

COMMITTEE ON PROBATION

State Courts Building
1501 W. Washington Street
Phoenix, AZ 85007
Zoom Meeting

January 15, 2021

Meeting Minutes

Committee Members Present:

Joe Kelroy	Ed Gilligan	Paul Hancock
John Schow	Sarah Douthit	Casie Lightfoot
Steve Lessard	John Armstrong	Tyson Ross
Michael Cimino	Alan Palomino	David Sanders
Jennifer Torchia	Rod McKone	Denise Smith
Luis Fimbres	John Morris	Gay Lockling
Mike Byrd	Christian Whitney	Stacie Blackburn
Sharon Sikora	Rosemarie Barbee	
Paul O'Connell	Hon. Joan Wagener	

Members by Proxy:

None

Committee Members Absent (excused):

Hon. Danelle Liwski
Carl Fox

Administrative Office of the Courts (AOC) Staff Present:

Hon. David Gass	Laura Ritenour	Kathy Gillmore
Paula Taylor	Shanda Breed	Jane Price
Dori Littler	Chris Varner	Liana Garcia
Nina Preston	Teasie Colla	Kristie Wooly
Riane Meister		

Other Attendees:

Sarah Graves

I. Welcome/Meeting Called to Order

Sarah Douthit, Chair, called the meeting to order at 9:01am.

II. Approval of Minutes

The Chair called for any corrections to the minutes from the Committee's October 9, 2020 meeting.

Discussion: Paul Hancock stated that a spelling correction was needed on attendee name Kirsti Hancock. The correction has been made prior to posting on web.

MOTION: Sharon Sikora moved to approve the minutes from the October 9, 2020 meeting of the Committee on Probation, as revised. The motion was seconded by Steve Lessard and passed by unanimous vote. **COP 2021-01.**

III. Call to the Public – No items from the public.

IV. 2021 Legislative Proposals

Liana Garcia, Legislative Liaison for the Administrative Office of the Courts, presented.

H2076 – Probation Officers; Assault; Resisting Arrest

In any other year, this proposal would have an easier chance of success. If we do recognize probation officers as peace officers, we would expect them to have the same level of transparency as police officers: i.e. body cameras. At the Adult Management Meeting yesterday, the discussion led to acknowledgement that this proposal may best be left for another time.

Today's discussion:

- **Note from the Chair: This committee entertained this proposal at a prior meeting and voted to support. If we do something differently this year, we will need a motion to do so.**
- Review discussion from AMM (January 14, 2021)- There is not only a substantial start up cost, but also an ongoing maintenance cost. This also involves large change in policy. The presence of the camera has the potential to change the nature of rapport building.
- It would be helpful to approach this without ditching the bill in its entirety; perhaps navigate the questions that the Legislature may have.
 - Liana's response: There are two points to this bill, the *resisting arrest statute* and the *aggravated assault statute*. The history of amending the *aggravated assault statute* to include different classes of victims of that assault and enhance the criminal penalty is a long history, and illustrates the uphill battle that we would have on that portion of the

bill, as it creates a robust discussion as to whether we need more sentencing enhancers. Amending the *resisting arrest statute* may be easier, but that is the portion of the bill that triggers thoughts of police actions and transparency. Since the 2020 summer of protest, more transparency has been proposed. Do we amend the statute in one part and abandon the other?

- Summary of discussion: Moving forward, we can work on this with Liana based on the input of this group today. The intent of the bill is good and is something that we need; we can look at a different way to present the bill. It is important that we not abandon this bill. We do want to support our officers, and we also support transparency. With something this critically important, we need to make sure that whatever we advance, that it is the right strategy for the long term. Because the session ended early last year, there are an overwhelming number of bills being run. We do not want this issue to be sidelined; perhaps the best strategy would be to slow this down and present next year.

MOTION: Mike Cimino moved that the Committee on Probation defer submission of this bill until the next Legislative Session in order to ensure its success and ultimate passing. The motion was seconded by Steve Lessard and passed by unanimous vote. **COP 2021-02.**

H2130 – Intensive Probation; Requirements; Modification

This bill modifies the checklist for IPS and allows the creation of a targeted plan for good results. This bill is scheduled to be heard this week. (Only applicable to adults; *this bill has already been voted on and approved by COP and AJC*). This committee would be happy to speak on behalf of this bill if necessary.

H2141- Appropriations, Alternative Prosecution: Diversion Program

Appropriates money for alternative prosecution and diversion program.
No action necessary.

