

**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, July 16, 2015** beginning at **2:00 p.m.** at the **Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ.**

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 May 21, 2015 Meeting <ul style="list-style-type: none">• Approval of Minutes | P-F-T |
| III. | Executive Director's Report <ul style="list-style-type: none">A. Staff and Program UpdatesB. Legislative Update | John A. Blackburn, Jr.
Info
Info |
| IV. | Criminal Justice Records Improvement Strategy Review <ul style="list-style-type: none">• A briefing will be provided on the status of the progress the group has made on the goals within the strategy. | Marc Peoples
Aaron Gorrell
Info |
| V. | 2FID Pilot Project and Recommendation for Criminal Justice Records Improvement Program (CJRIP) <ul style="list-style-type: none">• Review, discussion, consideration and possible action on the Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) grant allocation for FY 2016 through FY 2017. | Marc Peoples
Heather Cotter
P-F-T |

- VI. National Instant Criminal Background Check System (NICS) Taskforce Update and Add Recommendations** **Marc Peoples**
Tony Coulson
- Review, discussion, consideration and possible action on adding five recommendations to the Arizona National Instant Criminal Background Check System (NICS) Records Improvement Plan. **P-F-T**
- VII. Full Service Forensic Crime Laboratory Grant Program** **Marc Peoples**
- Review, discussion, consideration and possible action on the FY15 Full Service Forensic Crime Laboratory grant proposal and allocations. **P-F-T**
- VIII. FY17 Crime Victim Assistance Grant Program** **Larry Grubbs**
- An update will be provided on the Victims of Crime Act (VOCA) Assistance award to Arizona for federal fiscal year 2015 and the potential changes to the FY17 Crime Victim Assistance Grant Program. **Info**
- IX. ACJC Budget** **Karen Ziegler**
- Review, discussion, consideration and possible action on the following:
 - A. FY2015/2016 Budget Update** **Info**
 - B. FY2017 Budget Issues Request** **P-F-T**
 - C. CJEF Formula Recommendation** **P-F-T**
- X. 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.
- XI. Date, Time, and Location of Next Meeting**
- The next Commission meeting will be held on **Thursday, September 24, 2015 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.
- XII. 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:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the May 21, 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 May 21, 2015.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Arizona Criminal Justice Commission
Minutes
May 21, 2015

A public meeting of the Arizona Criminal Justice Commission was convened on May 21, 2015 at Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

Bill Montgomery, Chairperson, Maricopa County Attorney
David Byers, Vice Chairperson, Director, Administrative Office of the Courts
Joseph Arpaio, Maricopa County Sheriff, John MacIntyre representing
Mark Brnovich, Attorney General, Don Conrad representing
Joe Brugman, Chief, Safford Police Department
K. C. Clark, Navajo County Sheriff
Sean Duggan, Chief, Chandler Police Department
Clarence Dupnik, Pima County Sheriff, Deanna Johnson representing
Chris Gibbs, Mayor, City of Safford
Drew John, Graham County Supervisor
Ellen Kirschbaum, Chairperson, Board of Executive Clemency
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Sheila Polk, Yavapai County Attorney
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer
Heston Silbert, Department of Public Safety, Kenneth Hunter representing

Members Absent:

Frank Milstead, Director, Department of Public Safety
Roberto Villaseñor, Chief, Tucson Police Department

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 Chairperson Bill Montgomery at 1:31 p.m. Roll was taken and a quorum was declared present. Chairperson Montgomery welcomed new members to the Commission.

II. Minutes of the January 15, 2015 Meeting

Chairperson Montgomery called for a motion on the minutes. Commissioner David Byers entered a motion to approve the minutes of the meeting held on January 15, 2015. The motion was seconded by Commissioner Joe Brugman and was unanimously approved by the Commission. It was noted later in the meeting a correction to the minutes replacing the name Paul Lopez with Pat Lopez representing Joseph Arpaio, Maricopa County Sheriff.

III. Executive Director's Report

A. Staff and Program Updates

Executive Director Blackburn talked about the changes at ACJC that included the five new commission members. ACJC staff members Wendy Dolan, Human Resource Manager and Marc Peoples, Program Manager were introduced. New job promotions and reassignments were reported that included Shana Malone, as Director of the Statistical Analysis Center and Teri Barnes as Program Project Specialist in the Crime Victim Services Program. Also, ACJC staff is developing new relationships with the new administration at the Governor's office and with the new stakeholders.

