

**Arizona Criminal Justice Commission
Minutes
March 24, 2016**

A public meeting of the Arizona Criminal Justice Commission was convened on March 24, 2016, at Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Sheila Polk, Vice Chairperson, Yavapai County Attorney
David Byers, Director, Administrative Office of the Courts
Joseph Arpaio, Maricopa County Sheriff, Pat Lopez representing
Mark Brnovich, Attorney General, Paul Ahler representing
Joe Brugman, Chief, Safford Police Department, by conference call
K.C. Clark, Navajo County Sheriff
Dave Cole, Retired Judge
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
Bill Montgomery, Maricopa County Attorney
Charles Ryan, Director, Department of Corrections
Daniel Sharp, Chief, Oro Valley Police Department
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by conference call

Members Absent:

Sean Duggan, Chairperson, Chief, Chandler Police Department
Heston Silbert, Law Enforcement Leader

Staff Participating:

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

I. Call to Order and Roll Call

The meeting was called to order by Vice Chairperson Sheila Polk at 1:30 p.m. Roll was taken and a quorum was declared present. Vice Chairperson Polk welcomed Chief Daniel Sharp, Oro Valley Police Department and Dave Cole, retired judge as newly appointed commissioners.

II. Minutes of the January 21, 2016 Meeting

Vice Chairperson Polk called for a motion on the minutes. Commissioner Drew John entered a motion to approve the minutes of the meeting held on January 21, 2016. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn reported on the issue of staff retention. ACJC is one of the top agencies in the state to work for and consistently ranks highest in employee satisfaction surveys; however, it is a struggle to keep pace with the salaries among other employers. ACJC management has given numerous raises over the past years; yet falls significantly short in competitive wage ranges. Staff will explore available options to retain employees. The Accountant III position is vacant, and a staff auditor will be leaving in April. A temporary service is providing an accountant, and the auditor position would be filled later. There will also be a vacant grant coordinator position in the Systems Improvement Program, and staff will begin the hiring process.

Executive Director Blackburn welcomed two new staff members to the Commission. For the Crime Victims Program, Dorinda Johns was hired as Grant Coordinator and Jaime Watson as the Program Project Specialist replacing Teri Barnes, who will be retiring in June.

Information about the Law Enforcement Pow Wow will be sent out in mid-April. Lastly, the performance audit for ACJC should be in a draft form by May 10. ACJC staff has been in contact with the Auditor General's office receiving a few suggestions on improving our processes and meeting statutory requirements. Staff will present the information to the Commissioners in May.

B. Budget Update

Deputy Director Karen Ziegler informed the Commission about the two budget requests included in the Governor's FY 2017 budget proposal; the Arizona Prevention Resource Center funds, and the Victim Compensation and Assistance funding increase. Andy LeFevre, Public Information Officer, will continue to monitor progress as the budget approval process moves through the legislature.

Deputy Director Ziegler updated the current FY16 revenues for the Drug Enforcement Account (DEA) and the Criminal Justice Enhancement Fund (CJEF). The DEA fund which supports the drug program is up two points over last year; however, it is below pre-recession levels. CJEF is down five percent from last year.

Deputy Director Ziegler provided clarification on what occurred with the January CJEF deposits which were below the previous month by sixty-five percent. Staff contacted the state treasurer's office and discovered all the monthly deposits coming in from the courts were not able to be processed before month-end close. The state treasurer's office assured staff that the deposits would be credited in February. The steep decline in January was because of an accounting delay not a change in the CJEF formula.

C. Legislative Update

Andy LeFevre, Public Information Officer, reported there were 1,219 bills introduced in the state legislature; 396 still have the potential of becoming law. 73 bills are waiting for Governor Ducey's signature. Staff will continue to monitor approximately 190 bills that had an impact on Title 13.

Mr. LeFevre stated that ACJC has three priority bills. First, SB 1210, allows flexibility in how ACJC's Statistical Analysis Center (SAC) can utilize the Arizona Prevention Resource Center funds. It was unanimously approved by the House. HB 2154 is the fingerprinting bill; designating the county sheriff as the booking agency and clarifies the failure to appear statute, has passed the committee. SB 1211 cleared the committee and is waiting to be put on the floor agenda. This is the Victim Compensation and Assistance Fund allocation bill that will remove the 50 percent allocation cap set in statute for ACJC eligible members. Staff will continue to monitor the bills that have an impact on our agency.

