 90 days of a currently seated Chairperson's term in their position, the Commission shall formally announce the time frame for the formal nomination process during an open, public meeting of the Commission.
2. The Commission may accept nominations at the time of the vote if deemed necessary during an open public meeting. Commission members are reminded that pursuant to the Open meeting Law, they may not communicate in any manner with other commission members regarding the nomination or election process.
3. All names of those members nominated shall be read in the next open, public meeting of the Commission.
4. A vote on the nominees shall be taken at an open, public meeting of the Commission and a new Chair/Vice Chair shall be elected.

Procedure:

3. Special Selection

A. Requests to waive the policy/nominations from the floor.

1. In the event that a seated Chair and/or Vice Chair cannot fulfill the term of these positions or in the event the Commission as a body wishes to waive this policy for a specific election, the following procedures will take place:

a. If both the Chairperson and Vice Chairperson are unable to fulfill their positions, the most senior Commissioner shall assume the role of Chair pro tem. The Chair pro tem shall instruct the Executive Director to post on either a special or regularly scheduled Commission meeting agenda a notice for open floor nominations for the Chairperson and Vice Chair. The Chair pro tem shall preside over all duties, as outlined in ARS §41-2404 until replaced by popular vote of the Commission in an open meeting.

2. The Chair, for reason of excused absence, may ask any seated member of the Commission to act as Chair for a meeting (in the event of conflict or absence of the Vice Chair). During these meetings the Acting Chair has the full authority of the Chair or Vice Chair.

B. If a member of the Commission wishes to petition this body to waive this policy for a specific election, he/she shall notify the Chairperson in writing no later than 36 hours before the time and date of the posted meeting.

1. The Chairperson shall instruct the Executive Director to publish and post an amended agenda with an action item for consideration by the Commission as a body, first to waive the process and then to formally accept nominations with a popular vote.

2. As in all Commission business, Robert's Rules of Order shall provide guidance as to procedure.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the staff and staff activities.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

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TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the state and federal budget.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

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TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on legislative issues.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION**Request for Commission Action**

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Proposal

TO: Chairperson and Commission Members

FROM: Andy LeFevere, Public Information Officer
Legislation and Policy

RECOMMENDATION:

The Commission support the proposed legislation.

DISCUSSION:

The following ACJC proposed legislation was tabled by the Commission at its November 5, 2015 meeting for further review and research by staff on the desire by law enforcement to enact the measure.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

2016 ACJC Proposed Legislation Summary

Prohibited possessor; mental health

Amends ARS 13-3101 to add to the definition of prohibited possessor in Arizona those individuals under court appointed guardianship except if the appointment is due solely to a physical incapacity and authorizes the courts to share information with law enforcement or prosecuting agencies.

Survey of Law Enforcement Agencies on Policy Question

Background:

During the 2014 legislative session the Arizona Criminal Justice Commission (ACJC) helped enact HB 2322, which requires the Administrative Office of the Courts to share case information on certain mental rulings (ARS 13-609, 14-5304, and 36-540) with the Arizona Department of Public Safety; which, in turn, transmits that information to the National Instant Criminal Background Check System (NICS). The legislation created the automatic transmission of the case information into the NICS system and removal from NICS upon the court's termination of the ruling. In addition, the legislation also amended ARS 13-3101 to add to the Arizona definition of a prohibited possessor individuals that have been found incompetent pursuant to Rule 11 and individuals that have been found guilty except insane.

In the 2015 legislative session, ACJC helped enact SB 1373 which authorized the Arizona Department of Public Safety to share the mental health ruling case information outlined in HB 2322 (2014) that it receives from the Administrative Office of the Courts with local law enforcement for the purpose of enforcing a court order, assisting in an investigation, or returning property.

Due to the enactment of these two laws, those that have been found incompetent pursuant to Rule 11 and guilty except insane are prohibited from possessing a weapon.

It is unclear what action law enforcement is allowed to take if they come across an individual with a weapon that the courts have placed under a guardianship (except for physical incapacity) under 14-5304 since that provision was not added to the Arizona definition of a prohibited possessor.

According to ARS 14-5101, "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

The policy question before ACJC is does law enforcement support having mental health guardianships added to the Arizona definition of a prohibited possessor. This would make it a crime for those under guardianship to possess a weapon in Arizona.

If they are not prohibited possessors does law enforcement still want to be notified of the mental health guardianship?

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Crime Victim Assistance FY 2017 Grant Program Funding Level

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the available funding level for the Crime Victim Assistance Grant Program for FY 2017 be set at \$1,444,200.

DISCUSSION:

ACJC victim assistance grant awards for FY 2016 totaled \$1,444,200. Based on revenue projections and contingent on legislative approval, staff proposes maintaining the available funding level at \$1,444,200 for FY 2017. Table VS-1 on the following page shows revenue and expenditures estimates associated with the Crime Victim Compensation and Assistance Fund for FY 2016 and FY 2017.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to agencies seeking ACJC victim assistance grant funding for FY 2017.

