

Arizona Criminal Justice Commission

	FY 2016 ACTUAL	FY 2017 ESTIMATE	FY 2018 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	9.0	9.0	9.0
Personal Services	351,200	611,600	611,600
Employee Related Expenditures	106,000	206,300	211,500
Professional and Outside Services	112,600	227,200	227,200
Travel - In State	5,300	11,300	11,300
Travel - Out of State	6,700	20,000	20,000
Other Operating Expenditures	76,000	157,800	157,800
Equipment	11,100	16,900	16,900
OPERATING SUBTOTAL	668,900	1,251,100	1,256,300
SPECIAL LINE ITEMS			
Felony Pretrial Intervention Programs	0	0	2,750,000 ^{1/2/}
State Aid to County Attorneys	934,500	973,700	973,700
Victim Compensation and Assistance	3,660,600	4,220,600	4,222,600
AGENCY TOTAL	5,264,000	6,445,400	9,202,600 ^{3/}
FUND SOURCES			
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	509,400	646,600	651,300
Drug and Gang Prevention Resource Center Fund	159,500	604,500	605,000
Inmate Store Proceeds Fund	0	0	750,000
Penitentiary Land Fund	0	0	1,000,000
State Aid to County Attorneys Fund	934,500	973,700	973,700 ^{4/}
State Charitable, Penal and Reformatory Institutions Land Fund	0	0	1,000,000
Victim Compensation and Assistance Fund	3,660,600	4,220,600	4,222,600 ^{5/}
SUBTOTAL - Other Appropriated Funds	5,264,000	6,445,400	9,202,600
SUBTOTAL - Appropriated Funds	5,264,000	6,445,400	9,202,600
Other Non-Appropriated Funds	5,927,300	7,126,500	5,274,500
Federal Funds	7,218,600	10,302,900	8,156,500
TOTAL - ALL SOURCES	18,409,900	23,874,800	22,633,600

AGENCY DESCRIPTION — The commission was created to enhance the effectiveness and coordination of the criminal justice system in Arizona. The commission may identify needed revisions in the system and make reports. It receives 1.57% of Criminal Justice Enhancement Fund (CJEF) monies.

- ^{1/} Laws 2017, Chapter 286 appropriated \$2,750,000, including \$1,000,000 from the Penitentiary Land Fund, \$1,000,000 from the State Charitable, Penal and Reformatory Institutions Land Fund, and \$750,000 from the Inmate Store Proceeds Fund for Felony Pretrial Intervention Programs.
- ^{2/} This appropriation is a continuing appropriation and is exempt from the provisions of A.R.S. § 35-190, relating to lapsing of appropriations.
- ^{3/} General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.
- ^{4/} All monies received by the Arizona Criminal Justice Commission in excess of \$973,700 in FY 2018 from the State Aid to County Attorneys Fund established by A.R.S. § 11-539 are appropriated to the State Aid to County Attorneys Program. Before the expenditure of any State Aid to County Attorneys Fund monies in excess of \$973,700, the Arizona Criminal Justice Commission shall report the intended use of the monies to the Joint Legislative Budget Committee. (General Appropriation Act footnote)
- ^{5/} All Victim Compensation and Assistance monies received by the Arizona Criminal Justice Commission in excess of \$4,222,600 in FY 2018 are appropriated to the Crime Victims Program. Before the expenditure of any Victim Compensation and Assistance Fund monies in excess of \$4,222,600 in FY 2018, the Arizona Criminal Justice Commission shall report the intended use of the monies to the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)

Operating Budget

The budget includes \$1,256,300 and 9 FTE Positions in FY 2018 for the operating budget. These amounts consist of:

	FY 2018
CJEF	\$651,300
Drug and Gang Prevention Resource Center Fund	605,000

These amounts fund the following adjustments:

Statewide Adjustments

The budget includes an increase of \$5,200 in FY 2018 for statewide adjustments. This amount consists of:

CJEF	4,700
Drug and Gang Prevention Resource Center Fund	500

(Please see the Agency Detail and Allocations section.)

Felony Pretrial Intervention Programs

Laws 2017, Chapter 286 appropriates \$2,750,000 in FY 2018 for Felony Pretrial Intervention Programs. This amount consists of:

Penitentiary Land Fund	1,000,000
State Charitable, Penal and Reformatory Institutions Land Fund	1,000,000
Inmate Store Proceeds Fund	750,000

This line item provides funding to county attorney offices for administering felony pretrial intervention programs. Monies are to be distributed proportionately to county attorney offices in all counties except Maricopa County. Felony pretrial intervention programs may provide substance abuse treatment including medically assisted treatment with mandatory drug testing, cognitive behavioral therapy, and case management services for non-dangerous, non-repeat offenders. Each felony pretrial intervention program treatment provider will provide the county attorney with a report on each offender's attendance record and whether an offender fails a drug test. ACJC may spend up to 1% of the monies for administrative expenses.

