

**NOTICE OF PUBLIC MEETING OF THE
JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S § 38-431.02, notice is hereby given to the members of the **Legislative Committee** and **Executive Committee** of the Arizona Criminal Justice Commission and to the general public that the **Joint Executive Committee** and **Legislative Committee** will hold a meeting open to the public on **Friday, February 14, 2020** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007**. Members of the committee may attend either in person or by telephone, video or internet conferencing.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

Agenda for the meeting is as follows:

I. Call to Order and Roll Call

David Sanders

Executive Committee Members:

Sheila Polk, Chairperson
Steve Stahl, Vice Chairperson
David Byers
David Sanders
Sean Duggan

Legislative Committee Members:

David Sanders, Chairperson
David Byers
Barbara LaWall
Frank Milstead
Mark Napier
Danny Sharp

II. Minutes of January 31 and February 4, 2020 Meetings D. Sanders
P-F-T

- Approval of Minutes

III. Review Introduced Criminal Justice Legislation Molly Edwards

- Review, discussion, consideration and possible action on support of various criminal justice legislation:
 1. Positions that can be taken on bills include:
 - Support
 - Oppose
 - Neutral
 - Monitor

IV. Call to the Public

Those wishing to address the Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

V. Date, Time, and Location of Next Meeting

- The next Legislative Committee meeting will be held at the call of the Chairperson

VI. Adjournment

A copy of the agenda background material provided to Committee members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

II

JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
January 31, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the January 31, 2020 Meeting

TO: Chairperson and Committee Members

FROM: David Sanders, Chairperson

RECOMMENDATION:

The Committee approve the minutes of the Legislative Committee meeting held on January 31, 2020.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**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 with 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 “the burden”, if you state you are not going to create stuff 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 further asked why this was even so important if it will cause angst.

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. ACJC is not looking to go on fishing expeditions. 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 some 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 LeFevre stated that we were needing data from the Sheriffs in order to compare recidivism data is one example.

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.

**JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
February 4, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the February 4, 2020 Meeting

TO: Chairperson and Committee Members

FROM: David Sanders, Chairperson

RECOMMENDATION:

The Committee approve the minutes of the Legislative Committee meeting held on February 4, 2020.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Joint Executive Committee and Legislative Committee
of the Arizona Criminal Justice Commission**

**Minutes
February 4, 2020**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Tuesday, February 4, 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
Sheila Polk, ACJC Chairperson, Yavapai County Attorney
Steve Stahl,
David Byers, Director of Administrative Office of the Courts,
Timothy Chung, on behalf of Director Frank Milstead of the Department of Public Safety
Danny Sharp, Chief, Oro Valley Police Department
Abbie James, on behalf of Pima County Attorney, Barbara LaWall

Members Absent:

Sean Duggan, Chandler Police Chief
Mark Napier, Pima County Sheriff

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 Participating:

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. Review of Amended HB 2227 Language- Criminal Justice Commission; Data Collection

Director Andy Lefevre stated that the Commission had asked staff to reach out to more stakeholders to get input on the language and how it could be improved. Director LeFevre sent a revised draft of the amended language to the Commission for their review. Additionally, ACJC staff met with more stakeholders on February 3, 2020 to have additional discussion about the amended language. In speaking with stakeholders, staff had not heard a lot of objections, however, a few needed to take the revised language back to their groups for further discussion and sign off. Director LeFevre provided the Commission with the more refined language to be more prescriptive of when the commission would be able to require data when it is a statutorily required report, is required for a federal or state required report, or that would be deemed necessary by a vote of the full Commission. And then also having language that it was only that data that is collected by the agency and is readily reportable by the agencies. The bill also says that the Commission cannot go out and seek new data. Director Lefevre noted that on a fairly regular basis, we have reached out to agencies about data that we are statutorily required to receive and have not received what we have needed. All we can do is state that the agency “did not report”. Examples of times when this has occurred have been with the Federal Deaths in Custody report or the RICO report. We have no mechanism other than to just keep asking them for the data. With the Department of Justice reports, they can assess a penalty against our Byrne-Jag dollars for future years. If we can

continue to have language that “requires” the data, it will give us a stronger ability to go back to those agencies in an attempt to get the data.

Chairwoman Sheila Polk stated that she appreciated changes to the language and that these changes address her concerns. She has heard concerns from the Sheriffs and wondered if we had received any feedback from them? Director LeFevre confirmed that staff had sent the revised language to the Association of Counties, but we had not heard back from them yet. However, staff has had specific conversations with Sheriff representatives. But staff is happy to continue these conversations as we move through the process.

Chairman Sanders asked if there were any further questions or concerns. There were none.

Chairwoman Sheila Polk moved to accept the new language as amended and further move to get the authority to allow Director LeFevre to continue to work with the language as it moves through the process.

Chief Danny Sharp seconded the motion. The motion passed unanimously.

III. Call to the Public

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

IV. Date, Time, and Location of Next Meeting

The next legislative update will be February 14, 2020 at 1:30 PM.

V. Adjournment

The meeting was adjourned at 1:41 pm.

Respectfully submitted,



Andrew T. LeFevre, Executive Director

Audio recording is available upon request.

IV

JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
February 14, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Review Introduced Criminal Justice Legislation

TO: Chairperson and Committee Members

FROM: Molly E. Edwards, Legislative Liaison

RECOMMENDATION:

To Committee Members will provide staff with positions on the discussed introduced legislation.

DISCUSSION:

•Review, discussion, consideration and possible action on ACJC positions of various criminal justice legislation:

Committee Members may take the following positions on the discussed legislation

- Support
- Oppose
- Neutral
- Monitor

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table