

**NOTICE OF PUBLIC MEETING
OF THE
DRUG, GANG AND VIOLENT CRIME CONTROL COMMITTEE
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 **Drug, Gang and Violent Crime Control Committee** of the Arizona Criminal Justice Commission and to the general public that the **Drug, Gang and Violent Crime Control Committee** will hold a meeting open to the public on **Tuesday, June 19, 2018** beginning at **1:00 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007**. Members of the Committee may attend either in person or by telephone, video or internet conferencing.

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.

Agenda for the meeting is as follows:

I. Call to Order and Roll Call **Chairperson Joe Brugman**

Drug, Gang and Violent Crime Control Committee Members:

Joe Brugman, Chairperson
Mark Brnovich
Bill Montgomery
Paul Penzone
Sheila Polk
Charles Ryan

II. Minutes of the April 25, 2018 Meeting

- Approval of Minutes **P-F-T**

III. Drug and Gang Enforcement Account Grant Rules 5-Year Review (10-minute presentation)

Tony Vidale

- Review, discussion, consideration and possible action on opening a

rulemaking docket for the Drug and Gang Enforcement Account Grants administrative rules and approval of proposed rule changes. **P-F-T**

IV. Call to the Public

Those wishing to address the Committee 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.

V. Date, Time, and Location of Next Meeting

- The next Drug, Gang and Violent Crime Control Committee meeting will be held at the call of the Chairperson.

VI. Adjournment

A copy of the agenda background material provided to Committee 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.



**DRUG, GANG AND VIOLENT CRIME CONTROL COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
June 19, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the April 25, 2018 Meeting

TO: Chairperson and Committee Members

FROM: Tony Vidale, Deputy Director
Drug, Gang and Violent Crime Control

RECOMMENDATION:

The Committee approves the minutes of the Drug, Gang and Violent Crime Control Committee Meeting held on April 25, 2018.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Drug, Gang, and Violent Crime Control Committee Minutes
April 25, 2018

A public meeting of the Drug, Gang, and Violent Crime Control Committee of the Arizona Criminal Justice Commission was convened on April 25, 2018 at the Arizona Criminal Justice Commission: 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Joe Brugman, Chairperson, Chief, Safford Police Department, via phone
Mark Brnovich, Attorney General, Paula Alleman representing
Bill Montgomery, Maricopa County Attorney, Mike Kingle representing
Sheila Polk, Yavapai County Attorney, via phone
Charles Ryan, Director, Department of Corrections, Greg Lauchner representing
Paul Penzone, Maricopa County Sheriff, Fred Aldorasi representing

Members Absent:

None

Staff Participating:

Tony Vidale, Deputy Director
Anna Haney, Program Coordinator

I. Call to Order and Roll Call

The meeting was called to order by Chief Brugman at 1:00 p.m. Roll was taken and a quorum was declared present.

II. Meetings of the February 6, 2018 Meeting

Chief Brugman called for a motion on the minutes. Sheila Polk entered a motion to approve the minutes of the meeting held on February 6, 2018. The motion was seconded by Paula Alleman and was unanimously approved by the Committee.

III. Drug, Gang, and Violent Crime Control Program Cycle 32 Awards

Tony Vidale presented information of the Drug, Gang, and Violent Crime Control grant application process, cash management issues regarding the Federal Byrne/JAG award, and staff's funding recommendation. Discussion occurred regarding funding decisions. Sheila Polk motioned to approve the full amount as recommended by staff in table DC-4, contingent upon ACJC receiving the Federal Funds. Greg Lauchner seconded and was unanimously approved by the Committee.

IV. Drug and Gang Enforcement Account Grant Rules 5-Year Review

Tony Vidale presented information on the Drug and Gang Enforcement Account 5-year review process. Additional information will be presented in future Committee and Commission Meetings.

V. Call to the public

Chief Brugman made a call to the public. No public was present for comment.