State Aid to County Attorneys

The budget includes \$973,700 from the State Aid to County Attorneys Fund in FY 2018 for State Aid to County Attorneys. This amount is unchanged from FY 2017.

This line item provides funding for the various offices of county attorneys throughout Arizona to improve the processing of criminal cases. The line item receives funds from a 15.44% allocation of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations and a portion of the monies collected by the Supreme Court and Court of Appeals. The Arizona Criminal Justice Commission (ACJC) is required to distribute the monies to each county based on a composite index formula using Superior Court felony filings and county population.

Victim Compensation and Assistance

The budget includes \$4,222,600 from the Victim Compensation and Assistance Fund in FY 2018 for Victim Compensation and Assistance. This amount funds the following adjustments:

Statewide Adjustments

The budget includes an increase of \$2,000 from the Victim Compensation and Assistance Fund in FY 2018 for statewide adjustments.

This line item provides funding for 2 crime victim grant programs: the Victim Compensation Program and the Victim Assistance Program. Victim compensation monies are distributed to county compensation boards that award cash compensation to crime victims for specified expenses resulting from their victimization. Revenues for victim compensation grant monies come from 3 sources: 4.6% CJEF distribution, inmate work fees, and unclaimed victim restitution. Victim assistance monies are granted to local government and not-for-profit agencies on a competitive basis and are used for operating expenses related to their victim assistance programs. Revenues for victim assistance grants come from community supervision fees and interstate compact fees.

Other Issues

Indigent Defense

The budget includes \$700,000 from the State Aid to Indigent Defense Fund in the Department of Public Safety (DPS) budget for operational costs associated with the Arizona Counter Terrorism Information Center. This amount is unchanged from FY 2017 for DPS.

The State Aid to Indigent Defense Fund receives funding from a 14.66% allocation of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations and a portion of

the monies collected by the Supreme Court and Court of Appeals.

Prior to FY 2012, ACJC was required to distribute the Indigent Defense monies to each county based on a composite index formula using Superior Court felony filings and county population. Since that time, the fund has been used for other purposes. The FY 2016 year-end fund balance, including the appropriations to the Attorney General and DPS, was \$66,600. The projected FY 2017 year-end fund balance, including the appropriation to DPS, is \$177,300. In FY 2018, projected annual revenues are \$803,200, sufficient to fund the \$700,000 DPS appropriation.

Anti-Racketeering Revolving Fund Report

A.R.S. § 13-2314.01 and A.R.S. § 13-2314.03 require the Attorney General and departments and state agencies, including counties, that use the Anti-Racketeering Revolving Fund (ARRF) to report quarterly to ACJC on the sources of all monies and all expenditures. The statutes further required ACJC to compile reports into a single comprehensive annual report and submit them by September 30 each year. This comprehensive report had not been provided in an annual format to the recipients established in statute for several years. The FY 2017 budget included a new footnote requiring ACJC to submit a report by August 31, 2016 on the reasons for the noncompliance with these statutorily-required reports.

In August 2016, ACJC reported to JLBC that, even though it posted quarterly reports to its website instead of providing a comprehensive annual report to the statutory recipients, it believed it was previously in compliance with statute. However, ACJC, noted that it would stop providing quarterly reports and instead submit a single comprehensive annual report to the statutory recipients in order to be in compliance with statute.

In October 2016, ACJC submitted its comprehensive annual report on ARRF to the statutory recipients. ACJC reported that, in FY 2016, the ARRF received revenues totaling \$63.6 million and had expenditures totaling \$66.1 million (including monies from prior year balances). Revenues for investigating and prosecuting agencies were highest in Maricopa County in FY 2016 at \$32.7 million. Agencies participating in Maricopa County cases also accounted for the highest expenditure total for FY 2016 with \$33.4 million in ARRF monies spent.

Laws 2017, Chapter 250 changes the timeframe for ACJC's comprehensive report from annual to quarterly, effective October 1, 2017.

Laws 2017, Chapter 149 added new reporting requirements for ARRF. Chapter 149 requires additional details on ARRF monies, including information about the forfeiture cases and expenditures. The standard of proof for forfeitures is raised from preponderance of the evidence to clear and convincing evidence.

ARRF consists of monies derived from seized property and assets that result from judgments pursuant to anti-racketeering statutes. Once a settlement or conviction is reached, the Attorney General disperses the monies to the involved state and local investigative and prosecutorial agencies. Additionally, assets seized as part of a federal investigation are deposited into the fund and used in accordance with state and federal guidelines. Monies in ARRF are used to help fund the investigation and prosecution of any offense defined as racketeering pursuant to Arizona statutes.