B. Budget Update

Karen Ziegler, Deputy Director reported the four funding issues that were submitted in the FY2016 budget request to the Governor's office were not included in the Governor's budget proposal and ultimately not funded in FY16 state budget; so for the most part, the budget remains the same as FY2015.

Deputy Director Ziegler stated it is critical that the budget request for the Statistical Analysis Center be approved for FY17. Staff continues to see a decline in both federal and state revenue causing a strain on the agency's operating budget. Staff will present FY2017 budget issues at the July meeting that will include the Criminal Records Improvement Program, Fill the Gap – State Aid to County Indigent Defense, funding from the Arizona Prevention Resource Center and the appropriation increase for the Victim Compensation program as well as other funding issues Commissioners may request.

C. Legislative Update

Andy LeFevre, Public Information Officer stated ACJC had a successful legislative session.

Mr. LeFevre summarized how six drafted legislative proposals were approved for support at the Commission meeting in November 2014. The first three bills dealt with the continuation of work to transmit information from the courts on mental health ruling case information to law enforcement as reported to NICS. Two bills were associated with fingerprinting and one bill for the victim compensation program. ACJC was successful in getting three of the bills introduced by legislators.

Mr. LeFevre explained SB1294 would have required medical providers to accept payment from the Crime Victims Compensation Program as payment in full. The legislation was pulled at the request of the Hospitals Healthcare Association, who asked to begin a stakeholder discussion process to come to an agreement. Next, SB1295 was the Judgment of guilt fingerprinting document requiring, at the time of sentencing for certain offenses, the court to permanently place a defendant's fingerprint to the sentencing document/minute order or record the defendant's two-fingerprint biometric-based identifier in the criminal case file. This bill was introduced by Senator Steve Smith, passed both chambers unanimously and was signed into law. The final bill, SB1373 created the authorizing language necessary for DPS to provide law enforcement officers the indicator notification of the mental health court adjudication information. This was introduced by Senator John Kavanagh, passing both chambers unanimously and was signed into law.

Drug Enforcement Account (DEA) Audit (This item was presented after Item B)

Karen Ziegler, Deputy Director presented the summary of the Drug and Gang Enforcement Account (DEA) audit conducted by Heinfeld, Meech & Co., contracted auditor per ARS 41-2402.

Deputy Director Ziegler reviewed the distribution of state DEA and federal Byrne/JAG funds for FY14 categorized by the activities established in the Drug, Gang and Violent Crime Control strategy. Federal distributions totaled \$4,734,315, non-federal funds of \$4,117,322 and minus \$345,013 in project reversions; for a combined total distribution of \$8,506,624 for the year ending June 30, 2014. From the program's inception in August 1987 through June 30, 2014, the total amount of drug and gang enforcement account funds distributed throughout the state equals \$301,685,027. Deputy Director Ziegler added that there were no findings reported in the audit and thanked the accounting staff for their hard work on behalf of the Commission.

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

IV. Crime Victim Compensation Grant Program

A. FY15 Funding Reallocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the available compensation funds for the current FY15 be reallocated to operational units in accordance with Table VS-1 on page 13 of the agenda.

Mr. Grubbs reported the purpose of the reallocation is to allocate available state compensation dollars to counties with a higher demand for funds, and who can expend the additional compensation funds by the end of the fiscal year. Staff closely monitors and reviews county compensation program expenditures, as well as, available restitution and subrogation balances for the county programs. Maricopa County submitted a request for reallocation in the amount of \$115,000. The reallocation comes from \$40,000 of unexpended funds from Cochise County and \$75,000 of unexpended funds from Pima County.

Designee Kenneth Hunter entered a motion to approve the compensation funds for the current year FY15 be reallocated to operational units in accordance with Table VS-1 of the agenda using the fund sources identified. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

B. FY16 State and Federal Funding Amount

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that proposed the total state and federal allocated funding for the FY16 Crime Victim Compensation Program be set at \$3,943,600. This total includes \$2,543,600 in state compensation funds and \$1,400,000 in federal VOCA compensation funds.

Mr. Grubbs explained the recommended allocation for FY16 is nearly the same as the total program size for FY15; and the total appropriation amount is the maximum allowed under current legislative appropriation.

Designee Kathleen Mayer entered a motion to approve the \$3,943,600 budget including: \$2,543,500 in state compensation funds and \$1,400,000 in federal VOCA compensation funds, in accordance to Table VS-2 on page 15 of the agenda. The motion was seconded by Designee John MacIntyre and was unanimously approved by the Commission.