VI. Date, Time, and Location of Next Meeting

The next Drug, Gang, and Violent Crime Control Committee meeting will be held at the call of the Chairperson.

VII. Adjournment

Greg Lauchner motioned to adjournment, Sheila Polk seconds. Meeting was adjourned at 1:50pm

Respectfully submitted,



Andrew T. LeFevre
Executive Director



**DRUG, GANG AND VIOLENT CRIME CONTROL COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
June 19, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Drug And Gang Enforcement Account Grant Rules 5-Year Review

TO: Chairperson and Committee Members

FROM: Tony Vidale, Deputy Director
Drug, Gang and Violent Crime Control

RECOMMENDATION:

The Committee recommend to the Commission that a rulemaking docket be opened for the Drug and Gang Enforcement Account Grants administrative rules and approve proposed rule changes.

DISCUSSION:

Staff will offer a 10-minute presentation on the five-year rule review for the DEA grant rules. The five-year-review report for A.A.C. Title 10, Chapter 4, Article 4 (Drug and Gang Enforcement Account Grants) will be due for submission to the Governor’s Regulatory Review Council in December 2018. Pursuant to A.R.S. § 41-1056 each agency is required to perform a review of its rules once every five years. The last review was completed December 2013. Staff is proposing seven rule changes that are administrative in nature and do not materially change the grant program.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

	Current Rule	Proposed Rule	Explanation
1.	R10-4-402 A. The Commission shall annually request grant applications and make grant awards of Account funds.	The Commission shall shall <u>MAY</u> annually request grant applications and make grant awards of Account funds.	This change will allow the Commission the option to implement a multi-year grant projects or grant project renewals without an annual competitive process. This could reduce the administrative burden to applicant agencies and staff processing applications each year.
2.	R10-4-402 C. The Commission shall publish its priorities for grant awards in a report of the state’s strategy for combating drugs, gangs, and violent crime. This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).	The Commission shall publish its priorities for grant awards in a report of the state’s strategy for combating drugs, gangs, and violent crime. This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).	The original provision in A.R.S. § 41-2402(F) was removed many years ago. The current provision in A.R.S. § 41-2402(F) is a requirement to annually perform an audit of the drug and gang enforcement fund.
3.	R10-4-402 G. The Commission shall require that a grant recipient provide matching funds in the amount specified in the request for grant applications.	The Commission shall shall <u>MAY</u> require that a grant recipient provide matching funds in the amount specified in the request for grant applications.	This change will allow the Commission the option to suspend a match requirement to ease the financial burden on grant recipients during challenging budget times.
4.	R10-4-403 C. 3. If the applicant’s jurisdiction applied directly for federal criminal justice grant funding, a copy of the application.	If the applicant’s jurisdiction applied directly for federal criminal justice grant funding, a copy of the application. <u>a. EACH APPLICANT MUST DISCLOSE WHETHER IT HAS, OR IS PROPOSED AS A SUBRECIPIENT UNDER, ANY PENDING APPLICATION FOR FEDERALLY-FUNDED GRANTS OR COOPERATIVE AGREEMENTS THAT:</u> i. <u>INCLUDE REQUESTS FOR FUNDING TO SUPPORT THE SAME PROJECT BEING PROPOSED IN THE APPLICATION FOR A GRANT FROM THE ACCOUNT; AND</u> ii. <u>WOULD COVER IDENTICAL COST ITEMS OUTLINED IN THE BUDGET SUBMITTED TO THE COMMISSION AS PART OF THE APPLICATION FOR A GRANT FROM THE ACCOUNT.</u>	This change will require an applicant to only submit a copy of an application for another grant that is directly related to the same project included in the application to the Commission. The current rule is overly broad requiring a copy of an application for “federal criminal justice grant funding.” The language in the change would mirror the requirement in the Byrne JAG grant solicitation.