ALTERNATIVES:

Not Approve - Modify - Table

TABLE VS-1

CRIME VICTIM COMPENSATION AND ASSISTANCE FUND		
FY17 PROGRAM BUDGET		
FY16 BEGINNING BALANCE		\$ 4,114,248
FY16 PROJECTED REVENUE		
	Crime Victim Compensation Revenue	\$ 2,222,400
	Crime Victim Assistance Revenue	\$ 1,207,200
REVERSIONS RECEIVED (AS OF 12/31/15)		\$ 3,855
TOTAL AVAILABLE FOR FY16 PROGRAM		\$ 7,547,703
FY16 PROJECTED EXPENDITURES		
	Crime Victim Compensation Program	\$ 2,543,600
	Crime Victim Assistance Program	\$ 1,444,200
	ACJC Administrative Expense	\$ 106,828
PROJECTED AVAILABLE FOR FY17 PROGRAM		\$ 3,453,075
FY17 PROJECTED REVENUE		
	Crime Victim Compensation Revenue	\$ 2,171,400
	Crime Victim Assistance Revenue	\$ 1,225,300
ESTIMATED AVAILABLE FOR FY17 PROGRAM		\$ 6,849,775
FY17 PROPOSED PROGRAM SIZE		
	<i>Pending Legislative Approval</i>	
	Crime Victim Compensation Program	\$ 2,669,400
	Crime Victim Assistance Program	\$ 1,444,200
	ACJC Administrative Expense	\$ 106,900
		\$ 4,220,500
PROJECTED AVAILABLE FOR FY18 PROGRAM		\$ 2,629,275

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY 2017 Grant Program Funding Priorities

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the funding for the Crime Victim Assistance Grant Program for FY 2017 be awarded in accordance with the funding tier structure detailed in Table VS-2 of the agenda.

DISCUSSION:

Beginning in July 2015, ACJC Victim Services program staff conducted an assessment of the state funded Crime Victim Assistance Grant Program. A summary of this assessment and the resulting recommendations are included in the document that follows.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to agencies seeking ACJC victim assistance grant funding for FY 2017.

ALTERNATIVES:

Not Approve - Modify - Table

FY 2017 ACJC Crime Victim Assistance Grant Program Assessment

The need for this assessment was prompted in response to significant changes in the victim service funding landscape statewide, and the desire to utilize state victim assistance funds administered by ACJC in the most responsible and effective way possible.

The most significant change to victim service funding statewide has been an increase of the federal VOCA assistance grant, administered in Arizona by DPS. In addition to the changes in VOCA assistance over the course of the last two fiscal years, there has been an increase in specialized victim service grant funding, targeting specific victim populations. These changes are significant in the best possible way; ultimately resulting in a dramatic increase in the types and availability of victim services in Arizona.

By undertaking the effort to review the ACJC Crime Victim Assistance Grant Program against this new funding landscape, program staff hope to identify and meet any unique unmet funding needs of victim service programs in the state. Solidifying the position of the ACJC Crime Victim Assistance Grant Program as a critical source of victim service funding long term.

Results of DPS VOCA Assistance Grant Process

Assessment of the ACJC Victim Assistance grant program, and its role funding victim service programs in the state, must take into consideration the impact the significant increase in VOCA assistance grant funds will have. The following are significant events related to the distribution of those funds:

- The Office for Victims of Crime notifies state victim assistance administrators that funding for VOCA Victim Assistance grants will more than quadruple for FFY 2015. This results in an award to Arizona of approximately \$40 million.
- In September, DPS made available through a competitive application process approximately \$27 million in VOCA assistance funding. The award period will begin October 1, 2015 and end September 30, 2016.
- During the application period, DPS receives 160 applications for victim service projects totaling \$33 million in requests.
- Of the applications submitted, 142 are at least partially funded through awards totaling approximately \$22 million.

VOCA Assistance Moving Forward

A prevailing concern within the state-wide victim services community has been whether or not VOCA assistance grant funding would be maintained at the current level long term. While it is not possible to know for certain, the following events provide some context that could impact decision making:

- For FFY 2016, Congress sweeps \$1.5 billion from the approximately \$12 billion dollar balance currently in the Crime Victims Fund.
- Federal budget appropriations result in an estimated 16% increase in VOCA Assistance grant awards to state administering agencies for FFY 2016. It is estimated that Arizona's award will total approximately \$46 million.
- DPS will renew current FFY 2015 awards at approximately \$22 million as well as conduct a competitive grant solicitation process for the grant period starting October 1, 2016. The competitive process should result in additional awards totaling approximately \$30 million. Total awards made in FFY 2016 will total approximately \$53 million.

