FINAL REPORT

JOINT OVERSIGHT COMMITTEE ON ANTI-GANG ENFORCEMENT & PROSECUTION PROGRAMS

February 1996

Arizona State Legislature
FINAL REPORT

Joint Oversight Committee on Anti-Gang Enforcement and Prosecution Programs

• INTRODUCTION •

Establishment:
During the Ninth Special Session of the Forty-first legislature, $5,670,000 was appropriated to the Arizona Criminal Justice Commission for the enhancement of statewide anti-gang intelligence and enforcement programs. Monies were designated for the prosecution of street gang related crimes, the training of police officers participating in anti-violence and anti-gang enforcement programs, and street gang information analysis.

The Joint Oversight Committee on Anti-Gang Enforcement and Prosecution Programs was established in Laws 1994, Ninth Special Session, Chapter 4*, to study state anti-gang prosecution programs and recommend whether these programs should continue. The Committee was also charged with reviewing reports submitted by the Arizona Criminal Justice Commission as required by Laws 1994, Ninth Special Session, Chapter 3*.

*See Appendix A for the complete text of Laws 1994, Ninth Special Session, Chapters 3 and 4.

Membership:
The Committee was comprised of the following eight members:

Senator Patricia Noland, Co-chair	Representative Tom Smith, Co-chair
Senator Larry Chesley	Representative Robert Burns
Senator Victor Soltero	Representative Phillip Hubbard
Senator Carol Springer	Representative Laura Knaperek

The Committee was staffed by the following Legislative Research Analysts:
Joni Hoffman, Senate Judiciary Committee
Dominica Minore, House of Representatives Judiciary Committee
Debbie Mosbacher, House of Representatives, Assistant to Judiciary Committee

Meetings:
The Joint Oversight Committee on Anti-Gang Enforcement and Prosecution Programs met on January 3, 1996 and January 22, 1996.

• COMMITTEE RECOMMENDATION •

The Committee voted unanimously to recommend that $1,000,000 be placed in the Gang Intelligence and Team Enforcement Mission (GITEM) budget for prosecutorial efforts. The Committee also recommended that the Appropriations' Committees and the Joint Legislative Budget Committee (JLBC) determine the specific amount after receiving further information from the Arizona Criminal Justice Commission's compiled annual report.

• APPENDIX A •

Enabling Legislation

State of Arizona
House of Representatives
Forty-first Legislature
Ninth Special Session
1994

CHAPTER 3

H. B. 2003

AN ACT

MAKING APPROPRIATIONS AND PRESCRIBING REQUIREMENTS FOR ANTI-GANG ENFORCEMENT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Appropriation; purpose

A. The sum of $5,000,000 is appropriated from the state general fund in fiscal year 1994-1995 to the Arizona criminal justice commission for the purpose of enhancing the statewide anti-gang intelligence and enforcement program. The commission shall use the monies to establish grants to fund programs and agencies approved by the commission to enhance the investigation of gang offenses and related criminal activity. The sum of $40,000 of the monies shall be used by the auditor general for the audit required in section 4, subsection C of this act. The remaining monies shall be used solely for the purpose of funding or training police officers participating in community antiviolence and anti-gang enforcement programs. Any monies unexpended or unencumbered on June 30, 1995 revert to the state general fund.

B. On a quarterly basis, the Arizona criminal justice commission shall submit a comprehensive report regarding the program in subsection A to the governor, the president of the senate, the speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs if established by law. The report shall be in a form prescribed by the Arizona criminal justice commission and shall be approved by the joint oversight committee on anti-gang enforcement and prosecution programs if established by law. The report shall include participants receiving grants and expenditure detail.

Sec. 2. Appropriation; purpose

A. The sum of $670,000 is appropriated from the state general fund in fiscal year 1994-1995 to the Arizona criminal justice commission for the purpose of enhancing prosecution of any offense relating to criminal street gangs. The monies shall be distributed to state, county and municipal prosecution offices for the purposes of training prosecutors, providing personnel and prosecuting any offense relating to criminal street gangs. Any

monies unexpended or unencumbered on June 30, 1995 revert to the state general fund.

B. On a quarterly basis, the Arizona criminal justice commission shall submit a comprehensive report regarding the prosecution in subsection A to the governor, the president of the senate, the speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs if established by law. The report shall be in a form prescribed by the Arizona criminal justice commission and shall be approved by the joint oversight committee on anti-gang enforcement and prosecution programs if established by law. The report shall include participants receiving grants, expenditure detail and details of enforcement and prosecution programs.

Sec. 3. Appropriation; purpose

The sum of $250,000 is appropriated from the state general fund to the department of emergency and military affairs for fiscal year 1994-1995 for the purpose of allowing the national guard to support state and local law enforcement agencies with neighborhood recreation programs, communications and street gang information analysis. Any monies unexpended or unencumbered on June 30, 1995 revert to the state general fund.

Sec. 4. Plan; purpose; audit

A. Before any monies are expended from the appropriations made in sections 1 and 2 of this act, the Arizona criminal justice commission shall submit to the governor, the president of the senate, the speaker of the house of representatives, the director of the joint legislative budget committee and the governor's office of strategic planning and budgeting a plan of proposed expenditures and operations for the statewide anti-gang intelligence and enforcement program.

B. All monies allocated by this act shall be dedicated solely to the purpose of enhancing efforts to deter, investigate and prosecute gang and related criminal offenders and the legislature intends that this act be treated as a general appropriation for this purpose.

C. By October 30, 1995, the auditor general shall perform a full and complete audit of the grants and expenditures made in sections 1 and 2 of this act and shall deliver a report to the governor, the president of the senate, the speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs if established by law.

Approved by the Governor June 17, 1994.

Filed in the Office of the Secretary of State June 17, 1994.

State of Arizona
Senate
Forty-first Legislature
Ninth Special Session
1994

CHAPTER 4

S. B. 1004

AN ACT

PROVIDING FOR A JOINT OVERSIGHT COMMITTEE ON ANTI-GANG ENFORCEMENT AND PROSECUTION PROGRAMS.

Be it enacted by the Legislature of the State of Arizona:

Section 5. Joint oversight committee on anti-gang enforcement and prosecution programs

A. The joint oversight committee on anti-gang enforcement and prosecution programs is established consisting of the following members:

1. The chairmen of the senate judiciary committee and house of representatives judiciary committee who shall serve as cochairmen.

2. The chairmen of the senate appropriations committee and house of representatives appropriations committee.

3. Two members of the house of representatives, of different political parties, appointed by the speaker of the house of representatives.

4. Two members of the senate, of different political parties, appointed by the president of the senate.

B. The committee shall:

1. Approve the format and informational content of reports submitted to the committee by the Arizona criminal justice commission.

2. Study and make recommendations on state anti-gang enforcement and prosecution programs.

3. By December 15, 1995, submit a report and recommendations on the programs to the president of the senate and the speaker of the house of representatives and make a recommendation to the full legislature regarding whether the anti-gang enforcement and prosecution programs and appropriations for those programs should continue after June 30, 1996.

