

**NOTICE OF PUBLIC MEETING
OF THE
CRIME VICTIMS 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 **Crime Victims Committee** of the Arizona Criminal Justice Commission and to the general public that the **Crime Victims Committee** will hold a meeting open to the public on **Tuesday, March 3, 2020** beginning at **1:00 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 **Chairperson Steve Stahl**

Crime Victims Committee Members:

Steve Stahl, Chairperson
Allister Adel
Mark Brnovich
Barbara LaWall
Greg Mengarelli
Paul Penzone
C.T. Wright

II. Minutes of the January 16, 2020 Meeting

- Approval of Minutes **P-F-T**

III. Crime Victim Compensation Program **Heather Bohnet**

- Review, discussion, consideration and possible action on the following:
 - A. FY21 State and Federal Funding Amount** **P-F-T**

B. FY21 Designation of Operational Units	P-F-T
C. Changes to the Program Funding Allocation Formula	P-F-T
D. FY21 Program Funding Allocation	P-F-T

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 Crime Victims Committee meeting will be held on **Thursday, May 7, 2020** at **1:30 p.m.** at 1110 W. Washington, Suite 230, Phoenix, Arizona 85007.

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

CRIME VICTIMS COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
March 3, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the January 16, 2020 Meeting

TO: Chairperson and Committee Members

FROM: Heather Bohnet, Program Manager
Crime Victim Services

RECOMMENDATION:

The Committee approve the minutes of the Crime Victims Committee Meeting held on January 16, 2020.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve – Modify - Table

**Crime Victims Committee
Minutes
January 16, 2020**

A public meeting of the Crime Victims Committee of the Arizona Criminal Justice Commission was convened on January 16, 2020, at 1:00p.m. at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

Steve Stahl, City of Maricopa Police Chief, Chairperson
Allister Adel, Maricopa County Attorney, Kenneth Vick representing
Mark Brnovich, Arizona Attorney General, Kirstin Flores representing
Barbara LaWall, Pima County Attorney, Vanessa Helms representing by phone
Paul Penzone, Maricopa County Sheriff, Rick Morris representing

Staff Participating:

Heather Bohnet, Program Manager Crime Victim Services
Dorinda Johns, Program Coordinator Crime Victim Services
Andrew LeFevre, ACJC Executive Director
Tony Vidale, ACJC Deputy Director
Matt Bileski, IT support

Guests Participating:

Kate Lyon, DPS VOCA Administrator

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Steve Stahl at 1:00 p.m. The roll was taken, and a quorum was declared present.

II. Review and Approval of the Minutes of the December 2019 Meeting

Chairperson Stahl called for the approval of the minutes. Kirstin Flores moved to approve the meeting minutes. Rick Morris seconded, and the motion carried unanimously.

III. FY2021 Crime Victim Assistance Program

Ms. Bohnet provided a summary of the funding approved for the FY2020 grant program, including a summary of what was funded for the FY2020 grant period. Ms. Bohnet then gave an overview of funding issues and considerations for FY2021. Mr. LeFevre explained the funding streams contributing to the Victim Compensation and Assistance fund and the issues that have been encountered when the changes in funding streams occurred as well as the efforts taken to resolve the issues. Members of the committee discussed the issues.

Ms. Bohnet then presented the options and recommendation of ACJC staff regarding the program size for FY2021. Members of the committee discussed the various options regarding the FY2021 program size. Members asked Kate Lyon to provide information on expected changes to VOCA funding in future grant cycles to have a clearer picture of the overall change in funding for victim services when making their decision regarding the recommendation for the ACJC Victim Assistance program size. A motion was made by Rick Morris to recommend to the commission that the Victim Assistance program size for FY2021 be set at \$200,000.00. Kirstin Flores seconded. The motion passed unanimously.

Committee members then discussed various options for funding priorities. Information was provided by ACJC staff on current funding priorities and projects funded under those priorities. A

motion was made by Kirstin Flores to recommend to the Commission that the available funding be used to fund projects that are identified as VOCA Assistance ineligible with a priority given to projects supporting Personnel Service and Employee Related Expenses. Rick Morris seconded. The motion passed unanimously.