C. FY16 Designation of Operational Units

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the fifteen County Attorney's Offices as operational units for the FY16 Crime Victim Compensation Program.

Commissioner Joe Brugman entered a motion to approve the designation of the fifteen County Attorney's Offices as the operational units for the FY16 Crime Victim Compensation Program. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Commission.

D. FY16 Operational Unit State and Federal Funding Allocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation of \$3,943,600 in state and federal crime victim compensation funds to each operational unit in the fifteen counties for FY16. The total program amount includes the \$3,943,600 in state and federal crime victim compensation funds as shown in Table VS-3 on page 18 of the agenda. The allocation formula was approved at the March 2013 Commission meeting and includes \$50,000 of state funds retained in emergency reserve; five percent of the most recent federal VOCA award allocated to ACJC for administrative costs; a fixed administrative allocation from state funds to each county program; a base allotment of \$25,000 to each county program; and a 60% reimbursement to county programs spending other local funds on compensation benefits during the previous fiscal year. The remaining balance is distributed as follows: 50% allocated based on the county program's benefit expenditure average, 30% based on average share of crime, and 20% based on population.

Commissioner Charles Ryan entered a motion to approve the allocation of \$3,943,600 in state and federal crime victim compensation funds to the operational units for the FY16 Crime Victim Compensation Program. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

V. Crime Victim Assistance Grant Program

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the Crime Victim Assistance grant awards of \$1,444,200 for FY16.

Mr. Grubbs referred the Commission to the funding Table VS-4 on page 22 of the agenda that outlines the agency grant requests and recommendation for FY16. A summary of the funding recommendation and the funding allocation distribution was included on pages 21 and 23 of the agenda. At the January 2015 meeting, the Commission approved a total program size of \$1,570,000 for FY16. The program size was contingent upon Legislative approval of a budget issue submitted requesting an increase of \$320,000 to the total annual appropriation for the Crime Victim Compensation and Assistance Fund. The Legislative budget request was not approved, resulting in the reduced victim assistance funding recommendation presented in Table VS-4. The grant solicitation opened on February 2, 2015 and closed on March 13, 2015. Fifty-three applications were submitted by the deadline requesting a total of \$2,233,737.

Mr. Grubbs addressed the guidelines used by staff to develop the funding recommendation comprised of funding personnel services and ERE that provide direct services to victims, and pursuant to program rule, allocating no more than \$722,100 to applicant agencies eligible to serve as members of the Commission.

Mr. Grubbs reviewed the funding priorities listed on pages 20 and 21 of the agenda. Specifically, priority number nine where the Commission has the option of annually designating an emerging issue or underserved population as a funding priority for the upcoming fiscal years grant period. At the January 2015 meeting, the Commission designated programs providing direct services to victims of human trafficking as a funding priority for FY16. The total program size for FY16 includes an increase over the FY15 program size resulting in twenty-two of the forty-seven current grantees receiving an increase award for FY16 greater than their FY15 grant amount. Additionally, four victim service projects not currently funded by the victim assistance grant program were included in the funding recommendation. The new agencies are: the City of Surprise (Prosecutor), City of El Mirage (Police), Southern Arizona AIDS Foundation, and Tohdenasshai Committee against Family Abuse. There were also two additional grant requests not recommended for funding that included: Sojourner Center (DV and Human Trafficking) and Our Family Services, Inc.

Mr. Grubbs explained the reasons for not recommending funding for those agencies were based on lack of critical detail regarding project evaluation methods and how services provided could meet the unique needs of victims of human trafficking.

Mr. Grubbs mentioned although there were no applications for human trafficking funded for this priority area, the process has been beneficial and staff is aware of those programs that expressed interest this fiscal year. The score team can provide the scores and comments to guide applicants for future applications.

Designee John MacIntyre entered a motion to approve the award of FY16 Crime Victim Assistance grant funds in accordance to Table VS-4 with \$656,294 awarded to Commission membership eligible applicants, and \$787,906 awarded to all other applicants. The motion was seconded by Commissioner Sean Duggan and was unanimously approved by the Commission.

VI. Drug, Gang and Violent Crime Control Program Cycle 29 Grant Awards

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Crime Control Committee that the Commission award the FY16 Drug, Gang and Violent Crime Control Cycle 29 grant funds to eligible criminal justice agencies.

