

**Arizona Criminal Justice Commission
Minutes
March 29, 2018**

A public meeting of the Arizona Criminal Justice Commission convened on March 29, 2018, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present

Sheila Polk, Chairperson, Yavapai County Attorney
Joe Brugman, Vice Chairperson, Chief, Safford Police Department, by phone
Mark Brnovich, Attorney General, Paul Ahler representing
David Byers, Director, Administrative Office of the Courts
K.C. Clark, Navajo County Sheriff
Dave Cole, Retired Judge, by phone
Sean Duggan, Chief, Chandler Police Department, Dale Walters representing
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Frank Milstead, Director, Department of Public Safety, Timothy Chung representing
Bill Montgomery, Maricopa County Attorney
Mark Napier, Pima County Sheriff
Charles Ryan, Director, Department of Corrections
Daniel Sharp, Chief, Oro Valley Police Department, Kara Riley representing
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by phone
Steve Williams, Navajo County Supervisor
C.T. Wright, Chairperson, Board of Executive Clemency

Staff Present

Andrew T. LeFevre Executive Director
Tony Vidale, Deputy Director
Matt Bileski, Application Developer
Heather Bohnet, Grant Coordinator
Wendy Boyle, Program Project Specialist
Larry Grubbs, Program Manager
Patty Hatvick, Finance Manager
Marc Peoples, Program Manager
Jaime Watson, Public Information Officer

Members Absent

Paul Penzone, Maricopa County Sheriff

Guests Participating:

Anni Foster, Governor's Office

I. Call to Order, Roll Call and Pledge of Allegiance

The meeting was called to order by Chairperson Sheila Polk at 1:30 p.m. There was a roll call, and a quorum was declared present. Chairperson Polk led the Pledge of Allegiance.

II. Updates:

• **Governor Ducey's School Safety Initiatives**

Anni Foster from the Governor's Office informed the Commission on the Safe Arizona School Initiatives. The Governor had stakeholder meetings to discuss solutions to enhance the safety of Arizona Schools and Communities with students, parents, teachers, school administrators, the Arizona Attorney General, Behavioral and Mental Health Professionals, Law Enforcement Officers, County Prosecutors, Legislators, and AZ Superintendent of Public Instruction. They came up with priorities, and Ms. Foster focused on two of the points. The first is the issue with background checks. The group had discussed relying on the information in the background system and making sure that the criminal history reported through Arizona's system is as accurate and up to date. The plan is to add funds to ACJC for granting the completion of the electronic system that would allow input to DPS. The second point is Severe Threat Order of Protection (STOP). A new concept and way of thinking would allow petitioning the court for a STOP order that prohibits an individual who is in danger to themselves or others from purchasing a weapon.

• **Criminal History Completeness**

Marc Peoples, Program Manager gave a brief outline of the challenges of a criminal history record case disposition being complete by Law Enforcement, the Prosecutor, Courts, and Corrections with the information going to the ACCH. ACJC staff Matt Bileski updated the Commission on the Completeness of Criminal History Records in Arizona. The highlights included Table 3 for the Percentage of Arrest with Associated Case Disposition Information for at least One Arrest Change in the ACCH by county – 2006-2015. Also presented was Table 2, Arrest Offense Categories with the Highest Number of Charges Pending Disposition Information in the ACCH, with A.R.S. § 13-2506 2nd Degree Failure to Appear at 107,077 or 33.4 percent on the top of the list. Lastly, on the Data Brief, there was a review of Table 1 Arrests with Associates Case Disposition Information Entered for at Least One Arrest Charge in the ACCH over the ten-year span from 2006-2015.

III. Approval of the Minutes of January 17, 2018, Meeting

Chairperson Polk called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes, seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

IV. Executive Director's Report

A. Staff and Program Updates

Executive Director Andrew LeFevre reported there are three vacancies in the SAC department, Finance, and the Crime Victims program. ACJC recently hired Cara Stevens as the new Senior Research Analyst in SAC and ACJC extended an offer to a new candidate who will start in April as a Research Analyst 2. Also, a recent promotion included Grace Kim in the other Research Analyst 2 position and Jaime Watson, Public Information Officer, is leaving ACJC in May to attend law school. ACJC released the Criminal History Review report in February, and 240 schools signed up for the Arizona Youth Survey (AYS) implementation. Staff will participate in an AYS action event at ASU that involves the presentation of AYS data research. Executive Director LeFevre previewed the Law Enforcement Summit (formerly known as the Pow Wow) agenda with the Commissioners and discussed the new format changes. ACJC continues to work on the Governor's recidivism project, and SAC is working with the Department of Corrections and ASU researchers to conduct an initial evaluation of the second change mentors program. Lastly, the Governor's office has asked ACJC to build a landing page on our website regarding the recidivism project.

B. Finance Update

Finance Manager Patty Hatvick talked about tracking the differences in revenue and compared by FY17 to FY18. The projections for CJEF is showing a 4.5 percent decrease; crime victim services remain the same, APRC difference is three percent decrease, and DEA is a seven percent decrease. The Pre-Trial Intervention and State Aid to County Attorney funds will be disbursed the first week in April and ACJC will have an audit of the DEA funds.

V. Committee Reports

A. Executive

1. Update on the activities of the Executive Committee

Executive Director LeFevre stated there were no items to report.

2. Discussion on Commission Approval of ACJC Reports

Executive Director LeFevre compiled a listing of reports and their due dates for the Commission as an approval process of the reports. After review, the Commission discussed having staff rework the timelines and revise the schedule of when the reports are due for approval at the Commission meeting in May.

