

**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 **Wednesday, July 18, 2018** beginning at **10:30 a.m.** at the **Little America Hotel, 2515 E. Butler Avenue, Flagstaff, Arizona**. Members of the Commission 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.

The Commission may go into executive session for any of the purposes set forth in A.R.S. 38-431.03(A)(1) through (7), as applicable to the agenda items listed, including for the purposes of receiving legal advice or the consideration of employment related issues.

Agenda for the meeting is as follows:

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| <b>I. Call to Order, Roll Call, and Pledge of Allegiance</b>   | <b>Chairperson Sheila Polk</b>   |
| <b>II. Minutes of the May 17, 2018 Meeting</b> <ul style="list-style-type: none"><li>• Approval of Minutes</li></ul>   | <b>Chairperson Sheila Polk</b><br><b>P-F-T</b>   |
| <b>III. Executive Director's Report</b> <ul style="list-style-type: none"><li>1. Staff and Program Updates</li><li>2. Finance Update</li><li>• Review, discussion, consideration and possible action on the following:<ul style="list-style-type: none"><li>a. FY2020 Budget Issues Request</li><li>b. CJEF Formula Recommendation</li></ul></li></ul>   | <b>Andy LeFevre</b><br><b>Info</b><br><b>Info</b><br><b>P-F-T</b><br><b>P-F-T</b>  |
| <b>IV. Committee Reports</b> <ul style="list-style-type: none"><li><b>A. Executive</b><ul style="list-style-type: none"><li>1. Update on the activities of the Executive Committee</li><li>2. Future Statistical Analysis Center Research Priorities</li><li>3. Strategic Planning Session at September Commission Meeting</li></ul></li><li><b>B. Drug, Gang &amp; Violent Crime Control Program</b><ul style="list-style-type: none"><li>1. Update on the activities of the Drug, Gang &amp; Violent Crime Committee</li><li>2. <b>Drug and Gang Enforcement Account Grant Rules 5-Year Review</b></li><li>• 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.</li></ul></li></ul> | <b>Chairperson Sheila Polk</b><br><b>Info</b><br><b>Info</b><br><b>Info</b><br><b>Joe Brugman</b><br><b>Info</b><br><b>Tony Vidale</b><br><b>P-F-T</b> |

- C. Crime Victims** **Charles Ryan**  
**Info**
1. Update on the activities of the Crime Victims Committee
- D. Information Technology Systems Improvement** **David Byers**  
**Info**
1. Update on the activities of the Information Technology & Systems Improvement Committee
- E. Legislative** **David Sanders**  
**Info**  
**Andy LeFevre**  
**P-F-T**
1. Update on the activities of the Legislative Committee
2. 2018 ACJC Legislative Report
- V. Report of the CJEF Working Group** **Daniel Sharp**  
**Info**  
**P-F-T**
1. Update on the activities of the CJEF Working Group
- Review, discussion, consideration and possible action on the following:
2. Recommendations to the Commission on Possible Funding Solutions for the Criminal Justice Enhancement Fund
- VI. Commission Member Summaries of Current Events** **Andy LeFevre**  
**Info**
- Pursuant to A.R.S. §38-431.02(K), individual Commission members may present brief summaries of current events, but no discussion may occur and no action may be taken regarding anything that is presented.
- VII. 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.
- VIII. Date, Time, and Location of Next Meeting**
- The next Commission meeting takes place on **Thursday, September 20, 2018 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.
- IX. 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

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the May 17, 2018 Meeting

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**TO:** Chairperson and Commission Members

**FROM:** Andy LeFevre  
Executive Director

**RECOMMENDATION:**

The Commission approves the minutes of the Arizona Criminal Justice Commission meeting held on May 17, 2018.