IV. Call to the Public

Mr. LeFevre thanked the members of the committee for their work at the meeting. No member of the public addressed the committee.

V. Date, Time, and Location of Next Meeting

The next Crime Victims Committee meeting is to be determined at a later date. Information with the date of the next meeting will be posted.

VII. Adjournment

Chairperson Steve Stahl adjourned the meeting at 2:09 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. LeFevre". The signature is fluid and cursive, with a large initial "A" and "L".

Andrew T. LeFevre
Executive Director
Audio recording available upon request

III-A

CRIME VICTIMS COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
March 3, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Compensation FY21 State and Federal Funding Amount

TO: Chairperson and Committee Members

FROM: Heather Bohnet, Program Manager
Crime Victim Services

RECOMMENDATION:

The Crime Victims Committee recommends to the Commission that total state and federal allocated funding for the FY21 Crime Victim Compensation Program be set at \$3,273,346; \$2,000,000 in state compensation funds and \$1,273,346 in federal VOCA compensation funds.

DISCUSSION:

Based on prior year expenditures, state revenue projections, the submitted total legislative appropriation for FY21, and available federal funds, staff proposes the total program allocation be set at \$3,273,346 with expenditures made in accordance with the budget under agenda table VS-1. The total program size includes \$2,000,000 in state compensation funds and \$1,273,346 in federal VOCA compensation funds.

FISCAL IMPACT:

Significant – Expenditure of \$3,273,346 in state and federal crime victim compensation funds for FY21.

ALTERNATIVES:

Not Approve – Modify - Table

Crime Victim Compensation Funding Allocation Process

Annually at the March meeting the Commission undertakes a three step process to approve a funding allocation to compensation program operational units for the next fiscal year:

Approve Compensation Program Budget: The total program budget for the upcoming fiscal year includes both state compensation funds and federal VOCA compensation funds. The total program budget is based on state revenue projections for the compensation program, the legislative appropriation for the upcoming fiscal year, and available federal funds.

Designation of Operational Units: Program rules require the Commission to annually designate one operational unit for each county to receive an allocation from the Crime Victim Compensation and Assistance Fund, or available federal VOCA compensation funds. The operational unit shall administer the Crime Victim Compensation Program for that county during the upcoming fiscal year. Historically, the County Attorney's Office is the designated operational unit for the County.

Approve Allocations to Operational Units: From the total program budget, the Commission approves the allocation of state and federal crime victim compensation funds to operational units for the upcoming fiscal year in accordance with the established compensation allocation formula.

Funding

The Victim Compensation and Assistance Fund was established pursuant to A.R.S. §41-2407. Prior to January 1, 2019, monies in the fund came from an allocation of CJEF (4.6 %) as well as unclaimed victim restitution and prisoner work compensation. In addition, monies derived from community supervision fees and interstate compact fees support the Victim Compensation and Assistance Fund.

HB2313, which was signed by the Governor on 4/17/18 and took effect on 1/1/19, lowered the CJEF surcharge on fines and fees, and removed the Victim Compensation and Assistance Fund from the CJEF formula, and levied a penalty assessment in the amount of \$9.00 on every fine, penalty and forfeiture imposed and collected by the Courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, with 37.6% of the assessments being deposited by the Treasurer's Office in the Victim Compensation and Assistance Fund. The other 62.4% of the assessment is to be deposited in the Victims' Rights Fund for the Attorney General's Office.

From January 2019 until September of 2019, CJEF revenue deposits were made pursuant to the CJEF formula in effect prior to January 1, 2019. When the error was identified, CJEF formula revenue deposits to the Victim Compensation and Assistance Fund were stopped. Although the penalty assessment took effect 1/1/19, the Victim Compensation

and Assistance Fund did not begin receiving penalty assessment revenue until October of 2019. The revenue amount received from the assessment as of January 31st is \$341,501.

According to the Treasurer's Office, for FY 2019 (January 1st – June 30th 2019) the amount ACJC should have received from the assessment is \$244,333.65 and the amount for FY20 through October of 2019, is \$246,193.55. The treasurer's office has identified that all revenue from the \$9 assessment from January to September was sent to AZDPS. It appears the assessment revenue is now being distributed according to the required formula.