Sec. 6. Delayed repeal

This act is repealed from and after December 31, 1995.

Approved by the Governor June 17, 1994.

Filed in the Office of the Secretary of State June 17, 1994.

H.B. 2003, 9th Special Session (1994)
Title: appropriation; anti-gang enforcement program

APPROPRIATIONS

Amount	To	Purpose	Fiscal Year	Revert	Comments
$5 million*	ACJC	To establish grants to fund ACJC-approved programs to fund or train police officers participating in the GITEM program.	1994-1995	June 30, 1995	Before spending monies, ACJC must submit a plan of proposed expenditures and operations for the GITEM program to the governor, president of the senate, speaker of the house of representatives, director of JLBC and director of OSPB. ACJC must submit quarterly reports to the governor, president of the senate, speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs. The report must include participants receiving grants and expenditure detail.

Amount	To	Purpose	Fiscal Year	Revert	Comments
$670,000	ACJC	Enhancing prosecution of any offense relating to criminal street gangs. The monies shall be distributed to state, county and municipal prosecution offices for the purposes of training prosecutors, providing personnel and prosecuting any offense relating to criminal street gangs.	1994-1995	June 30, 1995	Before spending monies, ACJC must submit a plan of proposed expenditures and operations for the GITEM program to the governor, president of the senate, speaker of the house of representatives, director of JLBC and director of OSPB. ACJC must submit quarterly reports to the governor, president of the senate, speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs. The report must include participants receiving grants and expenditure detail.
$250,000	DEMA	To allow the national guard to support state and local law enforcement agencies with neighborhood recreation programs, communications and street gang information analysis.	1994-1995	June 30, 1995	

*$40,000 of the $5 million appropriation will be given to the auditor general. The bill provides that the auditor general must perform a full and complete audit of the grants and expenditures made to ACJC and report to the governor, the president of the senate, the speaker of the house of representatives and the joint oversight committee on anti-gang enforcement and prosecution programs by October 30, 1995.

• APPENDIX B •

Meeting Minutes

ARIZONA STATE LEGISLATURE
Forty-second Legislature - First Regular Session

JOINT OVERSIGHT COMMITTEE ON ANTI-GANG ENFORCEMENT AND PROSECUTION PROGRAMS

Minutes of Meeting
January 3, 1996
Senate Hearing Room 3 - 1:30 p.m.

(Tape 1, Side A)

Chair Noland called the meeting to order at 1:40 p.m. and attendance was noted by the secretary.

Members Present

Senator Chesley
Senator Soltero
Representative Knaperek
Representative Smith, Cochair
Senator Noland, Cochair

Members Absent

Senator Springer (excused)
Representative Burns (excused)
Representative Hubbard (excused)

Speakers Present

Joe Albo, Director, Arizona Department of Public Safety (DPS)
David Gonzales, Captain, Arizona Department of Public Safety (DPS)
Joseph R. Farmer, Program Manager, Drug Control and Systems Improvement, Arizona Criminal Justice Commission (ACJC)
Jerry Landau, Special Assistant County Attorney, Maricopa County Attorney's Office
Michael A. Breeze, Bureau Chief, Gang Repeat Offender Bureau and Program Director for the Community Anti-Gang Enforcement Program (C.A.G.E.), Maricopa County Attorney 's Office
John Garcia, Controller, Maricopa County Attorney's Office
Ken Peasley, Chief Trial Counsel, Pima County Attorney's Office
Ralph E. Ogden, Sheriff, Yuma County Sheriff's Office
Dennis A. Garrett, Chief, Phoenix Police Department
Greg Eavenson, Chief Deputy Sheriff, Navajo County Sheriff's Office
Michael Garigan, Lieutenant, Tucson Police Department

Art Montgomery, Chief, Sierra Vista Police Department
Sophia Lopez, President and Founder of Mothers Against Gangs, Inc.(MAG)
David Marshall, Lieutenant, Scottsdale Police Department
Terry Ringey, Chief, Pinetop/Lakeside Police Department
Paul Ennis, resident of the Simpson Neighborhood, Phoenix
Donna Neil, Chairperson, Westwood Community Association, Phoenix
Jack M. Williams, County Attorney, Graham County
Rusty Childress, President of Westwood Business Association and President of Childress Buick-Kia

Guest List (Attachment 1)

Chair Noland addressed the Committee stating that by law this meeting is being held and by law the members were statutorily appointed by the President of the Senate and Speaker of the House to gather information on the anti-gang enforcement and prosecution programs as part of the Committee's statutory oversight duties. On December 12, 1994, Chair Noland requested reports from the Arizona Criminal Justice Commission and updates on the Gang Intelligence and Team Enforcement Mission (GITEM) from all participating agencies. She expressed regret that the reports from Arizona Criminal Justice Commission (ACJC) and the Department of Public Safety (DPS) were submitted late yesterday (Attachment 2). The Committee also received a letter from Governor Symington in support of GITEM (Attachment 3). Chair Noland requested that DPS present their report to the Committee at this time since the original GITEM Legislation SB 1291, Chapter 200 - Emergency, Laws 1994, funded certain GITEM projects through DPS and also provided for prosecutorial programs. The bill which followed, HB 2003, Chapter 3, Laws 1994, Ninth Special Session, also vested certain responsibilities with DPS through ACJC. The gang enforcement funds were subgranted to DPS to fund the GITEM Program. ACJC has required that DPS submit monthly reports detailing the activities of the GITEM Program.

Joe Albo, Director, Department of Public Service (DPS), apologized for the lateness of his report. He briefly summarized the formation of GITEM and the origin of its funding. The sum of $892,000 was originally appropriated for gang enforcement through SB 1291 and the program was to be primarily administered by DPS. The intent of GITEM is to gather gang member intelligence and assist other agencies with anti-gang enforcement. The basic creation of the statewide GITEM model followed the anti-drug multi-agency task force which had been used in the drug effort. To enhance the statewide anti-gang intelligence and enforcement program, $5,000,000 was appropriated through grants for investigation of gang offenses and related criminal activity to the ACJC and to prosecutorial programs. The bill which created this funding in June of 1994 also requested that the auditor general conduct an audit of these monies. The audit has been completed by Douglas R. Norton, Auditor General, and copies have been made available to the Committee (Attachment 4).

Mr. Albo briefly summarized the GITEM Program activities since its inception including statewide data. He stated that during the first year of operation, GITEM had seven fully operational squads operating in the Phoenix and Tucson metropolitan areas. Initial enforcement efforts consisted

primarily in the context of urban anti-gang efforts. In the last Special Session of the Legislature, based upon an initiative by Governor Symington, an additional $2,000,000 was appropriated to form regionalized sites. These funds allowed for the establishment of localized GITEM teams in Cochise County, Yuma County, Coconino County, Navajo County, which maintain statewide coverage.