Mr. Vidale explained the proposed program size of \$10,305,097. The funding would include \$3,529,362 from the federal Byrne/JAG grant, \$4,224,663 from the state DEA funds, and \$2,551,072 in local match funds. The FY 2016 program size represents an overall decrease of \$2,100 in funds from FY 2015.

Mr. Vidale referred the Commissioners to various charts in the agenda that highlight significant information relative to this grant cycle from pages 26 through 31 of the agenda. Table DC-1 summarizes the grant awards for FY2015, applicant grant requests for FY2016, and the proposed grant awards for FY2016; Table DC-2 refers to the change in program size by fund source for FY2015 and FY2016; Table DC-3 outlines the grant requests for each eligible applicant as categorized by priority area and expenditure type; Table DC-4 breaks down the proposed funding allocation for FY2016 as a recommendation. The proposal includes the allocation of \$3,439,148 to projects addressing apprehension of drug offenders, \$3,815,660 to prosecution of drug

offenses, \$869,400 to statewide forfeiture activities, \$503,343 to forensic support of task forces, and \$1,667,546 to drug adjudication projects for a total funding recommendation of \$10,295,097. The grant solicitation opened February 23, 2015 and closed March 20, 2015. There were 36 grant applications submitted; of those received 14 were apprehension projects, 17 prosecution projects, one statewide forfeiture project, two forensic support projects, and one drug adjudication project.

Mr. Vidale briefly reviewed the guidelines used by staff to form the funding recommendation and discussed other considerations that factored into the proposal. The Attorney General's Medicaid Fraud project would provide matching funds for a federal grant and the grant period would run concurrent to the federal fiscal year. One application that was not included in the recommendation for funding was the Department of Corrections, which fell short of the key components of the grant program by not aligning with the statewide strategy.

Lastly, Mr. Vidale referred the Commissioners to Table DC-5 that breaks out the total grant awards to each of the fifteen counties.

Commissioner Joe Brugman entered a motion to award the FY 2016 Drug, Gang and Violent Crime Control Cycle 29 grant funds as shown in Table DC-4 on page 30 of the agenda for the period beginning July 1, 2015 and ending June 30, 2016, except the Attorney General's Office Medicaid Fraud project, which will be funded from October 1, 2015 and end September 30, 2016. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Commission.

VII. Update on the FY 2015 Substance Abuse Prevention and Education Grant Awards

Tony Vidale, Program Manager updated the Commission on the FY 2015 Substance Abuse Prevention and Education Grant Program. ACJC partnered with the Arizona Department of Health Services, Division of Behavioral Health Services and acquired funding that was unexpended federal grant monies through the Substance Abuse and Mental Health Services Administration (SAMHSA) for drug prevention. The SAMHSA grant is set to expire on September 30, 2015.

Mr. Vidale explained staff developed an expedited process to allocate the funding to viable projects by establishing two categories of applicants: criminal justice/government agencies and non-profit agencies. The grant opened on February 2, 2015 for all the applicants. Criminal justice/government agency applications were due on February 27, 2015 and non-profit agency applications were due March 13, 2015. Nineteen agencies submitted applications for the funding that included nine criminal justice/government agencies and ten non-profit agencies.

Mr. Vidale noted thirteen agencies received awards totaling \$604,339 and each project was evidence based, as required. The non-profit agencies that were not funded were not evidence based or did not have a criminal justice agency collaboration. The breakdown consisted of nine criminal justice/government agencies awarded a total of \$401,159 and four non-profit agencies awarded a total of \$203,180. A summary of the funding requests and recommended projects were shown on Table DC-6 on page 34 of the agenda and detail of each agency requests for funding on Table DC-7. Table DC-8 on page 35 of the agenda provided a breakout of each project funded by budget line item and a summary of each award was shown on the project focus and types of expenditures funded.

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

VIII. Call to the Public

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

IX. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, July 16, 2015** at Little America Hotel, Flagstaff, AZ.

X. Adjournment

The meeting was adjourned at 2:28 p.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<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

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<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 current legislative issues at the state and federal level.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Criminal Justice Records Improvement Strategy Review

TO: Chairperson and Commission Members

FROM: Marc Peoples, Program Manager
CJ System Improvements Program
Aaron Gorrell, Waterhole Consulting

RECOMMENDATION:

Information Only

DISCUSSION:

A briefing will be provided on the status of the progress the group has made on the goals within the Criminal Justice Records Improvement strategy.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2FID Pilot Project Update and Recommendations for Criminal Justice Records Improvement Program (CJRIP)

TO: Chairperson and Commission Members

FROM: Marc Peoples, Program Manager
CJ System Improvements Program
Heather Cotter, Waterhole Consulting

RECOMMENDATION:

The Commission direct FY 2016 through FY 2017 Byrne/JAG 5% set aside funding designated for the Gerald Hardt Criminal Justice Records Improvement Program in the amount not to exceed \$200,000 to support initiative for implementing mobile fingerprint devices in each of the criminal courtrooms **in the remaining 14** County Superior Courts.

