

**Joint Executive Committee and Legislative Committee
of the Arizona Criminal Justice Commission
Minutes
January 31, 2020**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, January 31, 2020 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

David Sanders, Chairperson, Pima County Chief Probation Officer
David Byers, Director of Administrative Office of the Courts,
Mark Napier, Pima County Sheriff
Danny Sharp, Chief, Oro Valley Police Department
Abbie James, on behalf of Barbara LaWall, Pima County Attorney
Blaze Baggs, on behalf of Frank Milstead for DPS

Members Absent:

Sean Duggan, Chandler Police Chief
Sheila Polk, ACJC Chairperson, Yavapai County Attorney
Steve Stahl, City of Maricopa Chief of Police

ACJC Staff Present:

Molly E. Edwards, Public Information Officer/Legislative Liaison
Andy LeFevre, ACJC Executive Director
Dorothy Davis, Legislative Intern
Wendy Boyle, Project Specialist

Guests Present:

Jerry Landau, Administrative Office of the Courts

I. Call to Order and Roll Call

The meeting was called to order by Chief David Sanders at 1:30 pm. Roll was taken and a quorum was declared present.

II. Minutes of the March 29, 2019 and November 13, 2019 Meetings

Dave Byers made a motion to approve the minutes of March 29, 2019. Chief Danny Sharp seconded and was unanimously approved by the committee.

Dave Byers made a motion to approve the minutes as amended to the November 13, 2019. Chief Danny Sharp seconded and was unanimously approved by the committee.

III. Review of Introduced Criminal Justice Legislation

Molly Edwards, Public Information Officer/Legislative Liaison asked the committee to review the language for HB 2227 Criminal Justice Commission; Data Collection. The revised language has been circulated and part of discussions to stakeholder groups. Edwards stated that there have been some concerns and asked that the committee provide input. February 5, 2020 will be the hearing for this bill in the House Judiciary Committee, therefore today the language would need to be turned into Chairman Allen to meet our deadline for filing the amended language.

Director Andy LeFevre explained that in order to meet our deadlines for filing this particular bill, it was necessary to submit the original bill language.

Chief Sanders stated that both Chairwoman Polk and Sheriff Napier asked that we word the language that targets information that is currently collected – have the language read, “Unless prohibited by federal or state law, require any state or local criminal justice agency to submit any necessary information that is currently collected by the criminal justice agency.” Remove the language that says, “Unless is poses a significant burden”.

Sheriff Napier agreed. The other language begs what constitutes “a burden”, if you state you are not going to create additional data that doesn’t already exist, it would be less onerous, especially on the smaller agencies to have less administrative capacity to generate new information and it might also dissuade these elaborate fishing expeditions. If the suggested changes can be made, we will be a lot closer on getting agreement then.

Director Dave Byers stated that he appreciated all of the suggestions, but expressed concerns about Chairman Sanders language stating that it could cause an agency to have a huge burden. The courts collect a lot of data. However, to assemble these requests could be a real burden for any agency.

Director Byers asked what the penalty would be if the data wasn’t provided? Director LeFevre stated that by having the word “require” in the language gives ACJC more of an ability to acquire the data. He acknowledged that there isn’t any teeth in the language, but if the legislature is requiring ACJC to do something because they passed a bill requiring us to do something, all we can do is go back to the legislature and state that we tried to collect the information but staff was unable to acquire what they needed. If that was the case, the legislature would have to hold them accountable at that point. We have some legislators thinking our language doesn’t go far enough. Staff just needs the ability to do their job should they be put in a position to do a report by the legislature’s request. We are often viewed as the place for entities to come to for Criminal Justice information and then not have the ability to provide it to them.

Jerry Landau stated that the Chairman of the Judiciary committee would like ACJC to collect this information. He stated further that he did not agree that the Commission should drop this completely. Mr. Landau stated that individuals had expressed concerns to him and he suggested that the Commission ask the Chairman to hold the bill this week and hold a stakeholder group meeting to gather more input.

Director LeFevre stated that staff had reached out to the Attorney General’s Office, the Association of Counties, and ACOPP and ran our proposed amendment by them and by-in-large the feedback we received was we were moving in the right direction with our language. He deferred to the committee to decide on their comfort level with proceeding forward, but explained that if amenable, we could continue to amend as needed as it goes through the process.

Chairwoman Polk suggested that the committee go back and understand why this change was suggested in the first place and that this reason was because certain agencies do not provide you the data. She further stated that would it be helpful to understand where ACJC is having difficulty acquiring data?

Director Byers said his agency has no problem providing the data, as long as it is readily available and easily collected. Sheriff Napier concurred.

Director LeFevre said that staff could ask the chairman to hold the bill for a week, staff could assemble groups to discuss the bill further, get language from everyone that seems to make sense, and then get the revised language back to this committee early next week for your review?

Chairwoman Polk suggested that Director LeFevre draft the language as Director Byers proposed. Director LeFevre agreed and would send it around to the groups for their input. Discussion continued about the possibility of the bill being put on hold? Jerry Landau said there would need to be good reason to ask the Chairman to put the bill on hold because he is definitely interested in data being collected by ACJC.

Director LeFevre asked for feedback from the committee before next week- anything that would help to alleviate concerns, then we will present it to the stakeholder group, then have another call with the committee to go over the revised language maybe Monday or Tuesday afternoon. Chairwoman Polk agreed.

Committee agreed to do a conference call on 2/4/2020 at 1:30PM to finalize the language.

Molly Edwards provided a list in advance to the committee of all of the bills we are currently tracking. She stated that HB2231, membership bill has been assigned to Judiciary and is scheduled to be heard on 2/5/2020. HB 2227 – Data Bill is also scheduled to be heard on 2/5/2020 in Judiciary. HB2437 the CCW bill has been assigned to Judiciary but no hearing scheduled at this time.

This concluded our legislative report.

VI. Call to the Public

Chief Sanders made a call to the public. No members of the public addressed the Committee.

VII. Date, Time, and Location of Next Meeting

The next legislative update will be February 4, 2020 at 1:30 PM.

VIII. Adjournment

The meeting was adjourned at 2:10 pm.

Respectfully submitted,



Andrew T. LeFevre, Executive Director

Audio recording is available upon request.