Mr. Albo added that the primary mission of GITEM is the training of local law enforcement agency personnel to be returned to their local agencies as highly trained anti-gang officers; to gather data on gang intelligence through the utilization of the Gang Member Identification Card (GMIC); and to engage in enforcement projects, both rural and urban in Phoenix and Tucson.

Mr. Albo informed the Committee that DPS has submitted a budget plan for next year that calls for reductions in funding totaling $1,346,600; $694,000 less in equipment purchases, $325,000 less in employer related expenses (E.R.E.); the elimination of several positions for a savings of $309, 700; and a savings of $102,500 in operating and travel expenses, while still maintaining the same level of commitment across the state (Quarterly Financial Report, See Attachment 5).

Mr. Smith queried as to what type of evaluation has been built into the GITEM Program and what are the results of the evaluation. Mr. Albo deferred this question to David Gonzales, Captain, DPS, but remarked that the evaluation process will determine the number of gang sets identified in Arizona, detail the number of enforcement efforts across the state and determine the impact of GITEM. He stated that based upon the zero tolerance policy towards gang-related crimes and the heightened presence of GITEM officers in neighborhoods, a notable reduction of 34 percent in the homicide rate was attained. In the rural neighborhoods, GITEM is preventing new gangs from forming and existing gangs from spreading.

Chair Noland inquired if the GITEM reduced budget has been submitted for appropriation and what is the total amount. Mr. Albo replied the total request is for $5,597,500 and the budget has been submitted as part of DPS' detailed budget. This amount covers the enforcement component of the Program, not the prosecution portion. He commented that the ACJC appropriation had been moved directly from the ACJC grant to the DPS budget for funding of enforcement in FY 1994-95 during the Ninth Special Legislative Session.

Chair Noland requested information on the inclusion of $70,000 in the budget for out-of-state travel.

David Gonzales, Captain, Arizona Department of Public Safety and commander of the GITEM Task Force, addressed Mr. Smith's query as to the evaluation of GITEM. Captain Gonzales briefly summarized the accomplishments of the GITEM Program since its inception. He stated that in the first year of operation GITEM received 228 requests for service from local agencies. It is expected that the amount of requests for service will double in 1996. He added that DPS is tracking the expenditures of time and manpower expended on each service request. Another factor to look at in evaluating the program is the identification of more than 8,500 confirmed gang members in Arizona, which are now listed in the current gang data base.

Mr. Smith inquired concerning the actual results of GITEM's involvement; i.e., reduction in crime and/or the number of gang members; are gangs relocating in other states; do gangs return to the same neighborhoods once GITEM has left? Captain Gonzales explained that the evaluation of GITEM's success is a very complex issue. The enforcement component is tied together with community, church and business leaders' direct support and involvement in each neighborhood. The gang activity for each neighborhood varies; therefore, GITEM must tailor the enforcement projects to the norms existing in each community. In response to the query about gangs returning to the same neighborhoods, Captain Gonzales replied the key is to follow up the initial anti-gang enforcement with maintenance programs such as the heightened presence of officers in the neighborhood and continue to work with community, church and business leaders to deter the gangs from returning.

Mr. Smith asked what is the most lasting positive effect of the GITEM Program. Captain Gonzales responded that the presence of GITEM and other local agencies in a gang infested neighborhood delivers a "wake up call" to the gang members that law enforcement is present and gang activities will not be tolerated; and a "wake up call" for communities that they can make a difference and not to give up.

Mr. Smith inquired if meetings are held with neighborhood associations to assist in "taking back their neighborhoods" and accepting responsibility for the activities conducted in their neighborhoods. Captain Gonzales replied this is one of the advantages of the multi-task force, having community-based police and experts from many different local agencies who meet with neighborhood groups to share their expertise in anti-gang enforcement. He asserted that the key to taking back a neighborhood is working with the community because the brunt of the responsibility is on its shoulders. Captain Gonzales mentioned that citizens provide much of the intelligence information that assists law enforcement in locating drug dealers and gang members in their areas.

Chair Noland stated her recollection that the purpose of funding SB 1291 was for the enhancement of the anti-gang activities and the deterrent and prosecution of gang members. She added that the Committee needs to have statistics on the actual successful prosecution rate of gang members in determining the success of this Program. She stated that there is a definite difference between the original GITEM Program as defined in SB 1291 and the GITEM Program later developed during the special session. She opined that, as the bill was loosely crafted, the original intent was to train law enforcement officers from different jurisdictions through Arizona in anti-gang enforcement and initiate their assistance on special gang-related problems. These highly-trained officers were to follow a zero tolerance policy and follow through with gang crimes until the gang members were taken off the streets.

Chair Noland reiterated the appropriations for the anti-gang programs statewide amounted to approximately $8,000,000. She requested information on the success rate of these programs and if officers from other jurisdictions are still being trained, or if the program has turned in another direction.

Captain Gonzales assured Chair Noland that the Program continues to train officers from other jurisdictions throughout the State of Arizona. He briefly summarized this aspect of the Program. He stated there are approximately forty agencies assigned full time to GITEM statewide. Although there have been exceptions, most agencies sign up one of their officers for one year. The grant funds cover the officer's salary, overtime, E.R.E., training and other collateral expenses. At the end of the year, the officer is a highly trained anti-gang enforcement officer. He/she is then transferred back to the agency to assist in training others. If the agency's officer is already trained in anti-gang enforcement, then GITEM's involvement would be the enhancement of the already existing program..

Mr. Albo referred members to the GITEM report, Tab 5, detailing activity which involved 72 agencies throughout Arizona from July 1994 through June 1995 (Attachment 6 filed with original minutes in Chief Clerk's Office).

Chair Noland requested the actual number of prosecutions since the inception of GITEM. She emphasized that this data will assist the Committee in determining the effectiveness of the tools given to GITEM for the prosecution of gang members. In response to Chair Noland's query, Mr. Albo stated that his agency has been unable to correlate that data.

Chair Noland reiterated that the actual numbers of gang-members prosecuted as a direct result of the GITEM Program needs to be tracked. She added that these statistics assist the Committee in monitoring the success of the Program.

Chair Noland repeated her request for information on the appropriation of $70,000 for out-of-state travel. Captain Gonzales replied the $70,000 was requested for two primary reasons; to fund the collateral investigations out-of-state; and to fund specialized training courses for officers, which are sometimes held out-of-state. Chair Noland requested DPS submit more detailed information to the Committee on the out-of-state travel expenses. She added that conducting the training in Phoenix would be less expensive.

Ms. Knaperek requested information on illegal alien gangs and asked if GITEM is working in conjunction with the United States Immigration and Naturalization Service (INS) on this problem. Captain Gonzales replied the largest gang in Arizona, Wetback Power (12 sets), consists of illegal aliens. He stated that GITEM has an investigative squad in Phoenix and Tucson which targets this group. DPS has requested and received the assignment of one full-time INS officer and one full-time Border Patrol officer to the GITEM Program at the expense of INS and Border Patrol. These two officers also serve as liaison officers for their agencies, which supply additional manpower on special GITEM projects.