DISCUSSION:

Pursuant to ARS 13-607(B) the "court or a person appointed by the court shall at the time of sentencing and in open court permanently affix the defendant's fingerprint to the document or order". Fingerprints for the sentencing order are currently captured manually by courtroom clerks or bailiffs using the ink and roll method. This manual fingerprint process creates challenges to capturing a quality print. A quality print is critical when making determinations of prior convictions for enhanced charges and for establishing a criminal history record if fingerprints were not taken as the individual moved through the judicial process.

An update on the 2FID pilot project in Maricopa and Pinal counties will be provided to the Commission.

The Information, Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	National Instant Criminal Background Check System (NICS) Taskforce Update and Add Recommendations

TO: Chairperson and Commission Members

FROM: Marc Peoples, Program Manager
 CJ System Improvements Program
 Tony Coulson, NTH Consulting

RECOMMENDATION:

The Commission approve the addition of five recommendations to the Arizona National Instant Criminal Background Check System (NICS) Records Improvement Plan.

DISCUSSION:

The NICS Task Force and Policy Team met and recommended the following recommendations be included in the Arizona National Instant Criminal Background Check System (NICS) Records Improvement Plan.

- All Conditions of Release that prohibit the possession of firearms be report to NICS.
- Conditions of Release reported electronically and automatically to NICS.
- The system used to report Conditions of Release shall also be able to automatically modify/cancel a record.
- Law Enforcement should have access to Conditions of Release via their automated systems.
- Arizona should develop a statewide protocol that establishes a best practices model on how Orders of Protection should be processed and served.

The Information, Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Full Service Forensic Crime Laboratory Grant Program

TO: Chairperson and Commission Members

FROM: Marc Peoples, Program Manager
CJ System Improvements Program

RECOMMENDATION:

The Commission approve the Full Service Forensic Crime Laboratory grant allocations for FY16 in the amount of \$800,000 as outlined in the attached table.

DISCUSSION:

Arizona Revised Statute 41-2421, commonly referred to as "Fill the Gap" directs the monies collected pursuant to section 12-116.01, subsection B shall be allocated in part to the Arizona Criminal Justice Commission for distribution to state, county and municipal law enforcement full-service forensic crime laboratories pursuant to rules adopted by the Arizona Criminal Justice Commission.

Full Service Forensic Crime Laboratory grant applications were received from all five laboratories for the grant program cycle of July 1, 2015 through June 30, 2016.

The Information, Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION			
Full Service Forensic Crime Lab Fund			
FY16 PLAN			
FY15			
	BEGINNING BALANCE		174,515
	REVENUE (projection)		810,000
	TOTAL AVAILABLE FOR PROJECTS		984,515
	FY15 EXPENDITURES		850,000
	FY15 ADMIN		35,000
			885,000
	ENDING BALANCE		99,515
FY16			
	PROJECTED REVENUE		793,800
	TOTAL AVAILABLE FOR PROJECTS		893,315
	ADMIN PLAN (5% FY15 REVENUE)		40,500
	FY16 RECOMMENDED PROGRAM SIZE		800,000
	ESTIMATED AVAILABLE FOR FY16 PROGRAM		52,815

FY 2016 Full-Service Forensic Crime Laboratory Grant Program Funding Proposal

Funding Recipient	Total FY 2016 Allocation pursuant to ARS 41-2421 (J)(5)	Base Allocation *	Population Percentages	Population Allocation	Proposed Allocation
	\$800,000	\$700,000		\$100,000	\$800,000
AZ Department of Public Safety (3 labs)		\$300,000	55%	\$55,000	\$355,000
Mesa Police Department		\$100,000	7%	\$7,000	\$107,000
Phoenix Police Department		\$100,000	22%	\$22,000	\$122,000
Scottsdale Police Department		\$100,000	4%	\$4,000	\$104,000
Tucson Police Department		\$100,000	12%	\$12,000	\$112,000
Totals:	\$800,000	\$700,000	100%	\$100,000	\$800,000

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	FY17 Crime Victim Assistance Grant Program

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victim Services

RECOMMENDATION:

Information Only

DISCUSSION:

The Office for Victims of Crime (OVC) has significantly increased the Victims of Crime Act (VOCA) Assistance award to Arizona for federal fiscal year 2015. This federal award, administered by the Department of Public Safety, increased from approximately \$8 million for FFY 2014 to over \$40 million for the current federal fiscal year. This significant increase greatly alters the victim services funding landscape, and prompts a closer look at the role ACJC victim assistance grant funding plays.