**DISCUSSION:**

N/A

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table

**Arizona Criminal Justice Commission  
Minutes  
May 17, 2018**

A public meeting of the Arizona Criminal Justice Commission convened on May 17, 2018, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**Members Present**

Joe Brugman, Vice Chairperson, Chief, Safford Police Department  
Mark Brnovich, Attorney General, Tom Rankin 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  
Barbara LaWall, Pima County Attorney  
Greg Mengarelli, Mayor, City of Prescott  
Frank Milstead, Director, Department of Public Safety, Kelly Heape representing  
Bill Montgomery, Maricopa County Attorney, Mike McVey representing  
Mark Napier, Pima County Sheriff, by phone  
Charles Ryan, Director, Department of Corrections  
David Sanders, Pima County Chief Probation Officer, Carl Sheets representing by phone  
Daniel Sharp, Chief, Oro Valley Police Department  
Steve Stahl, Chief, Maricopa Police Department, Law Enforcement Leader  
Steve Williams, Navajo County Supervisor  
C.T. Wright, Chairperson, Board of Executive Clemency

**Staff Present**

Andrew T. LeFevre Executive Director  
Tony Vidale, Deputy Director  
Wendy Boyle, Program Project Specialist  
Larry Grubbs, Program Manager  
Jaime Watson, Public Information Officer

**Members Absent**

Sheila Polk, Chairperson, Yavapai County Attorney

**Guests Participating:**

Maria Cristina Fuentes, Governor's Office of Youth, Faith, and Family

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

The meeting was called to order by Vice Chairperson Joe Brugman at 1:30 pm. Greg Mengarelli, Mayor, City of Prescott, and Steve Stahl, Chief, Maricopa Police Department, Law Enforcement Leader were welcomed to the Commission as new members and introduced themselves. Vice Chairperson Brugman led the Pledge of Allegiance. There was a roll call, and a quorum was declared present.

**II. Presentation by Governor's Office of Youth, Faith, and Family**

Maria Cristina Fuentes, Director of the Governor's Office of Youth, Faith, and Family (GOYFF) presented the five key priorities for the agency that includes Human Trafficking, Substance Abuse, Child Well-Being, Juvenile Justice and Sexual & Domestic Violence, as well as running the state's Americorp program. GOYFF is the Governor's faith-based program and does their work in two primary key areas by administering about \$30M mostly for federal grant programs, and under the community engagement, faith-based and communication work runs eight Governor appointed councils and commissions.

**III. Presentation-Statewide Adult Recidivism Reduction Implementation Grant**

Commissioner Charles Ryan addressed the Department of Corrections ten-year goal for a 25 percent reduction in recidivism. The Second Chance Act-Statewide Adult Recidivism Grant in 2015, was for planning purposes and in 2016, for implementation. The Governor's goals tied into the grant for the statewide adult recidivism reduction and align with the Second Chance grant objectives. The purpose is to target the high-risk recidivism and have continuous quality improvement. The strategic initiatives are motivational interviewing and training, and the two projects: staff retention and high risk/high need.

**IV. Minutes of the March 29, 2018 Meeting**

Vice Chairperson Brugman called for a motion on the minutes of the Commission meeting held on March 29, 2018. Commissioner David Byers entered a motion to approve the minutes, seconded by Commissioner Barbara LaWall, and was unanimously approved by the Commission.

**V-1. Executive Director's Report – Staff and Program Updates**

ACJC recently hired Shayla Fordyce as the Research Analyst 2 in the Statistical Analysis Center. There are three vacancies in the agency, one in the SAC department, Finance and the Crime Victims program. Peter Henning, IT manager, will be retiring at the end of June and ACJC will not fill the position. The PIO role vacated because Jaime Watson is leaving so that position will be open for the 1<sup>st</sup> quarter of FY19. ACJC went through a business case review with ADOA about the changing needs of the agency and with that, requested elimination of the administrative services officer/HR function, and approved a new opening for a Project Manager/Grants Writer position. In other news, AYS has 260 schools signed up thus far, with a threshold of 40,000 surveys sent. Lastly, finalizing discussions with the Department of Gaming to administer a new grant program and hopefully becomes a new business model for ACJC.

**V-2. Finance Update/State Budget Update**

Executive Director Andrew LeFevre reported there were no findings in the DEA audit. From the Governor's budget for FY19, ACJC was appropriated \$600,000 from the fingerprint clearance card fund for the state's systems improvement work to increase the completeness of criminal history records for FY 2018, 2019, 2020, and 2021.

**VI. 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**

Commissioner Barbara LaWall entered a motion to approve the statutorily mandated reports as outlined in the ACJC meeting schedule handout, seconded by Commissioner David Byers and was unanimously approved by the Commission.

