



Arizona Criminal Justice Commission

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The Honorable [Name]
United States [Senate/House of Representatives]
[Room and office building name]
Washington, DC [20515 for House; 20510 for Senate]

Dear [Senator/Representative] _____:

The Arizona Criminal Justice Commission (ACJC) would like to thank you for your continued leadership in the United States Congress, and your recognition of the important role the Byrne Justice Assistance Grant (Byrne JAG) program plays in Arizona's criminal justice system. The ACJC would also like to express deep concern about the delay in releasing the 2017 Byrne JAG funds to states and make you aware of the detrimental fiscal impact this will have on illicit drug reduction efforts in the upcoming state fiscal year. As you know, Byrne JAG is the cornerstone federal crime-fighting program, supporting the federal government's crucial role in a federal-state-local partnership that enables communities to target resources to their most pressing local needs.

Currently, our federal fiscal year 2017 Byrne JAG funding award of \$3,519,618 has not been released by the Department of Justice-Bureau of Justice Assistance (DOJ-BJA). The release of funding has been delayed as a result of a lawsuit involving sanctuary cities. These funds are critical because we will use the federal fiscal year 2017 Byrne JAG grant to fund our state 2019 Drug, Gang, and Violent Crime Control grant that begins on July 1, 2018. The ACJC uses a mix of federal funding from Byrne JAG and state funding from the Drug Enforcement Fund to cover grant costs of various state, county, and municipal drug control programs. The federal fiscal year 2017 Byrne JAG grants are being held by the DOJ while the Department determines their next course of action in the *Chicago v. Sessions* case. We had hoped that there would be a resolution to this issue by the beginning of our 2019 Drug, Gang, and Violent Crime Control grant solicitation process. This is not the case, and there is no indication when the 2017 federal grant funds will be released.

Arizona has utilized Byrne JAG funding to implement multi-jurisdictional task forces (MJTFs) which include a tandem prosecutor component and forensic drug analysis support to impact and enhance downstream drug enforcement and monitoring activities. This downstream impact has led to funding probation-based drug monitoring programs and other probation-related services, drug courts, and indigent defense services for drug offenders.

The withholding of 2017 federal funds will adversely affect our ability to provide adequate resources for the 2019 Drug, Gang, and Violent Crime Control grant and prevent full reimbursement for grant project costs. By our estimates, if the federal award is not released before January 31, 2019, we will not be able to make any more reimbursements until the Byrne JAG funds are made available.

Withholding these funds will further restrict a shrinking pool of resources used to respond to the growing drug problem in this state. Some of our drug task forces, particularly in our rural counties, may be at risk of dissolving. Our state has not been immune to the problems caused by the opioid crisis, and we continue to resist the devastating effects of methamphetamine use in our communities. The absence of these

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Our mission is to continuously address, improve, sustain and enhance public safety in the State of Arizona through the coordination, cohesiveness, and effectiveness of the Criminal Justice System

critical federal funds will hamper the State's ability to arrest drug offenders in our communities, hold drug offenders accountable for their actions, remove guns and illicit drugs from our streets, deprive criminal organizations of illicit drug profits, and reduce drug-related violence throughout Arizona.

ACJC staff estimates the delay in the release of 2017 Byrne JAG funds will have the following impact on drug projects if funding is not made available by February 1, 2019 through June 30, 2019:

- 1,332 drug arrests will not be made
- 96,132 grams of cocaine will not be seized
- 11,069 pounds of marijuana will not be seized
- 36,708 grams of heroin will not be seized
- 139,870 grams of methamphetamine will not be seized
- 6,957 grams of fentanyl will not be seized
- 102 guns related to drug crimes will not be seized
- 8,513 fewer drug prosecutions
- 6,464 fewer drug convictions
- 5,304 fewer drug offenders sentenced
- \$11.1 million in drug profits will remain in the hands of drug offenders
- 6,927 fewer drug forensic analysis completed
- 3,953 fewer drug forensic reports for use by investigators/prosecutors
- 889 fewer drug probationers served through courts
- 580 fewer drug offenders receiving drug treatment through courts

We are asking you to publicly request the Department of Justice release these funds. The legal process related to *Chicago v. Session* can continue, but in the meantime, release the FY 2017 grant awards. Punishing the criminal justice community and the citizens it serves will not resolve the problem. The DOJ is saying the nationwide injunction is preventing them from releasing the grant awards. However, this is not quite accurate. The litigation prevents the DOJ from releasing the awards with new immigration-related conditions on them so the awards could be released without the new conditions. The awards still include a requirement to comply with 8 U.S.C. § 1373 and our Governor and Attorney General have signed certifications of compliance. The 1373 compliance certification is a big step forward in ensuring states are helpful on federal immigration law.

Please consider communicating to the DOJ the devastating impact this delay will cause on these critical efforts to reduce illicit drug use in Arizona. Your attention to this matter and continued leadership is greatly appreciated. Feel free to contact me if you have any additional questions or concerns.

Sincerely,



Sheila Polk
Chairperson, Arizona Criminal Justice Commission



Andrew T. LeFevre
Executive Director, Arizona Criminal Justice Commission