In response to Mrs. Knaperek's query as to the success of this cooperative venture, Captain Gonzales replied that GITEM is tracking the location of the illegal alien gangs.

Mrs. Knaperek asked if he had any recommendations on ridding Arizona of these illegal alien gangs.

Mr. Albo stated that he was informed by Lieutenant W.F. Grasee, DPS, that the policy on arresting illegal aliens comes from INS. He went on the to explain that the policy of INS is that unless a gang member is directly involved in illegal activity, he/she is not arrested. Since discovering that much of the Wet Back Powers' gang activities are controlled and operated by prison gangs, GITEM is now working with the Department of Corrections (ADC)) to form a prison gang unit.

Senator Soltero requested a short version of the process for GITEM's initial involvement in a neighborhood. Captain Gonzales related a scenario from the City of Tucson. He said that Tucson has three officers assigned to GITEM full time. When they are made aware of a specific problem, the Tucson team gang commander contacts the local GITEM commander or supervisor. They meet to determine the situation and gather intelligence information. The local supervisors than form a plan to target the specific problem in this neighborhood. Additional officers can be assigned from GITEM or local police department if needed.

Senator Soltero asked if GITEM enhances the capabilities of other agencies in the form of manpower, resources, etc. Captain Gonzales replied that GITEM not only enhances many of their capabilities, but in many cases the local agencies turn the whole responsibility for anti-gang enforcement over to GITEM.

Chair Noland queried as to the involvement of GITEM during special events such as the State Fair. Captain Gonzales replied that historically gang members attend the Arizona State Fair. GITEM prepares months in advance for an event such as this by formatting a plan, and bringing in extra officers to work inside and outside the fair. As a result, no major incidents have occurred in the last two years inside the Fair.

Mr. Smith asked if there are more or less gang members and/or gangs in Arizona as a result of the GITEM Program and has the crime rate increased? Captain Gonzales replied that because GITEM and all statewide police departments have become more proficient at identifying gang members in Arizona, 17,000-18,000 new members since the inception of the gang member data base, the statistics show an increase in gang members. He added that anti-gang enforcement is making an impact and targeting the hard-core gang members and working closely with neighborhood associations to make their neighborhoods safer. He added that gang membership is increasing nationwide. Captain Gonzales said that GITEM has identified approximately 850 gang sets operating in Arizona today and estimates that this number will increase.

Mrs. Knaperek inquired about the criteria in determining the individuals who are placed in the gang member data base. Captain Gonzales replied persons are placed into the gang member data base if they meet two of the seven criteria established by law. Intelligence information is gathered utilizing the Gang Membership Information Card (GMIC). Several of the criteria used in determining gang membership are self proclamation, specific types of tattoos and witness accounts.

Further discussion ensued on this issue.

Captain Gonzales reiterated that the information regarding gang members is verified by supervisors and analysts who screen GMIC's. The data base constantly purges itself of individuals when there is no activity involving that person, no updates of gang activity, no criminal activity, etc. The input of individuals is based on very specific criteria that distinguishes an individual from a gang member, which officers document on the GMIC's.

Mrs. Knaperek asked if all state agencies have access to this database. In response to Mrs. Knaperek's query, Captain Gonzales stated every police officer nationwide has access to this data base. Local agencies also contribute to the data base.

Chair Noland inquired if Department of Corrections' (ADC) gang members are included in the database. Captain Gonzales replied that ADC gang members are also placed into the database. He added that GITEM has a full-time gang liaison to ADC, where the gang problem is becoming very significant.

Mrs. Knaperek asked about the possibility of an individual being placed into the data base by mistake. Captain Gonzales said he is not aware of anyone in the gang member database who should not be there. He emphasized that supervisors and analysts screen gang information cards very carefully.

Senator Soltero expressed his concern about the increase in graffiti. Captain Gonzales answered that the majority of graffiti incidents are not gang related. Tagging crews, groups of kids who enjoy writing on walls, are mainly responsible. He added that GITEM does monitor graffiti activity very closely because it does give law enforcement information concerning gangs.

(Tape 1, Side B)

Joseph R. Farmer, Program Manager, Drug Control and Systems Improvement, Arizona Criminal Justice Commission (ACJC), presented a brief overview of the grant application procedure. Mr. Farmer apologized for the lateness of submitting the ACJC's report. He stated that the Arizona Criminal Justice Commission (ACJC) was tasked under HB 2003, providing for a grant to DPS and the elements of prosecution. The sum of $670,000 was appropriated to ACJC to enhance prosecution of street gang-related crimes. The monies were distributed to state, county and municipal prosecuting agencies to train prosecutors, provide personnel and prosecute offenses related to criminal street gangs. The Commission required each prosecutorial agency to submit a problem statement application describing their projects for review by the Drug, Gang & Violent Crime Task Force, and also the Drug, Gang & Violent Crime Programs Committee (See Grant Applications, Attachment 7).

Mr. Farmer continued that the ACJC presented an implementation plan for the GITEM Program to the Arizona Drug, Gang & Violent Crime Task Force and the Drug, Gang & Violent Crime Programs Committee for the implementation of the GITEM Program to Arizona on June 2, 1994. The GITEM

Program was approved and funding was awarded to DPS for the GITEM Task Force on June 8, 1994.

Mr. Farmer explained that because of the large component of law enforcement agencies and GITEM officers who arrest offenders, the prosecutorial agencies have difficulty in determining which offenders are arrested by GITEM officers on gang-related offenses versus those arrested by local law enforcement on non-gang related offenses. He added that the Counties attorney have no method of separating the offenders.

Chair Noland asked if ACJC had conducted follow up on the activities of the prosecutorial agencies to determine if they are performing as they described in their applications for grant funding. Mr. Farmer replied he does conduct on-site visits with all fifteen Counties attorney, many sheriffs and police chiefs to determine the actuality of their goals. He has discovered that the effective prosecution of gang members is very complex, requiring a strong communication between law enforcement agencies and the Counties attorney offices. He assured the Committee that ACJC does track the prosecutorial process and ACJC's report shows the overall picture of gang prosecution in any county (Report, See Attachment 8).

Chair Noland requested that ACJC submit an annual report in the future using standardized forms for the Committee's review. Mr. Farmer replied an annual report is in the works and the Committee will receive it shortly.

Jerry Landau, Special Assistant County Attorney, Maricopa County Attorney General's Office, made available to the Committee a copy of a twenty count indictment, which targeted gangs and was successful as a direct result of cooperation between the police departments, FBI and task force. He added that this is an example of field work translated into the courtroom (Attachment 9) .