B. Drug, Gang & Violent Crime Control

1. Update on the activities of the Drug, Gang & Violent Crime Control Committee

Commissioner Brugman stated the Committee met on February 6, 2018. The Committee discussed the status of funding sources for the Drug, Gang, and Violent Crime Control grant and options to consider concerning the decline of the funds. Staff addressed possible funding allocation approaches for the FY19 Drug, Gang and Violent Crime Control grant program that estimates the program to be at \$8.6M. Staff also established goals for the DGVCC strategy for 2020-2023. He then deferred to Tony Vidale, Deputy Director.

Mr. Vidale reported on the impact of delaying the release of the federal FY17 grant funds due to the lawsuit with the City of Chicago and DOJ. Staff is coordinating details on dealing with the state FY19 grant if there are no federal funds. Mr. Vidale pointed out whatever the lineup of agencies are and corresponding grant award, the fiscal year would be divided by 12 months, and monthly allocations would be established, with estimates to last until February 2019. There would be no funds to reimburse costs for the grant after February 1, 2019. Staff would still receive financial reports for the remainder of the fiscal year in hopes of the federal funding coming in and reimbursing the difference between what is requested and the payout under the grant award. If the fiscal year ends, and there are no grant awards, staff needs to work through possible problems on the state accounting side and the federal grant management side. Staff would likely extend out the grants for a period and continue doing so until the federal funds come in. Staff would then send out all remaining reimbursements under the grant. Also, there could be issues with the federal FY18 funds, if the lawsuit is not resolved.

C. Crime Victims

1. Update on the activities of the Crime Victims Committee

Commissioner Charles Ryan reported the Committee met on March 6, 2018 and referred to Program Manager Larry Grubbs for the presentation of the agenda items.

Crime Victim Compensation Grant Program

• FY18 Program Benefit Funding Re-Allocation

Commissioner Charles Ryan entered a motion to approve that compensation funds for the current FY18 be reallocated to the operational units by Table VS-1 on page 13 of the agenda using the fund sources identified. The motion seconded by Designee Kathleen Mayer was unanimously approved by the Commission.

• FY19 State and Federal Funding Amounts

Commissioner Charles Ryan entered a motion to approve the total state and federal funding for the FY19 Crime Victim Compensation Program set at \$4,565,390; including \$3,500,000 in state compensation funds and \$1,065,390 in federal VOCA compensation funds. The motion seconded by Designee Jerry Landau was unanimously approved by the Commission.

• FY19 Designation of Operational Units

Commissioner Charles Ryan entered a motion to approve the designation of the 15 County Attorney's Offices as the operational units for the FY19 Crime Victim Compensation Program. The motion seconded by Designee Kathleen Mayer was unanimously approved by the Commission.

• FY19 Program Funding Allocation

Commissioner Charles Ryan entered a motion to approve the allocation of \$4,565,390 in state and federal crime victim compensation funds, as proposed in Table VS-3 on page 18 of the agenda, to operation units (OU) for the FY19 Crime Victim Compensation Program. The motion seconded by Designee Kathleen Mayer was unanimously approved by the Commission.

D. Information Technology Systems Improvement

1. Update on the activities of the Information Technology Systems Improvement Committee

Commissioner David Byers referred to Heather Bohnet, Grant Coordinator to present the Full-Service Forensic Grant Program and Marc Peoples for updates on Conditions of Release.

2. Full-Service Forensic Crime Laboratory Grant Program

Commissioner David Byers entered a motion to approve the Full-Service Forensic Crime Laboratory grant allocations for FY19 in the amount of \$500,000 for FY19 grant program cycle of July 1, 2018, through June 30, 2019. The motion seconded by Commissioner Bill Montgomery was unanimously approved by the Commission.

Mr. Peoples updated Conditions of Release and stated ACJC met with the presiding judges to talk about the proposal of building a system to address sharing conditions of release with law enforcement. The judges agreed to proceed and conduct an analysis of the AOC form and what types of conditions of release to share with law enforcement. As of now, there is no central database to share conditions of release.

E. Legislative

1. Update on the activities of the Legislative Committee

Designee Carl Sheets reported the Committee met on January 12, January 26, February 9 and March 2 to discuss the support, opposition or monitoring of legislation.

2. Review of Active Legislation

Public Information Officer Jaime Watson reviewed the priority legislation. HB 2247 modifies ACJC's statutory reporting requirements in regards to sexual assaults; it passed out of the House and Senate; the Governor signed the bill on March 27. HB 2249 – Protective Order Improvement bill passed unanimously out of the Senate and House. A technical change adopted in the Senate fixed a drafting error sending the bill back to the House.

VI. Commission Member Discussion of New Issues

Chairperson Polk addressed some ideas from Commission Montgomery for the Commission to consider. The first is a formation of a committee to review criminal statutes for repeal and the second to review the use of the Arnold Pre-Trial Risk Assessment Tool and Pre-Trial release decisions, failure to appear, crimes committed upon release.

Designee Kathleen Mayer addressed that Senator Nancy Barto would like ACJC to embark on a comprehensive research project looking at where in the system we can make changes and better address mental health needs for the person before, during and after; making sure we are monitoring and providing public safety in the process. She suggested meeting with Senator Barto to discuss what information she would like to come out.

VII. Call to the Public

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

VIII. Date, Time and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting takes place on **Thursday, May 17, 2018**, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

IX. Adjournment

The meeting adjourned at 3:02 p.m.

Respectfully submitted,



Andrew T. LeFevre
Executive Director