During the next few months, ACJC victim services program staff will conduct a program assessment to better determine how to best utilize state funding available through the ACJC victim assistance grant program. This analysis could result in significant changes to the grant program for state fiscal year 2017. ACJC program staff will present victim assistance grant program recommendations for state fiscal year 2017 to the Commission prior to or at the January 2016 meeting.

FISCAL IMPACT:

Significant – Analysis and recommendations may result in significant changes to the crime victim assistance grant program for FY17.

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	ACJC Budget Update FY2015/2016

TO: Chairperson and Commission Members

FROM: Karen Ziegler
Deputy Director

RECOMMENDATION:

Information Only

DISCUSSION:

Staff will update the Commission on the close of fiscal year 2015 and the current 2016 budget.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	ACJC Budget Issues Request FY2017

TO: Chairperson and Commission Members

FROM: Karen Ziegler
Deputy Director

RECOMMENDATION:

The Commission identify budget issues for submission in the FY2017 budget proposal.

DISCUSSION:

As part of the state budget process, agencies may request funding to address issues that impact the agency. Each budget cycle ACJC submits as its top priority, a General Fund request to fund Criminal Justice Systems Improvement efforts in the state. The attached page summarizes this request along with three additional items that staff recommend as budget issues for the upcoming budget submittal. Additional issues may be considered by the Commission for submission in the FY2017 budget.

FISCAL IMPACT:

Significant – request could result in increased funding to the agency and stakeholders.

ALTERNATIVES:

Not Approve - Modify - Table

**FY2017
PROPOSED ACJC BUDGET ISSUES**

ISSUE # 1 - Criminal Justice Records Integration

Based on the Arizona Criminal Records Infrastructure Improvement Assessment Report and Project Investment Justification submitted to the Arizona Strategic Enterprise Technology Division of the Department of Administration (ASET/DOA), ACJC is requesting funding in the amount of \$6.1 million from the general fund to allow establishment of an integrated computer information system with accurate, complete and timely criminal records data on individuals and events. The ability for the agency to administer funding toward targeted integration projects will allow Arizona to build the infrastructure needed to support a statewide integrated criminal justice information system. The integrated system will facilitate tracking of a criminal case through its various stages involving all criminal justice agencies and allow private sector agencies to obtain accurate, complete and timely information to make critical hiring decisions.

The Arizona Criminal Justice Commission (ACJC) will focus on the projects directed at establishing a statewide integrated justice system to link information systems used by federal, state, local and tribal criminal justice entities.

ISSUE # 2 - Arizona Youth Survey (AYS)/Arizona Prevention Resource Center Fund

Staff proposes to expand the scope of activities for which Resource Center funds can be used, allowing those resources to support all of the research activities of the Arizona Criminal Justice Commission's Statistical Analysis Center (SAC).

At the current time, the Resource Center fund is to be used exclusively to support the Arizona Youth Survey (AYS). Because of increased efficiencies in the AYS process (e.g., posting survey materials on a publicly available website instead of sending those materials to each participating school) and the use of new technologies (e.g., the use of a web-based survey tool to reduce reliance on printed materials) introduced into the AYS process, the Resource Center fund contains more resources than is needed for the AYS alone. Because of the recent efficiencies introduced into the AYS process, the resources above and beyond what is needed to fund AYS could be used to support a broader range of SAC activities to continue ACJC and the SACs support for data-driven and evidence-based policymaking and practice, which increases the efficiency and effectiveness of Arizona's criminal justice system. Although federal funding provides much needed resources to Arizona and our research efforts, federal funds continue to decline and should not be the baseline funding for the Statistical Analysis Center.

The budget issue represents an increased appropriation of \$366,400 for a total appropriation request of \$602,200 for FY17.