Michael A. Breeze, Bureau Chief, Gang Repeat Offender Bureau and Program Director, Community Anti-Gang Enforcement Program (C.A.G.E)., Maricopa County Attorney's Office, explained his unit is attempting to identify hard-core violent offenders in advance of any investigational prosecution. He stated that gang cases are identified by the Maricopa County Attorney's Office in one of three ways: 1) gang motivation; 2) special projects which target gangs; and, 3) identified hard-core offender. There are four attorneys provided under the grant; two assigned to the Adult Division and two to the Juvenile Division. A team prosecution is engaged wherein prosecutors in juvenile court and adult court work together on gang cases in which a transfer to adult court is sought. In addition, gang detectives and prosecutors work as a team which results in more effective prosecutions. His office also employs an investigator who tracks the location of witnesses in gang-related cases to ensure their appearance at trial.. When caseloads permit, C.A.G.E. offers training to law enforcement officers on team prosecution. He stated the goal of C.A.G.E. is to continue the enforcement of the Gang Offender Program, identifying hardcore offenders and the development of additional projects targeting specific gangs (Attachment 10).

Chair Noland asked if Maricopa County's initial allocation of $451,000 will be adjusted to $587,422, and if the number of personnel will be increased.

Mr. Breeze deferred these questions to John Garcia, Controller, Maricopa County Attorney's Office and Jerry Landau, Special Assistant County Attorney, Maricopa County Attorney's Office..

Mr. Garcia, Controller, Maricopa County Attorney's Office, replied that there are presently four prosecutors, one investigator, one legal assistant and support staff currently funded by the grant. In addition, the following positions are partially funded (33 percent) by the grant: one legal assistant, one juvenile prosecutor and one researcher.

Chair Noland repeated her question as to the adjustment of their allocation from $451,000 to $587,422. In response to her query, Mr. Garcia stated that ACJC approved the reallocation of $137,737 to the Maricopa County Attorney's Office to enhance its program. He added that the funds were utilized for statewide training, diversion programs, anti-gang community programs and for the purchase of equipment for its investigator.

Chair Noland commented that the additional funds were originally appropriated for the Witness Protection Program, rural Counties attorney and emergency prosecution monies. These fund were reallocated to the Maricopa and Pima Counties Attorney Offices. She questioned whether any of the other counties had emergencies, why the Witness Protection Program was scratched and why only two counties were given additional funding and not the other prosecutorial agencies. Chair Noland added that the Committee is responsible for tracking all allocated grant funding. She requested a detailed breakdown from Maricopa and Pima Counties on expended grant monies.

Ken Peasley, Chief Trial Counsel, Pima County Attorney's Office, summarized the results of the GITEM Program in Pima County. He stated Pima County was allocated approximately $273,000, of which approximately $255,000 was expended on personnel. The Pima County Attorney's Office presently has two full-time adult gang prosecutors, supported by one investigator, one legal assistant and one legal secretary. Mr. Peasley added that he will provide the Committee with a more detailed financial breakdown if requested. Pima County has formed a "Gang of the Quarter Program," in coordination with the Tucson Police Department, Attorney General's Office, Sheriff's Department, GITEM, U.S. Attorney's Office and the Tucson City Attorney's Office. Mr. Peasley stated that the cooperation between all these different agencies was one of the major steps in the success of the Program. The group assigned to this Program meets monthly or bi-monthly to collectively decide which is the most troublesome gang in Pima County (must meet written criteria), then collectively focus additional resources on that particular gang set. Another program initiated with grant funds is the "Top Ten Gangster Program." These individuals must also meet written criteria before being placed on the list. The goal of the Pima County Attorney's Office is the prosecution of these gangsters to the maximum. Mr. Peasley said that he believes the top 4-5 gangsters in Pima County have been successfully eliminated, although some have been replaced. A third program Pima County was able to initiate is the Para Los Ninos Program. The focus of this Program is the treatment of the

symptoms of the gang problem by attempting to intervene in the lives of young people who are potential gang members. Pima County has enlisted support from schools, courts, community leaders and business groups . This is a pilot project that is expected to operate over an 18 month period of time. He added that Pima County fully supports the GITEM Program and commended its assistance and response time.

Chair Noland requested that Pima County also submit an annual report to the Committee for review to assist in future funding.

Mr. Smith asked if there has been an increase in the prosecution of gang members as a result of the GITEM Program in Pima County. Mr. Peasley replied there has been an increase in the prosecution of gang members due to the cooperation of several local agencies, law enforcement and GITEM working together.

Chair Noland asked if the legislation more clearly defining gang activity has been a useful tool in prosecution. Mr. Peasley said that he feels the definitions and other existing statutes assisted in the prosecution of gang members in Pima County.

Mr. Ralph E. Ogden, Sheriff, Yuma County Sheriff's Office, spoke in support of the GITEM Program. The Program was underway in October 1995, and has been effective in his community. Because Yuma is bordered by Mexico and California, several illegal alien gangs are present in this area and Yuma County is working closely in a cooperative effort with INS to identify and eliminate these gangs. He added that these gang members have been successfully identified, which takes away their anonymity. Further, he said he feels the Program has been successful because of the numerous persons in the community who have thanked law enforcement and prosecutors for reducing the gang activity in their areas.

Dennis A. Garrett, Chief, Phoenix Police Department, spoke in support of the GITEM Program. He said the Program has been a real asset to the City of Phoenix Police Department. He stated the additional resources accessed through GITEM to address problems in Phoenix have been greatly appreciated. He added that the level of communication and cooperation amongst community action officers, neighborhood police, the network of community groups and neighborhood associations needs to continue.

Greg Eavenson, Chief Deputy Sheriff, Navajo County, spoke in support of the GITEM Program. He stated that the Program has been operating in his County since October 1995. He informed the Committee that the major impact has been in the education of the communities and schools in the awareness of gang presence in Navajo County and its impact on their criminal systems. Lieutenant Evanson added that over a dozen gang sets have been identified in Navajo county. He added the much initial set up time has been spent in organizing and training personnel.

Chair Noland asked Lieutenant Eavenson if he believes the educational component will be beneficial in deterring further gang growth. Lieutenant Eavenson stated he feels the education of teachers, parents and students does act as a deterrent against gang growth. Through education, young people are prepared for the time when they may be drafted by a gang. The enforcement aspect of the GITEM Program deters criminal activity by their heightened presence in the community.

Michael Garigan, Lieutenant, City of Tucson Police Department, opined that this is one of the most effective collaborative environments his department has been exposed to as police professionals. GITEM is an entity the department uses as a tactical arm in the City of Tucson. He stated that the additional resources available through GITEM allow law enforcement to go into a community with strict enforcement. GITEM assists in the formation of a plan, and continued maintenance for that neighborhood after the anti-gang enforcement component has completed its assignment. He voiced his support for the GITEM Program and his desire to see further funding to continue these endeavors and strategies.

Art Montgomery, Chief, Sierra Vista Police Department, spoke in support of GITEM and briefly summarized some of the positive results. He stated that during 1992, 1993, and 1994 his community experienced approximately twenty-five drive-by gang-related shootings. GITEM became involved with the community in September of 1995 to assist in combating this problem. The consequences were that there were only two drive by shootings in 1995, a total of three for the year. Mr. Montgomery stated he is very supportive of the GITEM Program and would like it to remain in the community because the Program does work.