		<u>b. THE APPLICANT IS TO DISCLOSE APPLICATIONS MADE DIRECTLY TO FEDERAL AWARDING AGENCIES, AND ALSO APPLICATIONS FOR SUBAWARDS OF FEDERAL FUNDS (E.G., APPLICATIONS TO STATE AGENCIES THAT WILL SUBAWARD FEDERAL FUNDS).</u>	
5.	R10-4-404 C. The Commission shall approve grant funding, in whole or in part, or deny funding using standards in the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).	The Commission shall approve grant funding, in whole or in part, or deny funding using standards in the plan approved by the federal government and referenced under A.R.S. § 41-2402(F). <u>AND R10-4-402 C.</u>	The original provision in A.R.S. § 41-2402(F) was removed many years ago. The current provision in A.R.S. § 41-2402(F) is a requirement to annually perform an audit of the drug and gang enforcement fund. The change would require the Commission to make a funding decision based on the enabling statute for the drug enforcement fund and the statewide drug control strategy required in rule R10-4-402 C.
6.	R10-4-406 A. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11) and the report required by the federal government regarding the current criminal justice grant program. The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare these reports.	The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11). and the report required by the federal government regarding the current criminal justice grant program. The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare these reports <u>THE REPORT.</u>	The federal government removed the requirement that the Commission submit an annual Byrne JAG activity report. The rule would still require the Commission produce the annual Enhance Drug and Gang Enforcement Report.
7.	R10-4-406 B. A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project. A grant recipient shall submit a required report by the 25th day following the end of the month or quarter in which the report is due.	A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project. A grant recipient shall submit a required report by the 25th day following the end of the month or quarter in which the report is due.	This change would allow flexibility in setting financial and activity report due dates and conform to current business practices.

TITLE 10. LAW
CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION
(Authority: A.R.S. §§ 41-1308 and 41-1309)
ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS

Section

R10-4-401.	Definitions
R10-4-402.	General Information Regarding Grants
R10-4-403.	Grant Application
R10-4-404.	Application Evaluation; Standards for Award
R10-4-405.	Request for Modification of Recommended Allocation Plan
R10-4-406.	Required Reports

ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS

R10-4-401. Definitions

In this Article:

“A-133 audit report” means a report on an audit conducted in accordance with the standards for obtaining consistency and uniformity among federal agencies for the audit of non-federal entities expending federal awards established by the Office of Management and Budget in Circular A-133.

“Account” means the Drug and Gang Enforcement Account established by A.R.S. § 41-2402.

“Applicant” means an approved agency or task force that submits an application for a grant from the Account.

“Approved agency” means a unit of state, county, local, or tribal government working to accomplish one or more of the goals established at A.R.S. § 41-2402(A).

“Approved project” means a planned endeavor to accomplish one or more of the goals established at A.R.S. § 41-2402(A) for which a grant is made from the Account.

“Commission” means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.

“Committee” means the Drug, Gang, and Violent Crime Committee of the Commission.

“Host agency” means an approved agency that submits a grant application and required reports on behalf of a task force.

“Matching funds” means non-federal and non-Account money or program income that a grant recipient adds to a grant from the Account and spends to accomplish the goals of an approved project.

“Program income” means funds generated as a result of the activities funded by a grant from the Account.

“Task force” means multiple approved agencies from different jurisdictions that collaborate to accomplish multiple goals established at A.R.S. § 41-2402(A).

Historical Note

R10-4-402. General Information Regarding Grants

A. The Commission ~~shall~~ MAY annually request grant applications and make grant awards of Account funds.

B. The Commission’s ability to make grant awards is contingent upon the availability of Account funds.

C. The Commission shall publish its priorities for grant awards in a report of the state’s strategy for combating drugs, gangs, and violent crime. ~~This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).~~

D. The Commission shall make all information regarding grants, including the request for grant applications and application and report forms, available on its web site.

E. The Commission shall ensure that training regarding grant application procedures and grant management are made available to interested approved agencies.

