

**Arizona Criminal Justice
Commission Minutes
July 18, 2018**

A public meeting of the Arizona Criminal Justice Commission convened on July 18, 2018, at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ 86004.

Members Present

Sheila Polk, Chairperson, Yavapai County Attorney
Joe Brugman, Vice Chairperson, Chief, Safford Police Department
Mark Brnovich, Attorney General, Paul Ahler representing
David Byers, Director, Administrative Office of the Courts
K.C. Clark, Navajo County Sheriff, Randy Moffitt representing
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, Timothy Chung representing
Mark Napier, Pima County Sheriff
Paul Penzone, Maricopa County Sheriff
Charles Ryan, Director, Department of Corrections
David Sanders, Pima County Chief Probation Officer, by phone
Daniel Sharp, Chief, Oro Valley Police Department
Steve Stahl, Chief, Maricopa Police Department, Law Enforcement Leader
C.T. Wright, Chairperson, Board of Executive Clemency

Members Absent

Bill Montgomery, Maricopa County Attorney
Steve Williams, Navajo County Supervisor

Staff Present

Andy LeFevre Executive Director
Tony Vidale, Deputy Director
Wendy Boyle, Program Project Specialist
Larry Grubbs, Program Manager, by phone
Patty Hatvick, Finance Manager
Marc Peoples, Program Manager

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

The meeting was called to order by Chairperson Sheila Polk at 10:30 am and led the Pledge of Allegiance. There was a roll call, and a quorum was declared present.

II. Minutes of the May 17, 2018 Meeting

Chairperson Polk called for a motion on the minutes of the Commission meeting held on May 17, 2018. Commissioner Joe Brugman entered a motion to approve the minutes. The motion seconded by Commissioner Daniel Sharp was unanimously approved by the Commission.

III. Executive Director's Report

1. Staff and Program Updates

In ACJC staff news, Anna Haney accepted a position with the Department of Administration's Office of Grants and Federal Resources (GFR) managing the grant program leaving her job vacant. Simone Courter hired on as the new grant coordinator for ACJC Drug, Gang and Violent Crime Control Program. The agency is in the process of hiring a Senior Research Analyst for the Statistical Analysis Center (SAC) and submitting two additional positions that will require to fill a Project Manager role and hire a Public Information Officer/Legislative Liaison. In ACJC program updates, the agency submitted a new grant application under the Bureau of Justice Assistance Substance Abuse Prevention Program for a \$100,000 planning grant under category 4. If all goes well, a follow-up grant for \$1.2M awarded as pass-through money going out to law enforcement agencies for substance prevention work across the state could be a possibility. The legislature last session also enacted a new commission that ACJC will staff called the Peace Officer Equipment Advisory Commission funded by some diversion programs. There are no appointed members; however, they will include one sheriff, one police chief, DPS director, a member appointed by the President of the Senate, the Speaker of the House and two union representatives.

2. Finance Update

Executive Director Andy LeFevre reported that staff was close to projections for FY18. Staff looked for savings of re-appropriated funds such as the APRC funding for the Statistical Analysis Center and staff vacancy savings. The funding helped build our reporting system and office equipment upgrades. Patty Hatvick, Finance Manager, reviewed the preliminary FY18 budget report that covered highlights from the CJEF, Victim, APRC, State Aid County Attorneys, and Pre-Trial Intervention funds.

A. FY2020 Budget Issues Request

Executive Director LeFevre presented the budget issues for submission in the FY2020 budget proposal to the Executive. They include building of a new online RICO Reporting system at a cost of \$100,000 (\$30,000 for the expense reports and \$70,000 for the forfeiture order reports). Also, the strategic funding plan for \$1.8M in state appropriations for Information and Technology Integration and Improvements. And a request that the State Aid to Indigent Defense-Fill the Gap funds be expended as originally intended. Commissioner Barbara LaWall asked if ACJC had the number of hits or traffic usage on the website in viewing the RICO State and Federal Expenditures Report Form and RICO Federal Order Report Form. Executive Director LeFevre indicated that staff would research and present to the Commission at the September meeting. Commissioner Daniel Sharp entered a motion to approve the FY2020 budget proposal for submission. The motion seconded by Commissioner Joe Brugman was unanimously approved by the Commission.

B. CJEF Formula Recommendation

Executive Director LeFevre stated ARS 41-2405.7 requires the Commission as part of the budget submittal process to make a recommendation on the CJEF purposes and formula of the fund monies. The staff recommended no change to the current formula. Commissioner Joe Brugman entered a motion to approve the recommendation from staff on the CJEF formula. The motion seconded by Commissioner Sean Duggan was unanimously approved by the Commission.

IV. Committee Reports

A. Executive

1. Update on the activities of the Executive Committee

Chairperson Polk reviewed the updates of the Executive Committee.

2. Future Statistical Analysis Center Research Priorities

Chairperson Polk continued with the discussion for future SAC research priorities. One recommendation for discussion at the September Commission meeting would have the Annual Arizona Prison Report produced by SAC instead of the Arizona Prosecuting Attorneys' Advisory Council (APAAC). The plan could be reporting tentatively every two years opposite of the Arizona Youth Survey. Another recommendation is to further expand on the criminal statutes reporting project and find ways to do something further with the information.