Chair Noland asked if any of the gang members and gang-related activities involved military personnel. Mr. Montgomery stated there had been several incidents involving base personnel, which were managed by the military. He added the majority of gang activity is not base related.

Chair Noland read the names of others present to testify in support of the GITEM Program:

Sheriff Joe Richard, Coconino County
Mary Sennate, Police Investigator, Mesa Police Department Gang Unit
Joseph Ruett, Leiutenant, Gilbert Police Department
Terry Burchett, Detective, Gilbert Police Department
Jennie Palomo, Program Coordinator, Mothers Against Gangs, Inc. (MAG)
W.F. Grasee, Lieutenant, Department of Public Safety (DPS)

(Tape 2, Side A)

Sophia Lopez, President and Founder of Mothers Against Gangs, Inc., spoke in support of GITEM. She said a major positive outcome is the cooperation between GITEM and the community. GITEM has assisted the community in educating itself about gangs. GITEM counsels young people who are

on the border line of becoming gang members. GITEM successfully mentored two young people who have since graduated from the academy and are now working at Adobe Mountain..

David Marshall, Lieutenant, Scottsdale Police Department, spoke in support of the GITEM Program. He said the immediate response of manpower and intelligence information was invaluable in the investigation and apprehension of the suspect in a recent homicide in his community. Lieutenant Marshall stated that GITEM has made the community safer.

Chair Noland addressed Kent Komadina, Chief Counsel, Arizona Attorney General's Office. She thanked him for the report submitted by his office on its activities and requested the submission of an annual report in the future (Report, See Attachment 11).

Terry Ringey, Chief of Police, Pinetop/Lakeside Police Department, spoke in support of the GITEM Program. He thanked the committee and DPS for recognizing that gangs are a problem in the rural areas.

Chair Noland emphasized that one of the primary intents of SB 1291 was to assist the rural areas through the allocation of funds for the training of personnel to form gang units within local law enforcement agencies.

Paul Ennis, resident of the Simpson Neighborhood, Phoenix stated his appreciation to GITEM for its involvement in his neighborhood. He added that a number of arrests were made and the residents feel they have accomplished a moral victory over the gangs. Mr. Smith requested that Mr. Ennis contact him with an update on the long-term impact of the GITEM involvement in his neighborhood by the end of November 1996.

Ms. Donna Neill, Chairperson, Westwood Community Association, spoke in support of GITEM. She stated she greatly appreciates GITEM showing the residents respect by allowing them to become involved in the anti-gang enforcement and taking responsibility for their neighborhood. Ms. Neill added that its assistance boosted the morale and gave hope to the residents of Westwood.

Jack Williams, County Attorney, Graham County spoke in support of the GITEM Program. He said an emergency gang-related homicide occurred in his County several years ago. Graham County was allocated $10,000 of emergency funding which enabled it to turn around the gang activity before it spread in Graham County.

Rusty Childress, President of Westwood Business Association, and President of Childress Buick-Kia, spoke in support of the GITEM Program. He said that GITEM has the ability to go right into a neighborhood and accomplish a long-term impact. Local agencies are sharing information and working with the justice system on anti-gang enforcement. Because of this Program many businesses will be able to remain in the neighborhood. He stated his hope that this Program will continue to be funded.

Chair Noland thanked everyone for attending the meeting. She stated that further information is needed regarding the funding for the prosecutorial component of the Program. She related that another meeting may be necessary as further data is gathered and reviewed by the Committee.

Without objection, the meeting adjourned at 3:48 p.m.

Diann Haney, Committee Secretary

(Minutes with attachments on file in the Office of the Chief Clerk and with the Committee Chairman. Tapes on file in the Office of the Chief Clerk.)

Research

ARIZONA STATE LEGISLATURE
Forty-second Legislature - First Regular Session

JOINT OVERSIGHT COMMITTEE ON ANTI-GANG ENFORCEMENT AND PROSECUTION PROGRAM

Minutes of Meeting
January 22, 1996
Senate Hearing Room 2 - 3:00 p.m.

(Tape 1, Side A)

Chair Noland called the meeting to order at 3:10 p.m. and attendance was noted by the secretary.

Members Present

Senator Chesley	Representative Burns
Senator Soltero	Representative Hubbard
Senator Springer	Representative Knaperek
Senator Noland, Cochair	Representative Smith, Cochair

Speakers Present

David Gonzales, Captain, Arizona Department of Public Safety (DPS)
Joe Albo, Director, Arizona Department of Public Safety (DPS)
Tim Connen, Arizona Department of Public Safety (DPS)
Joseph R. Farmer, Program Manager, Drug Control and Systems Improvement, Arizona Criminal Justice Commission (ACJC)
John Blackburn, Maricopa County District Attorney's Office
Ed Cook, APAAC
Jerry Landau, Special Assistant County Attorney, Maricopa County Attorney's Office

Chair Noland stated the minutes of the last meeting will stand as submitted.

Chair Noland addressed the Committee stating that since the Committee last met she found that there was a footnote in the budget that the Committee needed to make a recommendation on the part of the GITEM funding, and especially as it has to do with that part that goes to the prosecutors. There also have been some things recommended in various budgets on the DPS funding and how that does or does not take place. Chair Noland explained that she has tried to straighten it out because there were two different bills and she wanted to be sure she understood exactly what had gone to help prosecute the gangs; as well as what had gone to DPS. She asked that anyone correct her if they'd like, stating that when the Legislature did the original anti-gang bill, which was S.B. 1294,

DPS received $892,000 for the GITEM program and the prosecutors received $430,000, and it was split out between the Attorney General and the various prosecutors. Then, in S.B. 1003, which was in the 9th Special Session, the sum of $4,960,000 was granted to DPS and $670,000 went to the prosecutors through ACJC. Chair Noland explained that, currently, there is no recommendation in the JLBC budget for any funding for prosecution on the GITEM and anti-gang effort. The Governor's recommendation has $500,000 in it. She asked that Senator Chesley update the Committee on what is going on with the DPS side of the funding and what the total amount is.

Senator Chesley stated that he didn't bring notes with him, but basically what they talked about in their last meeting was that about $4,000,000, in round numbers, was going to stay with DPS and $1,000,000 was going to be sent out to the different organization, cities, counties, that they were helping. Senator Chesley explained that originally, it was just the opposite, DPS was going to keep a million and going to send $4,000,000 out. He stated that he felt it was the opinion of the Committee that since we finally have an organization that's doing what we've asked them to do and doing it well, the committee was opposed to cutting off the funds for it. Senator Chesley stated that it was his philosophy that GITEM is working and that they are training people who then go back into the community, but they've only been doing it for a year and we don't have the resources back in the community to be able to do the kind of a job that he thinks is required, so they changed the numbers around, so again, about $4,000,000 goes to DPS, $1,000,000 goes other places. He explained that when they did that, they had talked earlier about ACJC and he had asked everybody who was in the audience that day, including JLBC people, where the money was for ACJC and not one person was able to tell them. He stated he still doesn't know if it's in the budget, and if it is in a budget, where and whose budget it's in. It is NOT in DPS's budget. His assumption is that it's dropped through the cracks and there is no money budgeted or allocated for it at this time. Senator Chesley stated that he told the committee that this was an issue that had to be addressed, that there is no sense getting the gang members and letting them go, so his committee is favorably disposed to putting money into the court side of it, although no dollar amount had been discussed.