F. The Commission shall provide oversight of all grants awarded, which may include conducting a financial review or audit of a grant recipient, to ensure that Account funds are expended in compliance with all terms of the grant agreement and all applicable state and federal laws.

G. The Commission ~~shall~~ MAY require that a grant recipient provide matching funds in the amount specified in the request for grant applications.

H. The Commission shall not require a grant recipient to provide matching funds that exceed 25% of the total project budget.

R10-4-403. Grant Application

A. An approved agency or task force may submit an application for a grant from the Account. If application is made by a task force, members of the task force shall identify a host agency.

B. An applicant shall access, complete, and submit to the Commission the application form that is available on the Commission's web site. The applicant shall provide the following information:

1. Title of the application and proposed project;
2. Purpose specified in A.R.S. § 41-2402(A) that the proposed project will address;
3. Statement of whether the application is a request to continue a previously approved project;
4. Name and address of the applicant;
5. List of member agencies of the task force if the applicant is a task force;
6. Name of the individual authorized to submit the application;
7. Name of the individual responsible for administering and supervising the proposed project;
8. Statement of the mission of the proposed project;
9. Statement of the problem addressed by the proposed project including data reflecting:
 - a. The scope of the problem, and
 - b. The absence or inadequacy of current resources to address the problem;
10. Summary of the proposed project that explains how the proposed project seeks to address the problem identified;
11. Description of collaborative efforts among law enforcement, prosecution, community organizations, social service agencies, and others that will be involved with the proposed project;
12. Description of the methodology that will be used to evaluate the effectiveness of the proposed project;
13. Goals of the proposed project stating what the proposed project is intended to accomplish;
14. Objectives that are specific, measurable, and directly correlated to the goals of the proposed project;
15. Detailed budget that includes:
 - a. Total amount to be expended on the proposed project including both Account and matching funds;
 - b. Estimated amount to be expended for various allowable expenses and the manner in which the estimate was determined;
 - c. Sources of the required matching funds; and
 - d. Statement of whether Account funds received will be used as matching funds for another grant program and if so, the name of the grant program and funding agency;
16. Date of the jurisdiction's current A-133 audit report;
17. Description of the internal controls the applicant will use to ensure compliance with all terms of the grant agreement;
18. Description of plan to sustain the project if Account funds are no longer available; and
19. Signature of the individual identified in subsection (B)(6) certifying that the information presented is correct and that if a grant is received, the applicant will comply with the terms of the grant agreement and all applicable state and federal laws.

C. In addition to submitting the application form required under subsection (B), an applicant shall submit to the Commission:

1. A copy of the jurisdiction's current A-133 audit report or if the jurisdiction does not have a current A-133 audit report, a copy of all correspondence relating to an extension of time to have an audit completed;
2. If the applicant is a task force, a letter on agency letterhead or another document from each member agency of the task force describing the manner in which the member intends to contribute to the proposed project; and
3. If the applicant's jurisdiction applied directly for federal criminal justice grant funding: ~~a copy of the application.~~ a. EACH APPLICANT MUST DISCLOSE WHETHER IT HAS, OR IS PROPOSED AS A SUBRECIPIENT UNDER, ANY PENDING APPLICATION FOR FEDERALLY-FUNDED GRANTS OR COOPERATIVE AGREEMENTS THAT:
 - i. INCLUDE REQUESTS FOR FUNDING TO SUPPORT THE SAME PROJECT BEING PROPOSED IN THE APPLICATION FOR A GRANT FROM THE ACCOUNT; AND

ii. WOULD COVER IDENTICAL COST ITEMS OUTLINED IN THE BUDGET SUBMITTED TO THE COMMISSION AS PART OF THE APPLICATION FOR A GRANT FROM THE ACCOUNT.

b. THE APPLICANT IS TO DISCLOSE APPLICATIONS MADE DIRECTLY TO FEDERAL AWARDING AGENCIES, AND ALSO APPLICATIONS FOR SUBAWARDS OF FEDERAL FUNDS (E.G., APPLICATIONS TO STATE AGENCIES THAT WILL SUBAWARD FEDERAL FUNDS).