ACJC is working with the treasurer's office regarding any repayment of money deposited incorrectly per the old CJEF formula.

HB2411 has also been introduced to clarify language relating to distribution of CJEF surcharges. It clarifies that beginning from May 31, 2020, for an offense committed before January 1, 2019, the treasurer's office shall distribute CJEF surcharges on fines and fees per the old CJEF formula, and for an offense committed after January 1, 2019, the state treasurer's office shall distribute the funds per the new CJEF formula. For those surcharges for offenses committed prior to January 1, 2019, the Crime Victim and Assistance fund shall receive 4.6 % of the CJEF allocation.

This revenue change has caused a substantial reduction of the fund balance for the Victim Compensation and Assistance fund. The fund is projected to collect \$1.25M less in FY 2020 than that of FY 2019. In FY 2020, the Victim Compensation and Assistance program size was set at \$4.4 million. If projections hold true, the FY 2021 total available Victim Compensation and Assistance funds would be \$2.9 million. Expending all of these funds in FY 2021 would leave the fund at a zero fund balance at the end of the fiscal year.

If assessment revenue begins to flow to the Crime Victim Assistance and Compensation fund above current projections, ACJC could access those funds through a footnote in our appropriations. The funding could then be allocated to the Victim Compensation program for victim benefits.

TABLE VS-1

ACJC CRIME VICTIM SERVICES FY21 PROGRAM BUDGET		FY 2020	FY 2021*
ESTIMATED BEGINNING FUND BALANCE			
Victim Compensation & Assistance Fund		\$ 2,719,856	\$ 626,528
Federal VOCA Compensation Award		407,076	621,189
TOTAL		\$ 3,126,932	\$ 1,247,717
PROJECTED REVENUE			
Victim Compensation & Assistance Fund		\$ 2,344,472	\$ 2,300,000
Federal VOCA Compensation Award		1,278,000	1,466,939
TOTAL		\$ 3,622,472	\$ 3,766,939
PROGRAM ALLOCATIONS FY20 / RECOMMENDED ALLOCATIONS FY21			
Victim Compensation Program			
Victim Compensation & Assistance Fund		\$ 3,500,000	\$ 2,000,000
Federal VOCA Compensation Award		1,000,000	1,200,000
Victim Assistance Grant Program			
Victim Compensation & Assistance Fund		\$ 750,000	\$ 200,000
ACJC Administrative Expenses			
Victim Compensation & Assistance Fund		\$ 187,800	\$ 187,800
Federal VOCA Compensation Award		63,887	73,346
TOTAL		\$ 5,501,687	\$ 3,661,146
ESTIMATED ENDING FUND BALANCE			
Victim Compensation & Assistance Fund		\$ 626,528	\$ 538,728
Federal VOCA Compensation Award		621,189	814,782
TOTAL		\$ 1,247,717	\$ 1,353,510
<small>*Estimated Totals</small>			
Victim Compensation & Assistance Fund Appropriation		\$ 4,223,000	\$ 4,223,000
Victim Compensation & Assistance Fund Recommended Program Allocation		\$ 4,437,800	\$ 2,387,800

III-B

CRIME VICTIMS COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
March 3, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY21 Designation of Operational Units

TO: Chairperson and Committee Members

FROM: Heather Bohnet, Program Manager
Crime Victim Services

RECOMMENDATION:

The Crime Victims Committee recommends to the Commission designating the 15 County Attorney's Offices as operational units for the FY 2021 Crime Victim Compensation Program.

DISCUSSION:

The Commission is required to annually designate one Operational Unit (OU) for each county, to receive an allocation from state and/or federal compensation fund sources to administer the Crime Victim Compensation Program for that county during the state fiscal year. In accordance with compensation program rule R10-4-104(A) all 15 County Attorney's Offices have requested designation as operational units for FY 2021. Staff proposes continuing the current designation of the County Attorney's Offices as operational units for FY 2021.

FISCAL IMPACT:

Significant – Operational Units are responsible for the expenditure of state and federal Crime Victim Compensation funds for FY 2021.