Chair Noland apologized for the confusion that was created by the budget footnote, stating that she believes this Committee needs to determine what the amount should be and make a recommendation for the budget. She commented that it is her understanding that the Governor is working on their side to look at the amount that was originally funded for the prosecution, which is $1.1 million, that would be disbursed throughout the state for the Attorney General to help out in the outlying areas, including Maricopa, Pima and all of the small prosecutorial entities, in the same way they were funded the last time. Chair Noland stated that she has a bill that takes care of the way it is funded, but believes a recommendation is needed for the subcommittees. She further commented that she is counting on both the Appropriation Chairs to help the Committee because it's very confusing. Chair Noland added that she thinks DPS is straightened away so that they're funded on the law enforcement side.

Senator Chesley commented that 1.1 ($1.1 million) was the number he had heard bandied around and that no one can tell him why that's the right number. He added that the Committee makes the recommendation and he doesn't have better information, that can easily be amended to a different number. He stated he is concerned that nobody has given him any kind of number or told him why 1.1 ($1.1 million) is the number.

Chair Noland explained that the $1.1 million was the combination of the two bills, both the Governor's special bill and our anti-gang bill in the regular session before that, and it specifically went to all of the entities. They have been reporting back and ACJC was to get back to the Committee with the entire annual report, which was piecemeal the last time the Committee met. She noted that ACJC was signed up to speak to the Committee if necessary and that Mr. Albo was signed up to speak if necessary.

Senator Chesley stated he realized that is what the Legislature had done, but he still is not sure that it is the right amount. He explained he doesn't know if it was too little or too much and that he is not comfortable with the amount just because the Legislature did it before. He noted that he had not read the whole ACJC report and that somebody needs to come to him and explain the needs for this money.

Chair Noland asked Senator Chesley if gathering the rest of the information wouldn't be part of what his Appropriations Subcommittee would do and added that she thought everybody had better be there telling him exactly what they've done. Mrs. Noland stated that what was needed now is a recommendation from this Committee as a general way to proceed with the budget. She commented that it's a different way and she doesn't know how it got there as a footnote in the budget.

Representative Hubbard asked Chair Noland if they were we talking here about just the dollars for GITEM?

Chair Noland replied it is the prosecution portion of GITEM, because that was the footnote.

Representative Hubbard asked if that was all, just the prosecution portion?

Chair Noland replied in the affirmative.

Representative Burns suggested that since know one seems to know if the $1.1 million is a good number or not, the Committee ought to make the recommendation back to Senator Chesley's and Representative Hart's subcommittees without a number and that they find the right number. He further stated he agreed with Senator Chesley that if we don't have information to give an accurate number, the Committee shouldn't just say $1.1 million because that's what it used to be.

Chair Noland stated she has done the homework on this, looking at all of the reports and is comfortable with the $1.1 million, especially as the law enforcement end of things kicked even more into gear. She added that the only number she wasn't personally comfortable with was the $150,000 for the witness protection. She explained that this didn't get used for witness protection but got divided between Pima and Maricopa Counties, rather arbitrarily, and she wouldn't like to see that happen again. She added she would like to see it, if it wasn't going to be used for what it was designated, either returned or be evenly divided among all of the prosecutorial agencies to help them do what they did. She further stated that the Legislature was told it was much needed, but maybe they just didn't have an opportunity to use it, that sometimes there aren't witnesses who need to have the protection from the gang members or their relatives.

Chair Noland continued that she is comfortable with at least $1,000,000 or $950,000, even though she wasn't a big fan of this because she thought it was not very specific. She stated she believes a better reporting mechanism is needed, but she was impressed with the testimony and with what has been done, and added that another year will give everybody a much better feel for both law enforcement side and prosecutorial side and what is being done. Chair Noland commented that she would like to see it have another year and that it still bears watching, and that her bill will say that the money goes directly to the prosecutorial agencies, not go through ACJC.

Senator Springer stated she thinks the Committee needs some knowledgeable person from JLBC to testify on how this is arranged. She noted that looking at the budget book, in the Court system there is an additional $5,500,000 in new money that is allocated for juvenile justice reform, which is allocated to things from the very front end through treatment services and into incarceration projects. She wanted to know if their intent was that some of this money be used for prosecution, because the references indicate that it starts at the very front end, through the entire system.

Chair Noland explained her belief that it is a completely different thing in the juvenile system and goes along with the juvenile justice reform bill. This has been in the adult system all the time, dealing with adult gang members. She stated the Legislature kept it separate when it created it three years ago and also during the Special and that she does not believe it is overlapping.

Senator Springer indicated to the Committee that there is an additional $310,000 specifically in the recommendation for transfer of juveniles to the adult courts, and is assuming that has to be for prosecution for the transfer of juveniles. She commented that apparently there are two different budget recommendations and different aspects of some of these problems.

Representative Smith clarified that GITEM is taken care of, that they are going to remain in their present organization and get funding. The Committee is talking about specifically

the amount of money to be used for prosecution. He suggested there are two things the Committee can do: subtract the amount of money for the witness protection agency because they didn't use that last year and then recommend this much money for the prosecution of the gang in conjunction with the GITEM program.

Senator Springer asked how do you identify which is which, the GITEM program or other normal prosecutions of drug or gang-related activities, when you get into the system? In other words, you don't take a kid and say "This is a GITEM kid" or "This is just a regular pickup or a regular arrest under the regular statutes." How do you make that distinction?

Senator Noland explained that people were mixing up the juvenile system with the adult system. She further explained that what they have been doing with the gangs is keeping track of those of the referred cases by law enforcement that were the gang-related, and they are in the adult system; there are some in the juvenile system, but the majority are in the adult system. She added that part of the problem in getting this Committee up to speed was having a comprehensive annual report. The Committee we received quarterly reports from every different agency and had hoped that ACJC would put them all together into one comprehensive report. They are going to have to convince Senator Springer and Senator Chesley, and maybe at that point they'll have all the reports together and get it delineated a little better so that it won't be confusing. That is what the Committee hoped when it set up all those reports. You all approved the reports. That is was part of JLBC and Appropriations Chairmen. She commented that she would have said, "Don't give me all these quarterly things. I want it cumulative and I want to know what's going on.... In fact we added all of those reports.