ISSUE # 3 - Fill the Gap – State Aid to County Indigent Defense

Since FY 2012, the state legislature redirected the revenue in the State Aid to County Indigent Defense Fund to the Arizona Department of Public Safety and the Arizona Attorney General's Office. The redirected funds were designated to support border enforcement efforts and capital post-conviction prosecutions leaving no funding for indigent defense efforts by the state. In FY15 and FY16, the legislature again redirected funds to both DPS and the AGs Office in the amount of \$1.5 million. \$800,000 is appropriated to the AGs Office for capital post-conviction and \$700,000 to DPS for support of operations for the Arizona Counter Terrorism Information Center.

The budget issue will request authority to spend the available funds on Indigent Defense projects starting in the FY2017 budget year. The request will be approximately \$1 million based on the FY16 estimated revenue.

ISSUE # 4 - Crime Victim Compensation and Assistance Fund

Increasing the total appropriation for the victim compensation and assistance fund will increase the ACJC's ability to maintain and support programs that compensate and assist victims of crime in Arizona. Revenues collected from the Criminal Justice Enhancement Fund (CJEF) and Community Supervision fees are greater than the current appropriation for the Victim Compensation and Victim Assistance programs. In addition, the Office for Victims of Crime (OVC) has significantly increased the Victims of Crime Act (VOCA) Assistance award to Arizona for federal fiscal year 2015. This federal award, administered by the Department of Public Safety, increased from approximately \$8 million for FFY 2014 to over \$40 million for the current federal fiscal year. It is anticipated that the increase in victim assistance funds will have a direct impact on the demand for victim compensation benefits in the state.

The budget issue will request authority to spend an additional \$320,000 in available funds starting in the FY2017 budget year. Additional funds will be used to increase funds available for the compensation program in each of the 15 counties.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 16, 2015	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	CJEF Formula Recommendation

TO: Chairperson and Commission Members

FROM: Karen Ziegler
Deputy Director

RECOMMENDATION:

The Commission approve a recommendation on the Criminal Justice Enhancement Fund formula pursuant to ARS 41-2405.7.

DISCUSSION:

ARS 41-2405.7 requires the Commission to "Make recommendations to the legislature and the governor regarding the purposes and formula for allocation of fund monies as provided in section 41-2401, subsection D and section 41-2402 through the biennial agency budget request."

Staff recommends no change to the current CJEF formula and purposes of the fund monies.

FISCAL IMPACT:

No Impact

ALTERNATIVES:

Not Approve - Modify - Table

41-2401. Criminal justice enhancement fund

A. The criminal justice enhancement fund is established consisting of monies collected pursuant to section 12-116.01 and monies available from any other source. The state treasurer shall administer the fund.

B. On or before November 1 of each year, each department, agency or office that receives monies pursuant to this section shall provide to the Arizona criminal justice commission a report for the preceding fiscal year. The report shall be in a form prescribed by the Arizona criminal justice commission. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations.

C. On or before December 1 of each year, the Arizona criminal justice commission shall compile all reports into a single comprehensive report and shall submit a copy of the comprehensive report to the governor, the president of the senate, the speaker of the house of representatives and the director of the joint legislative budget committee.

D. On the first day of each month, the state treasurer shall distribute or deposit:

1. 6.46 per cent in the Arizona automated fingerprint identification system fund established by section 41-2414.

2. 1.61 per cent to the department of juvenile corrections for the treatment and rehabilitation of youth who have committed drug-related offenses.

3. 16.64 per cent in the peace officers' training fund established by section 41-1825.

4. 3.03 per cent in the prosecuting attorneys' advisory council training fund established by section 41-1830.03.

5. 9.35 per cent to the supreme court for the purpose of reducing juvenile crime.

6. 8.56 per cent to the department of public safety. Fifteen per cent of the monies shall be allocated for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419. Eighty-five per cent of the monies shall be allocated to state and local law enforcement authorities for the following purposes:

(a) To enhance projects that are designed to prevent residential and commercial burglaries, to control street crime, including the activities of criminal street gangs, and to locate missing children.

(b) To provide support to the Arizona automated fingerprint identification system.

(c) Operational costs of the criminal justice information system.

7. 9.35 per cent to the department of law for allocation to county attorneys for the purpose of enhancing prosecutorial efforts.

8. 6.02 per cent to the supreme court for the purpose of enhancing the ability of the courts to process criminal and delinquency cases, orders of protection, injunctions against harassment and any proceeding relating to domestic violence matters, for auditing and investigating persons or entities licensed or certified by the supreme court and for processing judicial discipline cases. Notwithstanding section 12-143, subsection A, the salary of superior court judges pro tempore who are appointed for the purposes provided in this paragraph shall, and the salary of other superior court judges pro tempore who are appointed pursuant to section 12-141 for the purposes provided in this paragraph may, be paid in full by the monies received pursuant to this paragraph.