**3. Discussion on Establishing a Protocol for Commission Support for Events and Projects**

Commissioner Daniel Sharp entered a motion for the Commission to delegate the authority and protocol to the Executive Committee to decide if ACJC will support events and projects, and if there are time constraints, the Executive Director can make the decision. The motion seconded by Commissioner Charles Ryan was unanimously approved by the Commission.

**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 April 25, 2018. Staff presented the Committee with recommendations on FY19 Drug, Gang and Violent Crime Control Cycle 32 grant funds and updated the status of the Byrne/JAG funding. Staff also presented a 3-minute briefing on the five-year rule review for the DEA grant rules. The five-year-review report will be due for submission to the Governor's Regulatory Review Council in January 2019.

**2. Drug, Gang & Violent Crime Control (Cycle 32) Grant Awards**

Tony Vidale, Deputy Director, and Program Manager presented the recommendation from the Committee for the Drug, Gang & Violent Crime Control grant funds displayed on page 21 of the agenda contingent on receiving federal funding. This significant change applies to the delaying of funds from the FY17 Byrne JAG grant.

Commissioner David Byers entered a motion to approve the award of \$8,662,394 of the Arizona Drug, Gang & Violent Crime Control Cycle 32 grant funds as outlined in Table DC 4 on page 21 of the agenda. The funding is awarded to eligible criminal justice agencies contingent on receipt of federal funds for the period beginning July 1, 2018, and ending June 30, 2019. The grant award does not include the Attorney General's Office Medicaid Fraud project, which funds from October 1, 2018, and ending September 30, 2019. Commissioner Charles Ryan seconded the motion and unanimously approved by the Commission.

**3. ACJC Letter to Congressional Delegation on Delay in Byrne JAG Funding**

Tony Vidale presented a draft letter addressed to the Arizona congressional delegation on the concerns for the delay in FY17 Byrne JAG funding and directed that by January 31, 2019, staff cannot make any reimbursements until the funds are available. The Commission agreed that we have a fiduciary responsibility to disperse the funds and the information in the letter shows the extent of what the issues are.

Commissioner Daniel Sharp entered a motion to approve the draft letter signed by Chairperson Polk and Director LeFevre to Arizona's congressional delegation expressing concern and the negative impact that the delayed release of federal Byrne JAG funding is having on criminal justice activities across the state. The motion seconded by Commissioner Dave Byers and unanimously approved by the Commission.

**C. Crime Victims**

**1. Update on the activities of the Crime Victims Committee**

Commissioner Ryan stated the Crime Victims Committee met on May 1, 2018, and had one agenda item. He then deferred to Larry Grubbs, Program Manager.

**2. FY19 Crime Victim Assistance Grant Program Awards**

Larry Grubbs presented the recommendation of the Committee to allocate state Crime Victim Assistance grant awards totaling \$750,000 for FY19.

Commissioner David Byers entered a motion to approve the award of \$750,000 in FY19 Crime Victim Assistance grant funds as indicated in Table VS-1 on page 29 of the agenda. The motion seconded by Commissioner Daniel Sharp was unanimously approved by the Commission.

**D. Update on the activities of the Information Technology Systems Improvement Committee**

Commissioner Byers stated there were no items to report.

**E. Legislative**

**1. Update on the activities of the Legislative Committee**

Designee Carl Sheets reported the legislative session ended May 3, 2018, and deferred to Jaime Watson, Public Information Officer.

**2. 2018 Legislative Session Review**

Jaime Watson reviewed the legislative update on formal positions ACJC had taken this past session. The priority legislation that ACJC sought sponsorships were HB 2249 – to improve Protective Orders and HB 2247 – to modify ACJC sexual assault reporting requirements both passed and were signed into law. ACJC supported legislation HB 2001 and SB 1350 – both of which sought to have ACJC fulfill the requirement to administering the indigent defense fund did not pass. ACJC has included funding indigent defense in an annual budget request. ACJC opposed SB 1496 that created a new class of inmates primarily drug offenders that DOC would be required to release the transition program. The bill was signed into law.

**VII. Commission Member Summaries of Current Events**

No items presented.