Representative Hubbard added a footnote to remind the Committee that over the past six years this Legislature has passed a lot of new legislation pertaining specifically to gang members per se, breaking new ground on some of the things that were done, and taking other things from other states, namely California, or very special programs, and set up recently the whole GITEM division of DPS, which works hand in hand with the special training for our prosecutors. He added that we've got this special police force going out and rounding up these habitual predators and the rap sheet usually tells if they are habitual by nature, regular GITEM kids, or juveniles. He continued it would only make sense that we continue working with the special law enforcement that is set up to capture these guys, to keep up to date with the changing legislation that we pass for training our prosecutors and then giving them the additional resources to not only educate them on how to do it, but to go ahead and do it. He said he believes they have been doing a pretty good job, that it is a subject area that he tends to watch very closely and is very happy with, specifically the GITEM division of DPS. Mr. Hubbard added that he is one of the first ones, usually, that moan and complain and some of the prosecutors and the way they handle some of the juveniles issues, but not in this case because we are constantly passing stuff that deals specifically with gang members. He noted that keeping abreast and having the resources to use the training and go after them in the courtroom after we go after them in the streets

is absolutely necessary.

Chair Noland reminded the Committee that GITEM is the adult portion of the crime bill passed three years ago, as compared to the juvenile portion. She noted that the Governor has $500,000 and she understands that is going to be increased in his recommendation. Chair Noland asked Senator Springer is she wished to hear from JLBC.

Representative Burns requested that he be allowed to add on a little bit to what Mr. Hubbard said. He informed the Committee that he just became aware of the Arizona Prevention Resource Center today and understands that there's approximately $530,000 in the '94-'95 budget. He added that their initial charge was to provide information related to substance abuse, gang education and prevention and treatment programs, and to serve as a referral agent for law enforcement activities. Mr. Burns commented that he doesn't know where this ties in or if it ties in at all.

Chair Noland informed the Committee that was an anti-gang thing more for juveniles, that many people worked on that one while she was in the House of Representatives and that it's more the front end of the what they were talking about. This part was the hard line gang members, taking them out of the community, arresting them, stopping the activities, going into neighborhoods, going into other communities and training officers and also providing prosecution, and special prosecution for some of the rural communities, in order to stop the gang activities by arresting them and prosecuting them. Those are mostly adults. There may be some juveniles, but it's mostly adults, and that's what this part has been. This is a very confusing issue. It's hard trying to keep track of all this and that's why things do fall through cracks. Mrs. Noland commented that It gets very confusing and then we lose institutional memory, and wished the other member all the best after she leaves. Chair Noland requested testimony from JLBC.

Jim Hillyard, ACJC analyst for JLBC, explained that he did not have with him at this time information on how the $1.1 million was disbursed, nor whether that overlaps with monies in the Department of Juvenile Corrections budget. He stated that he is relatively new to this budget and, therefore, hesitant to speak extemporaneously, but could get that information to the Committee very quickly if that would be helpful.

Chair Noland agreed that would and it would help if he would look at both bills and exactly the total amount of money and also would garner the reports. She commented that she was uncertain if this Committee would be able to meet again and she was open for any recommendation. Mrs. Noland said she would like to hear from two people first to give the Committee an idea of what is needed. She continued that last time the Committee heard mostly from law enforcement, and after these comments the Appropriations people can direct JLBC to do whatever it wants them to do because that's what they do best, adding that the subcommittee and the Appropriations Committee are definitely going to need that information. She indicated she would like to hear from the Attorney General's Office to

give the Committee an idea of what they did from the AG's perspective, and then would like to hear from John Blackburn to give an idea of Maricopa County's efforts.

Kent Komendina, Chief Counsel to the Criminal Trials Section of the Attorney General's Office, explained that within the Criminal Trials Sections is where they do their gang prosecution and prevention efforts and that a lot of what they do is in rural counties in support of requests from rural counties. He provided the Committee with the following information: Most of the gang members they prosecute are at the upper end of the scale of felonies; they have been involved with approximately ten capital murders; presently, on the docket they have handled fourteen altogether; they have obtained 42 felony convictions on adult gang members or juveniles that were transferred to adult court in the fifteen months that they have been doing that, and have done it in five different counties. Mr. Komendina stated that the Attorney General's Office has used approximately $108,000 each fiscal year for that effort, which pays for one prosecutor and support staff and, in terms of whether they need more or less, they have enough business, unfortunately, to fund another prosecutor, especially as they look into some of the connections between prison gangs and the street gangs that are developing, which is something that the Attorney General's Office has traditionally worked on as well. Mr. Komendina added that if there were more funds available they would be looking to add a second prosecutor.

Mr. Blackburn, Special Assistant in the Maricopa County Attorney's Office, stated that It has been his privilege to work on this since its inception. He explained that there are both juveniles and adults that are gang members, and his office identifies them for the courts by using a form to make sure that they meet the description of a gang member. They are then assigned into the gang unit. Mr. Blackburn presented the following statistics: for one week, the week of September 2nd through the 8th, they had a total of 150 cases within the unit; 18 new ones came in, 3 were violent case members, 15 were nonviolent; a total of 85% of them were to be prosecuted by that unit; for the month of October they had, just for the downtown unit, 28 come into the unit, all accepted and prosecuted as gang members; during that same period of time 12 gang members were sent to prison. Mr. Blackburn stated that his office is doing with the money what the Legislature intended it to do. Mr. Blackburn spoke to the issue of the witness protection money, admitting that his office was slow in getting that going because they first had to identify and change their internal policy to reflect how we were going to use it, and that they recently spent $13,000 very quickly in doing some relocations. Mr. Blackburn commented that the unit feels good and feels it is doing what the Legislature intended, that it's a new and very productive unit. He added that the unit is handling too many cases for the number of staff, that there is some turnover and it takes some time to train new people coming in. He indicated it is their intent to keep going and that with the sufficient funding they will be able to maintain and do even better.

Senator Chesley asked Mr. Blackburn what the dollar amount spent is?

Mr. Blackburn responded that they had two funds that came in and spent 100% of the HB 2003 monies and approximately 40% of the SB 1290 monies. He continued that they are automating the system to put it on line with the main computer.

Senator Chesley reiterated his request for the dollar amount spent.

Mr. Blackburn replied that of the SB 2003, it was $317,058 and of the SB 1290 it was $144,000.

Chair Noland stated to the Committee that it needs make a recommendation and that she believe it should then leave it up to the Appropriations Committee to finally make a decision on the absolute amount.

Senator Chesley moved that the Committee recommend $1,000,000, explaining it could then be cut if necessary.

Senator Soltero asked what the amount was before.

Chair Noland replied $1,100,000.

Senator Chesley noted that he thought he should include in that motion that the money should be in the court budget.

Chair Noland responded that it was not appropriate because it hasn't been in the court budget before, it's been in the ACJC budget. She further commented that part of the problem has been keeping the budgets straight. She added that she believes the prosecutors don't want it in the courts budget because it puts them in a difficult position.

Chair Noland reiterated that the motion before the Committee was that it recommend $1,000,000 be placed in the GITEM budget for prosecutorial efforts.

The motion passed by a vote of 8-0-0.

Chair Noland noted that the recommendation includes the Committee's expectation that the Appropriations Committee and JLBC will work on the specific amount after receiving further information from the ACJC compiled annual report.

Adjourned at 3:45 p.m.