R10-4-404. Application Evaluation; Standards for Award

A. The Commission shall ensure that each application that is submitted timely and proposes a project eligible for funding from the Account is evaluated. After the applications are evaluated, the Committee shall forward a recommended allocation plan to the Commission. The Commission shall grant or deny funding within 90 days after the application deadline.

B. If the Commission determines that it needs additional information to facilitate its review of an application, the Commission shall:

1. Request the additional information from the applicant, or
2. Request the applicant to amend the application.

C. The Commission shall approve grant funding, in whole or in part, or deny funding using standards ~~in the plan approved by the federal government and~~ referenced under A.R.S. § 41-2402(F) ~~AND R10-4-402 C.~~

D. The standards referenced in subsection (C) include an assessment of whether the proposed project:

1. Is directed toward a problem that is demonstrated by statistical data;
2. Is designed to address the identified problem;
3. Is a coordinated effort among multiple approved agencies;
4. Has specific goals;
5. Has measurable objectives that relate to the goals;
6. Has appropriate methods for evaluating achievement of objectives;
7. Has a reasonable budget of allowable expenses;
8. Has identified the required matching funds;
9. Has internal controls to monitor expenditure of Account funds; and
10. If the program was previously funded, all grant requirements were met timely and there were no reportable deficiencies during monitoring reviews.

R10-4-405. Request for Modification of Recommended Allocation Plan

A. Commission staff shall provide an applicant with at least five days' notice of the Committee's recommended allocation plan and the date, time, and location of the meeting at which the Committee will make a decision about forwarding the recommended allocation plan to the Commission for its action.

B. If an applicant disagrees with the recommended allocation plan, the applicant may verbally request that the Committee modify the recommended allocation plan. The Committee shall consider the request for modification before forwarding the recommended allocation plan to the Commission.

C. Commission staff shall provide an applicant with at least five days' notice of the date, time, and location of the meeting at which the Commission will consider the recommended allocation plan.

D. If an applicant disagrees with the recommendation of the Committee, the applicant may verbally request that the Commission modify the recommended allocation plan. The Commission shall consider the request for modification when making a final decision to award or deny a grant of Account funds to the applicant. The Commission's decision is final.

R10-4-406. Required Reports

A. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11) ~~and the report required by the federal government regarding the current criminal justice grant program.~~ The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare ~~these~~ reports.

B. A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project. ~~A grant recipient shall submit a required report by the 25th day following the end of the month or quarter in which the report is due.~~

C. The Commission shall not distribute Account funds to a grant recipient that fails to submit a required report within 60 days of its due date.

D. A grant recipient shall cooperate with and participate in all assessment, evaluation, or data collection efforts authorized by the Commission.

E. The Commission has the right to obtain, reproduce, publish, or use information provided in the required reports or assessment, evaluation, or data collection efforts. When in the best interest of the state, the Commission may authorize others to receive and use the information.

ACJC Drug and Gang Enforcement Account Rules Timeline

July 18, 2018	Commission approves recommended rule changes
July 20, 2018	Notice of Rulemaking Docket and Notice of Proposed Rulemaking filed with Secretary of State
August 10, 2018	Notice of Rulemaking Docket and Notice of Proposed Rulemaking published in AZ Administrative Register; Public Comment Opens
September 14, 2018	Public comment closes / oral proceeding
September 14, 2018	Submit proposed rules and economic impact statement to GRRC
September 18, 2018	Deadline for placement on GRRC November 6 meeting agenda
October 23, 2018	Final materials submitted to GRRC
October 30, 2018	GRRC study session
November 6, 2018	GRRC Council Meeting
November 6, 2018	Notice of Final Rulemaking filed with Secretary of State; Immediate effective date
December 28, 2018	Reschedule letter and/or five year review report due to GRRC