**VIII. Call to the Public**

Vice Chairperson Brugman made a call to the public, and no member of the audience addressed the Commission.

**IX. Date, Time and Location of Next Meeting**

The next Commission meeting takes place at **10:30 am on Wed., July 18, 2018**, at the Little America Hotel, Flagstaff, Arizona.

**X. Adjournment**

The meeting adjourned at 2:50 p.m.

Respectfully submitted,

Andrew T. LeFevre  
Executive Director

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

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

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**TO:** Chairperson and Commission Members

**FROM:** Andy LeFevre  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Executive Director LeFevre will update the Commission on the program and staff activities.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

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**TO:** Chairperson and Commission Members

**FROM:** Andy LeFevre  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Executive Director LeFevre will update the Commission on the agency's finances.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY2020 Budget Issues Request

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**TO:** Commission Members

**FROM:** Andy LeFevre  
Executive Director

#### RECOMMENDATION:

The Commission approve the proposed budget issues for submission in the FY2020 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. The Commission may consider additional issues for submission in the FY2020 budget.

#### FISCAL IMPACT:

Significant to recipient agencies

#### ALTERNATIVES:

Not Approve - Modify - Table

# FY 2020 Budget Issues

## **Implementation of New RICO Reporting Requirements**

Two new laws enacted this past legislative session greatly expanded the reporting requirements for agencies that deal with civil asset forfeiture activities and created an entirely new report dealing with forfeiture orders. Both reports are mandated to be in an electronic format and reported on a quarterly basis. It is ACJC's understanding that that intent of this new requirement for an electronic format is so that greater transparency is provided for RICO expense information for the agencies that participate, and so that the expense information can be accessed and searched by the legislature and state agencies that choose to do so.

As the state agency statutorily mandated to collect and distribute the comprehensive state-wide RICO reports, ACJC is requesting \$100,000 for FY 2019 in order to hire a web developer/database programmer to create the necessary web interface and database architecture to handle the new reporting requirements. These costs break down as follows: \$30,000 for the expanded expense reporting requirements and \$70,000 for the new forfeiture order reporting requirements.

ACJC does not have an agency budget that can absorb these costs from existing funding sources. In addition, ACJC is not currently able to determine the ongoing administrative costs to house and maintain these new systems as they grow year over year with the large amounts of new data being added. These costs may also need to be addressed in future budget requests to the Executive and Legislature.

## **Information and Technology Integration and Improvements**

ACJC continues to work in conjunction with the Arizona Department of Public Safety (DPS), the Administrative Office of the Courts, the Arizona Department of Corrections, the Arizona Strategic Enterprise Technology Office, as well other agencies, to propose beginning a multi-year, system-wide improvement of information and data sharing capabilities which are vital to improving public safety.

Over the past decade, ACJC has been utilizing funding from federal grant programs to address the improvement of criminal history/justice records. Despite spending more than \$18 million in federal grant funds to establish and improve automated systems and processes, the criminal history records currently housed in Arizona's Computerized Criminal History (ACCH) system at DPS is still only approximately 72 percent accurate and complete. The ACCH is the statewide repository for the arrests and dispositions of charges for all persons arrested in the state – and more importantly the primary system utilized for criminal history checks for those individuals seeking a fingerprint clearance card to work in Arizona's schools, hospitals, and other designated areas.

The Arizona ICJIS Strategic Plan and subsequent Assessment adopted by the Commission indicated a cost of \$6.2 million to complete initial projects to improve the infrastructure of the state system. The funding would not provide the answer to all integration needs but would improve the integration process and eventually allow for complete integration among all agencies. All of the funding would not be needed in a single year. As such, ACJC is pursuing a strategic funding plan that would call for \$1.8 million in FY18 with additional funding requests in the future budget cycles.

## **State Aid to Indigent Defense – Fill the Gap**

In 1999 the Arizona enacted Fill the Gap legislation in order to provide additional resources to county attorneys, indigent defense agencies, and superior courts to assist in their efforts to reduce case processing times throughout the state. Since FY 2012, the state legislature has redirected the revenue in the State Aid to County Indigent Defense Fund to the Arizona Attorney General's Office and/or the Arizona Department of Public Safety.