9. 11.70 per cent to the county sheriffs for the purpose of enhancing county jail facilities and operations, including county jails under the jurisdiction of county jail districts.

10. 1.57 per cent to the Arizona criminal justice commission.

11. 9.00 per cent in the crime laboratory operations fund established by section 41-1772.

12. 2.30 per cent in the crime laboratory assessment fund established by section 41-2415.

13. 7.68 per cent in the victims' rights fund established by section 41-191.08.

14. 4.60 per cent in the victim compensation and assistance fund established by section 41-2407.

15. 2.13 per cent to the supreme court for the purpose of providing drug treatment services to adult probationers through the community punishment program established in title 12, chapter 2, article 11.

E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9, 11, 12, 13 and 14 of this section constitute a continuing appropriation. Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15 of this section are subject to legislative appropriation.

F. The portion of the eighty-five per cent of the monies for direct operating expenses of the department of public safety in subsection D, paragraph 6 of this section is subject to legislative appropriation. The remainder of the monies in subsection D, paragraph 6 of this section including the portion of the eighty-five per cent for local law enforcement is continuously appropriated.

G. The allocation of monies pursuant to subsection D, paragraphs 6, 7, 8 and 9 of this section shall be made in accordance with rules adopted by the Arizona criminal justice commission pursuant to section 41-2405.

41-2402. Drug and gang enforcement account; resource center fund

A. A drug and gang enforcement account is established within the criminal justice enhancement fund consisting of monies appropriated to the account by the legislature and any other monies available from other sources, public or private, to be used for the purpose of enhancing efforts to deter, investigate, prosecute, adjudicate and punish drug offenders and members of criminal street gangs as defined in section 13-105.

B. The Arizona criminal justice commission shall distribute monies from the drug and gang enforcement account in the following manner:

1. Up to fifty per cent to fund law enforcement agencies approved by the commission to enhance both:

(a) The investigation of drug and gang offenses and related criminal activity.

(b) Drug and gang education and prevention programs.

2. Up to fifty per cent to fund programs and agencies approved by the commission to enhance the state, county, city or town prosecution of drug and gang offenses and related criminal activity.

3. Up to thirty per cent to fund programs and agencies approved by the commission for the purpose of enhancing the ability of the courts to process drug and gang offenses and related criminal cases, either through the appointment of judges pro tempore or the establishment of additional divisions of the courts only for the purposes of this section, enhancing defense and probation services, including treatment, and funding the drug testing program.

4. Up to thirty per cent to fund programs by county sheriffs and the state department of corrections, as approved by the commission, to enhance drug offender treatment programs and the jail operations and facilities available to detain and incarcerate drug offenders and members of criminal street gangs as defined in section 13-105.

5. Up to thirty per cent to fund programs and agencies, as approved by the commission, to enhance the integration of criminal justice records relating to drug and gang offenders and their related criminal activity.

C. Any state agency that receives monies allocated from this account shall not include such monies as part of its continuation budget base for the purpose of requesting appropriations for the following fiscal year.

D. All the monies allocated from this account shall be dedicated solely to the purpose of enhancing efforts to deter, investigate, prosecute, adjudicate and punish drug and gang and related criminal offenders, except those monies allocated pursuant to subsection G of this section.

E. Notwithstanding the limitations prescribed in subsection B of this section, any federal monies or matching state monies in the drug and gang enforcement account may only be allocated by the commission pursuant to a plan approved by the federal government.

F. The auditor general shall annually perform a full and complete audit of the fund or the commission shall annually contract with an accounting firm to perform the audit and deliver a report to the governor and the legislature. The audit shall be charged to the drug and gang enforcement account.

G. A resource center fund is established consisting of monies received pursuant to section 12-284.03, subsection A, paragraph 1 and section 41-178 and all monies received from public or private gifts, grants or other sources, excluding federal monies and monies to be passed through to other entities, to be used solely for the purpose of funding the Arizona youth survey. Monies in the fund are subject to legislative appropriation. Any monies unexpended or unencumbered on June 30 of each year shall not be subsequently expended or encumbered unless reappropriated. No monies in the drug and gang enforcement account except those received pursuant to this subsection shall be used to fund the Arizona youth survey. Monies that are expended pursuant to this subsection are subject to the reporting requirements prescribed in section 41-617.01.