ALTERNATIVES:

Not Approve – Modify - Table

**CRIME VICTIMS COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
March 3, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Compensation Program Funding Allocation Formula

TO: Chairperson and Committee Members

FROM: Heather Bohnet, Program Manager
Crime Victim Services

RECOMMENDATION:

Approve a recommendation to the Commission to amend the victim compensation program allocation formula by removing the availability of restitution and subrogation funds to operational units from the calculation. The allocation formula and process steps shall be amended as outlined in the agenda.

DISCUSSION:

The allocation of state and federal victim compensation program funds for FY20 included a reduction in the base funding allocation to the operational units by an amount equal to the required restitution/subrogation spenddown amount. ACJC proposes amending the formula to remove the availability of restitution and subrogation funds in the formula allocation.

FISCAL IMPACT:

Significant – Amending the victim compensation program allocation formula may result in increased or decreased funding allocations to operational units.

ALTERNATIVES:

Not Approve – Modify - Table

Proposed Change:

ACJC proposes to amend the current Crime Victim Compensation Program formula by removing the Restitution/Subrogation reserve overage amount for OUs with Restitution/Subrogation fund balances exceeding a three-year annual average benefit expense reserve as a calculation.

Formula Change Recommendation

- \$50,000 of approved state funding level retained in emergency reserve (R10-4-102.D);
- Five percent of most recent federal VOCA award allocated to ACJC for administrative costs;
- Fixed administrative allocation of state funds to each OU (R10-4-102.H);
- A base allotment of \$25,000 to each OU;
- The remaining balance distributed as follows:
 - 50% based on prior years' program benefit expenditure average;
 - 30% based on average share of crime;
 - 20% based on population.

Purpose of the Recommended Change

Amending the current Crime Victim Compensation Program formula by removing the Restitution/Subrogation reserve overage amounts in the calculation for Operational Units, will eliminate the fund balance reported figure from the formula for amounts that were captured months in advance. Reported amounts are confirmed on the date balance totals were verified with county finance. This typically occurs in February. The amount that was reported in February could be drastically different than the actual Restitution/Subrogation fund balances are at the beginning of the new fiscal year.

Amending the formula will also allow ACJC to better manage cash flow challenges from the Victim Compensation and Assistance fund. ACJC can determine when to send out reimbursements to county programs based on the availability of funding and if county programs need resources sooner than ACJC can distribute the funds, counties can utilize their restitution balances until they receive a reimbursement, and ACJC can prioritize reimbursing those counties with no balance.

Removing the Restitution/Subrogation reserve overage amounts from the formula calculation will also allow counties to restore the balance of their Restitution/Subrogation funds to account for their needs.

Restitution/Subrogation Overage Spenddown

Expenditure of available restitution and subrogation funds at the county level has become an increasingly important part of the overall statewide expenditure plan for the compensation program. In October of 2018, the Commission approved amending the victim compensation program allocation formula to include the reduction to the base allotment equal to Restitution/Subrogation reserve overage amount for OUs with Restitution/Subrogation fund balances exceeding a three-year annual average benefit expense reserve (R10-4-102.G).

The remaining balance was distributed as follows:

- 50% based on prior years' program benefit expenditure average;
- 30% based on average share of crime;
- 20% based on population.

When the formula was changed to include a reduction to the base allotment equal to Restitution/Subrogation reserve overage amount for OUs with Restitution/Subrogation fund balances exceeding a three-year annual average benefit expense reserve, no separate spenddown of Restitution/Subrogation occurred in FY20.

Funding Reallocation Process

ACJC crime victim compensation program staff closely monitors county victim compensation expenditures throughout the fiscal year. Periodically it is necessary to adjust the original allocation to meet demand for compensation benefits statewide. The purpose of these adjustments is to reallocate compensation funding to those counties with enough demand to expend additional compensation funds by the end of the fiscal year. With the amendment of the victim compensation program allocation formula to the FY 2020 program, there was no separate restitution/subrogation spenddown process. With no separate restitution/subrogation spenddown, the request for reimbursement of ACJC funds has occurred at a faster rate, leaving no funding available for a current reallocation.