Impact of VOCA Process on Current ACJC Victim Assistance Grantees

During a teleconference held in August, ACJC program staff strongly encouraged all current ACJC victim assistance grantees to apply for available VOCA assistance grant funds. Because the current VOCA and ACJC grant periods overlap ACJC, victim assistance grantees were discouraged from applying for project costs currently funded by ACJC through the end of June. The following summarize the results:

- 43 of 51 current ACJC victim assistance grantees received a VOCA assistance award. Of the remaining, 1 was not eligible for VOCA assistance; 1 applied, but was not funded; 6 did not apply for VOCA assistance funds.
- 17 current ACJC victim assistance grantees received multiple (up to 4) VOCA assistance awards.

Role of ACJC Victim Assistance Grant Funds

Following the announcement of VOCA assistance grant awards in November, ACJC program staff conducted a survey of victim service stakeholders primarily consisting of current ACJC Victim Assistance grantees. Survey questions attempted to gauge the impact of ACJC victim assistance grants on currently funded programs and the impact of VOCA assistance awards. More than 70 responses were submitted to the survey. The following summarize the results:

- 82.7% of responses to the question rating the impact the loss of ACJC victim assistance funding would have, indicated a significant (30.8%) or moderate (51.9%) impact to the currently funded program. Other possible responses included "No Impact", "Minimal Impact", and "Critical Impact".
- 93.2% of responses indicated programs would submit an ACJC victim assistance grant application for FY 2017 if the project met eligibility requirements.

- Responses identified Victim Compensation Program administrative costs and funding for the Arizona Victim Assistance Academy as ineligible for VOCA assistance grant funding.

FY 2017 Funding Recommendation

Interest in continued funding through ACJC is very high among current grantees and other victim service providers. However, the availability of VOCA assistance funding and the duplicative program structure that currently exists between ACJC assistance and VOCA assistance must be addressed.

The funding recommendation does not permanently alter the structure of, or the availability of funding for, the ACJC Crime Victim Assistance Grant Program. Any changes made as a result of the FY 2017 funding recommendation can be enhanced or undone, in part or in whole, for the FY 2018 process.

The recommendation maintains the availability of grant awards for currently funded programs, while allowing those programs the opportunity to transition completely to VOCA assistance during the next competitive grant process. Additionally, the recommendation attempts to identify and fund any gaps that exist in current state and federal victim service funding.

TABLE VS-2

Tier 1
Fund VOCA Assistance <i>eligible</i> projects for a grant period beginning July 1, 2016 and ending September 30, 2016. Projects must be current ACJC victim assistance grant recipients for FY 2016, and continue to meet current eligibility requirements and established funding priorities.
Tier 2
Fund projects identified as VOCA Assistance <i>ineligible</i> (i.e. compensation program administration, victim assistance training academy), for a period beginning July 1, 2016 and ending June 30, 2017. Projects must meet current ACJC victim assistance grant program eligibility requirements and established funding priorities.
Tier 3
Fund all other projects that meet current ACJC victim assistance grant program eligibility requirements and established funding priorities, for a period beginning July 1, 2016 and ending June 30, 2017.

ACJC staff will continue to work with ACJC funded projects and coordinate efforts with DPS and work toward maximizing victim services funding in Arizona.

VII

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
January 21, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2016-2019 Drug, Gang & Violent Crime Control (DGVCC) Strategy

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Drug, Gang and Violent Crime Control

RECOMMENDATION:

The Commission approve the 2016-2019 Drug, Gang and Violent Crime Control Strategy.

DISCUSSION:

At the November 2015 Commission meeting, staff presented a draft of the 2016-2019 Drug, Gang, and Violent Crime Control Strategy. The Commission directed staff to make some clarifying changes to the strategy and bring it back before the Commission for approval at the January meeting.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

2016-2019 Arizona Drug, Gang and Violent Crime Control Strategy

At the November 2015 Commission meeting, staff presented a draft of the 2016-2019 Drug, Gang, and Violent Crime Control Strategy. The Commission directed staff to make some clarifying changes and additions to the strategy and bring it back before the Commission for approval at the January meeting. The strategy includes the following changes:

- Added a list of figures and tables.
- Added in the Nature and Extent of the Problem section information pertaining to Drug Trafficking Organizations (DTO).
- Clarified that ADC data on drug offenders related to admission numbers.
- Clarified that substance abuse cost data from DHS included ED visits and hospitalizations.
- Added a section on the Cost of Illicit Drug Use on Society.
- Clarified that data in the Current and Coordinated Efforts section relates to DGVCC grant projects only.
- Added in the Current and Coordinated Efforts section DTO data reported to the DGVCC program.
- Clarified Drug Convictions data reported in the Current and Coordinated Efforts section can differ significantly from drug arrest data due to various case outcomes dependent on prosecution office policy.
- Added project activity information related to the Attorney General's Civil Forfeiture project.
- Added in the Current and Coordinated Efforts section a list of project types funded for the Substance Abuse Prevention and Education Grant.
- Added in the SWOC section the Challenges of adverse impact of medical marijuana and the cost of drug policy changes on the CJ system, public health, education system, and economic system.

Staff recommends to the Commission the approval of the 2016-2019 Arizona Drug, Gang and Violent Crime Control Strategy.