3. Strategic Planning Session at the September Commission Meeting

Chairperson Polk stated the Commission would hold a strategic planning session in September to revisit the priorities identified, review the progress made and have a discussion on what the Commission wants the priorities to be going forward. ACJC staff will provide the notes from the September Commission meeting in 2016 for the Commission.

B. Drug, Gang & Violent Crime Control

Commissioner Joe Brugman stated the Committee met and deferred to Tony Vidale, Deputy Director, and Program Manager.

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

Mr. Vidale reported that the Committee reviewed the Drug and Gang Enforcement Account Grant rules and came up with seven proposed changes for the 5-year review. Also, ACJC finally secured the disbursement of the Byrne/JAG funding for FY17. In the Drug program, the Bureau of Justice Assistance completed an enhanced desk review for the Byrne/Jag grants and found no discrepancies. Lastly, on the RSAT grant, ACJC submitted a revised budget and submitted an amended application to the federal government. The amount of the grant is around \$770,000 for RSAT and staff will present a funding recommendation to the Commission in November.

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

Mr. Vidale presented information on the five-year rule review for the Drug and Gang Enforcement grant rules. ACJC is recommending seven rule amendments, and the Commission reviewed the edits listed on pages 16-20 of the agenda. Commissioner Joe Brugman entered a motion to approve opening the rulemaking docket for the Drug and Gang Enforcement Account Grants administrative rules and approve the proposed rule changes. The motion seconded by Commissioner Daniel Sharp was unanimously approved by the Commission.

1. Update on the activities of the Crime Victims Committee

Commissioner Charles Ryan stated the Committee has not met since May 1, 2018, and there were no items to report.

C. Information Technology Systems Improvement

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

Commissioner David Byers spoke on the projects under the Committee. The first was the standardization of the Conditions of Release to allow courts to share release orders electronically with law enforcement. The next step in this process will be meeting with the presiding judges in October. The second project is the Order of Protection System that will be effective on 1/1/2020 that allows plaintiffs to request protection orders online. The final project was the 2FID fingerprinting project. The system in the criminal courtrooms and is fully running in all counties participating except Pima County. Phase II of this project will allow the court to know if the current charges are in criminal history before the defendant sentencing.

D. Legislative

1. Update on the activities of the Legislative Committee

Commissioner David Sanders reported the Committee met during the session and that ACJC compiled a legislative report summarizing the bills.

2. 2018 ACJC Legislative Report

Commissioner Barbara LaWall entered a motion to accept the 2018 legislative summary report as proposed for release. The motion seconded by Commissioner Joe Brugman was unanimously approved by the Commission.

V. Report of the CJEF Working Group

1. Update on the activities of the CJEF Working Group

Commissioner Daniel Sharp referred to and thanked the members of the Commission, APAAC and the Arizona Peace Officer Standards and Training, (AZ POST) that participated in the Criminal Justice Enhancement Fund (CJEF) working group.

2. Recommendation to the Commission on Possible Funding Solutions for the CJEF

Commissioner Daniel Sharp reviewed the possible CJEF funding solutions for the Commission and narrowed down to three. The working group looked at a \$15M gap to get to the appropriate funding levels and stressed this was not going to fix the problem in the long run; however, it is a beginning. The first is developing a budget issue/request to the Executive or potential legislation requiring a portion of any new revenue resulting internet sales tax be dedicated to going towards criminal justice activities via the CJEF. A second suggestion is to add additional fees on either cell phone sales or monthly bills generating \$9M in added revenue. Lastly, impose further fees on either car or homeowners insurance policies generating \$6M in further revenue. Commissioner Daniel Sharp entered a motion directing staff to develop the first three provided solutions further and work on a planned approach to the legislature for possible resolutions for the CJEF funding. The motion seconded by Commissioner Steven Stahl was unanimously approved by the Commission.

VI. Commission Member Summaries of Current Events

Chairperson Polk shared information about the Arizona Drug Summit in Phoenix on September 24-25, 2018. Commissioner Byers revealed that on August 1st, the ability for any law enforcement agency in getting Blood Drawn Warrants would go statewide electronically issued 24/7. Starting on July 1st, the statute went into effect that requires a court order for law enforcement or the Department of Economic Security (DES) to remove a child in a neglect or abuse case. The legislation allows law enforcement to request a court-ordered removal but does not allow the court to grant the removal to order to law enforcement. The only agency the court can grant removal authority to is DES. Administrative Office of the Courts (AOC) has talked with law enforcement legal advisors and DES to work up the protocols, review the statute and see what could be corrected about the flawed language.

VII. Call to the Public

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

VIII. Date, Time and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting takes place at **1:30 pm on Thursday, September 20, 2018**, at 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

IX. Adjournment

The meeting adjourned at 11:50 am.

Respectfully submitted,



Andy LeFevre
Executive Director

Audio recording is available upon request.