

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
ARIZONA CRIMINAL JUSTICE COMMISSION**

ALL NON-GENERAL FUNDS

FY 2010 All Non-General Funds Budget (less Federal Funds) 14,329,100

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) \$2,149,365

Fund	Reductions Amount	Percent Reductions
DUI Abatement Fund	\$1,125,000	52.3%
State Aid to Indigent Defense Fund	\$499,600	23.2%
State Aid to County Attorneys Fund	\$526,250	24.5%
Issue Total	\$2,150,850	
All Non-General Funds Total as a Percentage of Agency Non-GF Reduction Target		100%

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
ARIZONA CRIMINAL JUSTICE COMMISSION**

DRIVING UNDER THE INFLUENCE ABATEMENT FUND

FY 2010 All Non-General Funds Budget (less Federal Funds)	14,329,100
AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds)	\$2,149,365

Priority	Issue Title¹	Reductions Amount
1	Driving Under the Influence Abatement Fund	\$1,125,000
	Issue Total	\$1,125,000
	Fund Total as a Percentage of Non-General Fund Reduction Target	52%

¹ Please complete the attached Description and Impact Statement for each issue.

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
ARIZONA CRIMINAL JUSTICE COMMISSION**

STATE AID TO INDIGENT DEFENSE FUND

FY 2010 All Non-General Funds Budget (less Federal Funds) 14,329,100

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) \$2,149,365

Priority	Issue Title¹	Reductions Amount
2	Fill the Gap State Aid to Indigent Defense Program Fund Sweep	\$499,600
	Issue Total	\$499,600

Fund Total as a Percentage of Non-General Fund Reduction Target 23%

¹ Please complete the attached Description and Impact Statement for each issue.

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
ARIZONA CRIMINAL JUSTICE COMMISSION**

STATE AID TO COUNTY ATTORNEYS FUND

FY 2010 All Non-General Funds Budget (less Federal Funds) 14,329,100

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) \$2,149,365

Priority	Issue Title¹	Reductions Amount
2	Fill the Gap State Aid to County Attorneys Program Fund Sweep	\$526,250
		Issue Total
		<u>\$526,250</u>
Fund Total as a Percentage of Non-General Fund Reduction Target		24%

¹ Please complete the attached Description and Impact Statement for each issue.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Arizona Criminal Justice Commission

Issue Title: DUI Abatement Fund sweep

Issue Priority: 1

Reduction Amounts:

DUI Abatement Fund: \$1,125,000

Total: \$1,125,000

Issue Description and Statement of Effects

A.R.S. §28-1304 established the driving under the influence abatement fund to be administered by the oversight council on driving or operating under the influence abatement. The council contracted with the Arizona Criminal Justice Commission (ACJC) to administer a grant program to provide funds from the driving under the influence abatement fund to political subdivisions and tribal governments that apply for monies for enforcement purposes, prosecutorial and judicial activities, and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft as defined in A.R.S. §5-301. In addition, the program provides for grants from the driving under the influence abatement fund established by A.R.S. §28-1304 for innovative programs that use emerging technologies to educate, prevent, or deter occurrences of driving or operating under the influence in a motor vehicle or a motorized watercraft.

From FY08 to FY10, the fund has been swept of \$2,475,200. As a result of those sweeps, ACJC had to rescind grant agreements with law enforcement agencies in FY08; in FY09, innovative grants and enforcement cycle A (July- December) were not funded; in FY 2010, the enforcement cycle for the months of July through mid-Nov 2009 were not funded. The lack of funding resulted in fewer public outreach programs and a reduction in task force participation. Some local law enforcement agencies were able to continue to staff DUI enforcement activities at a reduced level; others could not dedicate personnel to multi-jurisdictional task forces. The Governor's Office of Highway Safety may be able to offer earmarked federal funds to law enforcement agencies for DUI enforcement.

Funding for the DUI Abatement Council is derived from fines paid by DUI offenders. Completely eliminating the program along with the funding source would have no impact on the general fund or the budget. This program, along with many criminal justice programs, is self sustaining and provides much needed funding for dedicated programs. Eliminating the fines paid by offenders only reduces the accountability of the offender. Using DUI fines to reduce the budget deficit would require a statute change to divert funding to the general fund.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Arizona Criminal Justice Commission

Issue Title: Fill the Gap State Aid to Indigent Defense Program Fund Sweep

Issue Priority: 2

Reduction Amounts:

Fill the Gap Indigent Defense Fund: \$499,600

Total: \$499,600

Issue Description and Statement of Effects

In 1999, Arizona SB 1013 was passed into law – Fill the Gap (FTG) legislation. SB1013 created three funds to be used by three separate stakeholders in the court process to improve criminal case processing: county attorneys, public or indigent defenders, and the courts. The Arizona Criminal Justice Commission (ACJC) administers Fill the Gap funding to indigent defense and to the county attorneys. The Administrative Office of the Courts administers Fill the Gap funding to the courts.