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

IV. Hiring Process of the Executive Director Position

Executive Director Blackburn informed the Commission of his retirement date of July 1, 2016. The current Commission Chairperson, Vice Chairperson, the Chairpersons of the standing committees, plus the two previous Commission Chairpersons all have agreed to serve on the hiring committee for the new Executive Director. Commissioner Daniel Sharp agreed to serve as the Chairperson of the committee. The Commission was directed to the proposed hiring timeline in the agenda. Commissioner Daniel Sharp stated the hiring timeline, benefits, and salary should be discussed in Executive Session. Vice Chairperson Polk suggested proceeding with the remaining agenda items first, then move into Executive Session.

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

V. Legislative Proposal

Andy LeFevre, Public Information Officer, presented information on HB 2088, which is currently waiting for Senate floor action. It would place restrictions on survey topics, data collection, and questions asked of students; plus, require active parental consent for each student's participation. The provision would have a considerable negative impact on ACJC's ability to implement the Arizona Youth Survey (AYS). Currently AYS has a passive consent. If parents do not want their student to participate they must opt out.

Mr. LeFevre stated he is working with several members of the Senate, hoping to offer an amendment to exempt the AYS from the required informed parental consent notification. Mr. LeFevre asked the Commission for direction so he can either support or oppose this issue at the legislature.

Designee Jerry Landau entered a motion to oppose HB 2088; however, to change ACJC's position to neutral should an amendment exempting the AYS be attached to the bill. The motion was seconded by Commissioner Bill Montgomery.

There was a discussion if the motion, as worded, would allow Mr. LeFevre to actively support the amendment.

Designee Jerry Landau amended the motion that the Commission will actively support and urge an amendment to HB 2088 to remove the AYS restriction from the bill. The motion was seconded by Commissioner Bill Montgomery and was unanimously approved by the Commission.

VI. FY 2017 Drug, Gang, and Violent Crime Control Grant Funding Reduction

Tony Vidale, Program Manager, presented information to the Commission about the current funding status for the Drug, Gang, and Violent Crime Control Grant Program and identified options to address the reduction in funding for FY 2017.

Mr. Vidale began by addressing the significant reduction of the Drug, Gang, and Violent Crime Control Grant Program. The program will experience a \$1.2M reduction in FY 2017 from the FY 2016 grant year, making the total program funding size \$9.13M, which is an 11.3 percent decline. This is the lowest program size since FY 1995, and the seventh consecutive year of reduced funding since 2010. The contributions to the Drug, Gang, and Violent Crime Control Grant Program for FY 2017 consist of \$3.12M in Byrne/JAG funds; \$3.75M in state DEA funds; and \$2.26M in local matching funds. The current allocation methodology allocates available funding across the approved projects by prioritizing salary, ERE, and overtime expenditures; providing some funding to all purposes areas; and funding at least one (1) project in every county.

Mr. Vidale pointed out that for FY 2017, the larger projects will experience the greatest dollar reductions, because, staff must maintain a statutory allocation cap for the Drug Enforcement Account (DEA). This requires no more than 50 percent allocation to programs in law enforcement, 50 percent to prosecution and 30 percent to court programs.

Mr. Vidale presented several options for allocating the funding reduction. One option would be to cap salary and/or ERE; this would spread funding more evenly among full-time (FTE) positions; another option would be to fund only specific line items such as salary, ERE, and overtime; or, fund specific purpose areas like apprehension and prosecution activities. Also, an option could be to eliminate projects. This option would require establishing criteria for not recommending certain projects. The final option would be to allocate less funding to counties receiving HIDTA funding; however, the impact on projects is unknown because HIDTA-funded projects and line items may be different from ACJC-funded projects and line items.

Mr. Vidale stated the Drug, Gang, and Violent Crime Control Committee approved the funding options to allocate funding for the FY 2017 Drug, Gang, and Violent Crime Control Grant Program by the current allocation method for approved projects; prioritize core position types, provides funding to all purpose areas and provides funding projects in all counties; plus, caps salary and/or ERE, and specifically funds only the personnel services, ERE, and overtime.

There was a discussion on the option of allocating less funding to counties receiving HIDTA funding; specifically, the funded line items that may be different, requiring coordination of both agencies. Mr. Vidale stated that positions were not double-funded by both HIDTA and ACJC. Also, since funding is for different positions, HIDTA would not be able to backfill any reductions from the ACJC grant.

Vice Chairperson Polk had concerns that smaller agencies may have a difficult time bridging the difference between the cap with salary and ERE expenses. The cap would have an impact on agency resources. Staff was asked to consider looking at the calculated averages by position type, because there is a difference in job costs, for example; salary and ERE differ between a lieutenant and detective on the drug task force.