This loss of state funds has negatively impacted county programs and their ability to fund case processing and have made it nearly impossible for counties to meet the Arizona Supreme Court mandated timeframe for processing cases. ACJC is requesting authority to allocate available funds to county programs as intended by law.

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	CJEF Formula Recommendation

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**TO:** Commission Members

**FROM:** Andy LeFevre  
Executive Director

#### RECOMMENDATION:

The Commission approves a recommendation that no change be made to 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 CJEF formula be made at this time.

#### FISCAL IMPACT:

No Impact

#### ALTERNATIVES:

Not Approve - Modify - Table

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Committee Report

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**TO:** Commission Members

**FROM:** Sheila Polk, Chair  
Executive Committee

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

An update on activities of the Executive Committee.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Research Priorities for ACJC's Statistical Analysis Center

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**TO:** Commission Members

**FROM:** Sheila Polk, Chair  
Executive Committee

**RECOMMENDATION:**

The Commission will discuss potential future research priorities for the Statistical Analysis Center.

**DISCUSSION:**

ACJC's Statistical Analysis Center performs various data collection and research on Arizona's criminal Justice system. In addition to statutorily mandated reports, the Commission can identify research priorities and direct the Statistical Analysis staff's activities.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Strategic Planning Session

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**TO:** Commission Members

**FROM:** Sheila Polk, Chair  
Executive Committee

**RECOMMENDATION:**

The Commission hold a strategic planning session at its September meeting.

**DISCUSSION:**

The Commission review its progress over the past two years at meeting its new mission statement and determine if any adjustments need to be made to its strategic plan.

**FISCAL IMPACT:**

No Impact

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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**Action Requested:**

July 18, 2018

**Type of Action Requested:**

- Formal Action/Motion  
 Information Only  
 Other

**Subject:**

Drug, Gang & Violent  
Crime Control Committee  
Update

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**TO:** Chairperson and Commission Members

**FROM:** Joe Brugman, Chair  
Drug, Gang & Violent Crime Control Committee

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

An update on activities of the Drug, Gang & Violent Crime Control Committee.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 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

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**TO:** Chairperson and Commission Members

**FROM:** Joe Brugman, Chair  
Drug, Gang & Violent Crime Control Committee

#### RECOMMENDATION:

The Commission approves that a rulemaking docket is 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 review its rules once every five years. The last review was completed in 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 <del>shall</del> <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. <del>This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).</del>	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 <del>shall</del> <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; <del>a copy of the application.</del> <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> <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>	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.

5.	<p>R10-4-404 C.</p> <p>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).</p>	<p>The Commission shall approve grant funding, in whole or in part, or deny funding using standards <del>in the plan approved by the federal government and</del> referenced under A.R.S. § 41-2402(F). <u>AND R10-4-402 C.</u></p>	<p>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.</p>
6.	<p>R10-4-406 A.</p> <p>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.</p>	<p>The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11). <del>and the report required by the federal government regarding the current criminal justice grant program.</del> The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare <del>these reports</del> <u>THE REPORT.</u></p>	<p>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.</p>
7.	<p>R10-4-406 B.</p> <p>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.</p>	<p>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. <del>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.</del></p>	<p>This change would allow flexibility in setting financial and activity report due dates and conform to current business practices.</p>

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

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Crime Victims Committee Update

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**TO:** Chairperson and Commission Members

**FROM:** Charles Ryan, Chair  
Crime Victims Committee

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

An update on activities of the Crime Victims Committee.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Information, Technology & Systems Improvement Committee Update

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**TO:** Chairperson and Commission Members

**FROM:** David Byers, Chair  
Information, Technology & Systems Improvement Committee

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

An update on activities of the Information, Technology & Systems Improvement Committee.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Committee Update

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**TO:** Chairperson and Commission Members

**FROM:** David Sanders, Chair  
Legislative Committee

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

An update on activities of the Legislative Committee.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
July 18, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2018 Legislative Report

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**TO:** Chairperson and Commission Members

**FROM:** David Sanders, Chair  
Legislative Committee

**RECOMMENDATION:**

The Commission approve for release the 2018 Legislative Report

**DISCUSSION:**

As part of ACJC's statutorily required reporting on the activities of the legislature in passing new laws that impact the criminal justice system, ACJC produces a yearly report on the legislature's activities.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	CJEF Working Group Update