Pursuant to A.R.S. §11-588, the state aid to indigent defense fund consists of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases. The Arizona Criminal Justice Commission (ACJC) administers the fund, allocating monies in the fund to each county pursuant to section 41-2409, subsection C.

This provides the sole source of state aid to county-based indigent defense. The fund has been subject to fund sweeps in FY09 and FY10, totaling \$1,808,700. In addition, the Rural State Aid to Indigent Defense general fund appropriation was eliminated in FY10. These funds supported rural indigent defense programs in all counties except Maricopa and Pima. This has left the county indigent defense programs short of funds; counties have seen sharp declines in revenue. Most of the funds are spent on direct personnel costs or contract legal services. The uncertainty of state funding makes it difficult for public defender offices to budget for the upcoming year – particularly with regard to funding personnel positions. Maricopa County Public Defender's Office has three attorney positions vacant because the funding has stopped. In addition to a reduction in monies received directly from the state (FY09 was \$100,000 short, and nothing received to-date for FY10), a total of \$187,052 was taken from the departmental fund balance for the one-time mandated payment from the county to the state for ALTCCS in FY09. Other cuts would likely include DUI/Drug Court expenses in Coconino County, computers and software, case processing software licensing, and support personnel.

Collectively, counties would be left with the responsibility of covering a shortfall of nearly \$1 million. Failing to properly fund indigent defense would result in backlogged cases and delays in trials, which is the issue that the legislature sought to address when Fill the Gap legislation was passed 10 years ago.

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Most of the funding for this program is derived from fines, fees and surcharges paid by offenders. Completely eliminating the program along with the funding source would have no impact on the general fund or the budget. This program, along with many criminal justice programs, is self sustaining and provides much needed funding for dedicated programs. Eliminating the fines, fees and surcharges paid by offenders only reduces the accountability of the offender. Using Fill the Gap funds to reduce the budget deficit would require a statute change to divert funding to the general fund.

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**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Arizona Criminal Justice Commission

Issue Title: Fill the Gap State Aid to County Attorneys Program Fund Sweep

Issue Priority: 3

Reduction Amounts:

Fill the Gap Aid to County Attorneys Fund: \$526,250

Total: \$526,250

Issue Description and Statement of Effects

In 1999, Arizona Senate Bill 1013 was passed into law, which came to be known as Fill the Gap (FTG) legislation. SB1013 created three funds to be used by three separate stakeholders in the court process to improve criminal case processing: county attorneys, public or indigent defenders, and the courts. The Arizona Criminal Justice Commission (ACJC) administers Fill the Gap funding to indigent defense and to the county attorneys. The Administrative Office of the Courts administers Fill the Gap funding to the courts.

Pursuant to A.R.S. § 11-539, the state aid to county attorneys fund consists of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases. In FY09 and FY10, the fund has been swept of \$1,650,000. In addition, the Rural State Aid to County Attorneys general fund appropriation was eliminated in FY10. These funds supported rural county attorney programs in all counties except Maricopa and Pima. The bulk of the funds are dedicated to personnel services – getting rid of this program would likely result in a loss of attorneys in some jurisdictions. In smaller jurisdictions where Fill the Gap funding is too small to cover attorney positions, county attorneys' offices will lose funding that covers items such as case management licensing, computers and database software, and part-time administrative assistance. Maricopa County Attorney's Office lost approximately \$101,924 in Fill the Gap funding last year. This decrease in funding required that MCAO hold the equivalent of nearly two support staff positions vacant for most of last year and this year. MCAO is awaiting the possibility of further sweeps at the county level.

Collectively, counties would be left with the responsibility of covering a shortfall of more than \$1 million. A likely result would be a backlog in cases and delays in trials. These were the issues that the Fill the Gap legislation sought to address.

Most of the funding for this program is derived from fines, fees and surcharges paid by offenders. Completely eliminating the program along with the funding source would have no impact on the general fund or the budget. This program, along with many criminal justice programs, is self sustaining and provides much needed funding for dedicated programs. Eliminating the fines, fees and surcharges paid by offenders only reduces the accountability of

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the offender. Using Fill the Gap funds to reduce the budget deficit would require a statute change to divert funding to the general fund.

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