After review and discussion, Commissioner Daniel Sharp entered a motion to have staff analyze the performance of grantees and include it when formulating an allocation recommendation for the FY 2017 Drug, Gang, and Violent Control Program Grant Program at the Commission meeting in May. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

VII. Crime Victim Compensation Program

A. FY16 Funding Reallocation

Larry Grubbs, Program Manager, presented the FY16 Crime Victim Compensation Funding Reallocation of \$80,200 to Coconino, Mohave and Pinal counties identified in Table VS-1 on page 19 of the agenda. The purpose of the reallocation is to make state compensation dollars available to counties with a higher demand for funds, and who can expend the additional compensation funds by the end of the fiscal year. Staff continuously monitors and reviews county compensation program expenditures, as well as available restitution and subrogation balances for the county programs.

Designee Kathleen Mayer entered a motion to approve the reallocation compensation funds for the current FY16 to the three counties identified using the fund sources outlined in Table VS-1 on page 19 of the agenda. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

B. FY17 State and Federal Funding Amount

Larry Grubbs, Program Manager, presented the recommendation from the Crime Victims Committee that the total state and federal funding for the FY17 Crime Victim Compensation Program be set at \$3,952,750. The total includes \$2,669,400 in state compensation funds and \$1,283,350 in federal VOCA compensation funds.

Mr. Grubbs emphasized the recommended amount includes a \$125,800 appropriation increase subject to legislative approval. The recommended program size is the maximum amount allowable, under the legislative appropriation, between the victim assistance and victim compensation programs.

Commissioner Bill Montgomery entered a motion to approve the total state and federal funding for the FY17 Crime Victim Compensation Program be set at \$3,952,750 and expended in accordance with the budget shown in Table VS-2 on page 21 of the agenda. The motion was seconded by Commissioner Daniel Sharp and was unanimously approved by the Commission.

C. FY17 Designation of Operational Units

Larry Grubbs, Program Manager, presented the recommendation from the Crime Victims Committee that each of the 15 County Attorney's Offices be designated as operational units for the FY17 Crime Victim Compensation Program.

Mr. Grubbs explained in compliance with compensation program rule R10-4-104(A), all 15 County Attorney's Offices are requesting designation as operational units for FY17.

Commissioner Daniel Sharp entered a motion to approve the designation of the 15 County Attorney's Offices as the operational units for the FY17 Crime Victim Compensation Program. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

VIII. Crime Victim Assistance Grant Program

Larry Grubbs, Program Manager, provided an update on the application process for the FY17 Crime Victim Assistance Grant Program and the significant changes to the funding priorities for FY17.

Mr. Grubbs reviewed the established three-tier funding structure for the FY17 grant cycle. Tier 1 provides an opportunity to currently funded ACJC victim assistance grantees to extend their grant award for one quarter into FY17. The intent is to allow the programs to transition from the ACJC grant to the VOCA assistance grant. Staff received approval from the Department of Administration to waive the competitive grant process for projects that are eligible under Tier I. Currently funded projects can submit a grant adjustment request to ACJC for their FY16 award. This will provide an additional quarter's worth of funding and extend the end of the grant period to the end of September 2016. FY17 VOCA assistance grants will begin October 1, 2016.

Tier 2 would fund projects that are recognized as ineligible projects under the DPS VOCA victim assistance grant program. The approval at the January meeting indicated that the Commission would like to attempt to identify any gaps in funding that exist within the VOCA assistance grant.

Tier 3 is for all other projects that would be eligible for the ACJC victim assistance grant; including currently funded programs and/or new projects that are also eligible for VOCA assistance.

Mr. Grubbs explained under the Tier 1 grant adjustment process; staff has received 13 requests for extensions totaling \$86,700 with a deadline set for April 8. For Tier 2 and Tier 3 applications, the deadline was March 11 with 38 applications submitted. There were 18 applications with requests totaling over \$900,000 for Tier 2 projects, and 20 applications were submitted with requests at \$670,000 for Tier 3 projects.

Mr. Grubbs stated the total approved program size for the FY17 Crime Victim Assistance Program was \$1,444,200, and ACJC received \$1.6M in requests for all three tier programs. The applications are now under review, and will be completed by April 14.

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

IX. Call to the Public

Vice Chairperson Polk made a call to the public. No members of the audience addressed the Commission.

Vice Chairperson Polk directed the Commission back to Agenda Item IV. At 2:46 p.m., Commissioner Daniel Sharp entered a motion to move into Executive Session to receive legal advice regarding the hiring process for the Executive Director position. The motion was seconded by Designee Jerry Landau and was unanimously approved by the Commission. The open public meeting of the Commission reconvened at 2:52 p.m.

X. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, May 19, 2016**, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

XI. Adjournment

The meeting was adjourned at 2:54 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