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**TO:** Chairperson and Commission Members

**FROM:** Daniel Sharp, Chair  
CJEF Working Group

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Members will be provided with an update on the activities of the CJEF Working Group.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
July 18, 2018	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Potential Funding Solutions for the Criminal Justice Enhancement Fund

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**TO:** Chairperson and Commission Members

**FROM:** Daniel Sharp, Chair  
CJEF Working Group

#### **RECOMMENDATION:**

The Commission approve potential funding solutions for the Criminal Justice Enhancement Fund as presented by the CJEF Working Group.

#### **DISCUSSION:**

Members of the CJEF Working Group have been meeting to discuss potential alternative funding mechanisms to add to the Criminal Justice Enhancement Fund to bring available revenues back up to a level that will allow the participating agencies to fully execute their stated programs that are funded in this capacity.

#### **FISCAL IMPACT:**

Significant to recipient agencies

#### **ALTERNATIVES:**

Not Approve - Modify - Table

## **Possible CJEF Funding Solutions to Recommend to Full Commission**

- 1. The Commission develop a budget issue/request to the Executive to earmark a portion of new revenue derived from sales tax on internet sales to go towards criminal justice activity funding in general and the CJEF specifically.**
  - As this is new revenue for the state it presents the best possibility for providing new funding for criminal justice activities. The recent Supreme Court ruling opens this as a new potential \$200 million per year revenue stream for the state.
- 2. Additional fees on either cell phone sales or monthly bills** (nexus now that the legislature has passed a ban on texting and driving for new drivers)
  - Based on national calculations, 95% of people over the age of 18 own a cell phone. In Arizona, this equates to approximately 5 million cell phones. An additional fee/surcharge of \$.10/line/month could generate approximately \$6 million in additional revenue per year. An additional fee/surcharge of \$.15/line/month could generate approximately \$9 million in additional revenue per year.
- 3. Additional fees on either car or homeowners insurance policies** (theft claims involve the criminal justice system)
  - In 2017 there were approximately 5.1 million insured vehicles in Arizona. An additional .50 surcharge on vehicle insurance policies could generate approximately \$5 million in additional revenue per year (much like the Auto Theft Authority is funded)
  - In 2017 there were approximately 2.9 million housing units in Arizona. An additional \$2 surcharge per homeowners insurance or renters policy per year could generate approximately \$6 million in additional revenue per year.
- 4. Federal Income tax return interception to pay unpaid state court fines and fees**
  - ACJC Chair Ms. Polk and staff met with Congressman Schweikert's Office to discuss the possibility of action at the federal level → *very low probability of any action at this time*
- 5. Funding of AZPOST and APAAC via general fund/removal from CJEF formula**
  - Agency funding needs amount to approximately \$10-12 million annually (agencies will provide need at meeting). Would Executive and Legislature agree to fund via the general fund? CJEF revenues split amongst agencies that remain in formula.
- 6. Additional fees on personalized/special license plates**
  - Arizona issues approximately 40,000 personalized/special license plates each year. An additional fee of \$5 could generate \$200,000 per year
- 7. Additional tax or surcharge on Alcohol sales**
  - During FY 2016-17, Arizona collected approximately \$74 million in taxes via the Liquor luxury tax (which imposed on licensed wholesalers who sell to licensed retailers). Tax rates are outlined in ARS §42-3052.
- 8. Tax or surcharge on Opioid medication sales**
  - A better legislative model for holding the pharmaceutical industry to financial account may be similar to a bill passed in New York State in early April. New York's law charges companies that manufacture or distribute opioids in the state a collective \$100 million per year. The amount that each company pays is tied to its market share, and the money will go into a "stewardship fund" to pay for prevention, treatment, and recovery programs. The law expressly forbids companies from passing the added costs on to patients, though it's not clear how that will be enforced.

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 18, 2018	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Summaries of Current Events

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**TO:** Chairperson and Commission Members

**FROM:** Andy LeFevre  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Pursuant to A.R.S. §38-431.02(K), individual Commission members may present brief summaries of current events, but no discussion may occur and no action may be taken regarding anything that is presented.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A