Anticipated Results

Amending the victim compensation program allocation formula as recommended should result in the following:

- Will allow for a separate annual restitution/subrogation spenddown process, while maintaining equitable balance amounts for all operational units within these program accounts.
- Will allow for operational units to maintain equitable balance amounts in their restitution/subrogation accounts, and those operational units with a reserve overage amount, will not have their formula allocation reduced due to their

overage amounts.

- Will allow counties to better manage their cash flow with declining revenue from the state.
- Will allow programs to be more aggressive in collection of funds through restitution/subrogation.
- ACJC will no longer be factoring in reported amounts from months prior into the projection of availability of funds for the beginning of the next fiscal year.

III-D

CRIME VICTIMS COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
March 3, 2020	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY21 Compensation Program Funding Allocation

TO: Chairperson and Committee Members

FROM: Heather Bohnet, Program Manager
Crime Victim Services

RECOMMENDATION:

The Crime Victims Committee recommends to the Commission the allocation of \$3,273,346 in state and federal crime victim compensation funds, as proposed in Table VS-3 of the agenda, to Operational Units (OU) for the FY21 Crime Victim Compensation Program.

DISCUSSION:

Table VS-3 reflects the dollar amounts proposed for allocation to each OU for the 15 counties. The allocation formula includes the following steps:

- \$50,000 of approved state funding level retained in emergency reserve (R10-4-102.D);
- Five percent of most recent federal VOCA award allocated to ACJC for administrative costs;
- Fixed administrative allocation of state funds to each OU (R10-4-102.H);
- A base allotment of \$25,000 to each OU;
- The remaining balance distributed as follows:
 - 50% based on prior years' program benefit expenditure average;
 - 30% based on average share of crime;
 - 20% based on population.

FISCAL IMPACT:

Significant – Distribution of \$3,273,346 in compensation funds for FY21.

ALTERNATIVES:

Not Approve – Modify - Table

TABLE VS-3

CRIME VICTIM COMPENSATION PROGRAM FY 2021 CRIME VICTIM COMPENSATION ALLOCATION \$3,273,346 TOTAL STATE AND FEDERAL FUNDING					
COUNTY	FIXED ADMIN ALLOCATION	AVAILABLE FOR COMP BENEFITS	FINAL ALLOCATION TOTAL	% OF TOTAL ALLOCATION	3 YR AVG TOTAL EXPENDITURES***
APACHE	\$ 24,200	\$ 41,331	\$ 65,531	2.08%	\$ 60,690
COCHISE	21,500	47,835	69,335	2.20%	50,561
COCONINO	36,100	78,442	114,542	3.64%	170,855
GILA	15,100	38,089	53,189	1.69%	20,256
GRAHAM	17,500	30,041	47,541	1.51%	11,404
GREENLEE	2,600	25,826	28,426	0.90%	2,099
LA PAZ	12,600	34,728	47,328	1.50%	33,440
MARICOPA	441,800	1,105,215	1,547,015	49.11%	2,491,926
MOHAVE	47,500	97,202	144,702	4.59%	218,950
NAVAJO	29,100	58,573	87,673	2.78%	109,446
PIMA	172,400	283,954	456,354	14.49%	539,204
PINAL	55,000	120,651	175,651	5.58%	270,925
SANTA CRUZ	22,300	35,923	58,223	1.85%	40,619
YAVAPAI	44,100	69,255	113,355	3.60%	122,998
YUMA	58,200	82,935	141,135	4.48%	181,823
TOTAL	\$ 1,000,000	\$ 2,150,000	\$ 3,150,000	100.00%	\$ 4,325,197

	RECOMMENDED FUNDING	LESS ACJC VOCA ADMIN*	LESS STATE RESERVE**	PROGRM ALLOCATION
STATE COMPENSATION FUNDS	\$ 2,000,000	\$ -	\$ 50,000	\$ 1,950,000
FEDERAL COMPENSATION FUNDS	1,273,346	73,346	-	1,200,000
TOTAL				\$ 3,150,000

*ACJC admin equals 5% of FFY2020 VOCA award

**\$50,000 held in reserve as required by Program Rule R10-4-102.D

***Source for County Expenditure Activity: ACJC Quarterly Compensation Activity Reports (FY 2017, FY 2018, FY 2019)