H2163- Prisoners, Discharge; Transition Program

No action necessary.

H2164 Coordinated Reentry Planning Services Programs

Same bill sponsored by other persons.
No action necessary.

H2189- Coordinated Reentry Planning Service Programs

Same bill sponsored by other persons.

No action necessary.

S1067- Prisoners, Discharge, Transition Program
Allow 3,500 eligible inmates to enter transition program.
No action necessary.

V. ACJA § 1-107 Commission on Minorities in the Judiciary (COM) Code Revision Proposal

The Honorable David Gass, COA, Division One, presented.

The proposal will align the Commission on Minorities in the Judiciary (COM) with other state court commissions and national organizations that are working towards racial justice, equity and inclusion in the justice system. The name change and general purpose updates will more accurately list the current goals and policies the commission hopes to collaborate on with its judicial branch partners and other stakeholders in Arizona's justice system.

At their November 5, 2020 meeting, COM members voted unanimously to recommend a name and General Purpose change to the Arizona Judicial Council (AJC). The new name of *The Commission on Diversity, Equity and Justice (DEJ)* reflects the goals of the commission and is aligned with many other state court commissions. Since the commission was created in 1990, several of the projects listed in the General Purpose section of the code have been implemented. The proposed General Purpose section outlines the updated objectives of the commission as it seeks initiatives that promote racial justice, equity and inclusion.

MOTION: David Sanders moved for the Committee on Probation (COP) to support the *ACJA § 1-107: Commission on Minorities in the Judiciary code revision proposal* as written. The motion was seconded by John Morris and passed by unanimous vote. **COP 2021-03.**

VI. Juveniles with Sexually Abusive Behaviors (JSAB) Update/Polygraph

Joseph Kelroy, Director, Juvenile Justice Services Division presented.

The new polygraph code became effective January 1, 2021. In the past year, we have rewritten our service provider contracts relative to these changes. We contracted with Tom Leversee to develop training for judges, probation staff and providers with regard to the polygraph, as well as attorneys. Moving forward, we will be developing a 2.0 training for judges and providers, which will delve deeper into the types of reports that they see in court relative to this population in determining best practice and levels of care/treatment in relationship to how we service these kids. Education is critical so that we are all working from the same page for the best desired outcomes. In the latter portion of this year, probation will be developing a two-day training for the juvenile probation officers that supervise this population. This will be vetted and ultimately

turned over to JEC. We will also be looking at the conditions of probation for this population.

VII. JJSIP Update/Juvenile Code Approvals

Joseph Kelroy presented.

The Juvenile Justice System Improvement (JJSIP) work is a three-pronged approach, which includes the *Arizona Youth Assessment Risk Tool*, the *Recommendation Matrix* and the *Correctional Program Checklist*. We moved some codes along last year which were passed by AJC and are in effect as of January 1, 2021. We are taking this into a phased approach with the codes: on January 1, 2021 the warrant timelines for JIPS have been extended and the ability to do virtual contacts was incorporated into code. On April 1, 2021, risk-based supervision code will come into play, and on July 1st we will implement the Recommendation Matrix and Short-Term Standard Probation, which is part of the Recommendation Matrix. We will be conducting training with counties, judges and attorneys prior to July 1, 2021.

VIII. Subcommittee Updates

Staff Safety Advisory Committee (SSAC)- David F. Sanders

- The composition of the committee remains at 22 members; 13 from adult departments, 7 from juvenile departments, and one combined department. Eight counties are represented on the committee.
- There is an upcoming retirement from Maricopa County. Mike will have an opportunity to fill that vacancy.
- The committee has not had a reason to meet since the last COP meeting. The most contemporary issue was the transition from the .40 caliber duty weapon to the 9mm. That AO gave maximum flexibility to transition or not in terms of the timing. Pima County made the transition last year. Others have progressed at their own pace.
- If you have any issues to be brought before the committee, please submit to David Sanders.

Committee on Probation Education (COPE)- John C. Morris

- The Probation Academy was conducted virtually and was very successful, with good evaluations.
- Fifteen programs were successfully completed since October, also with high evaluations.
- The IPS and Juvenile Detention academies were also successfully delivered in this format.
- The upcoming Suicide Prevention Train the Trainer will have its first virtually debut in February.
- We are continuing to offer quality trainings.

IX. Around the State

- No updates at this time.

X. Adjournment

MOTION: David Sanders moved to adjourn the meeting at 10:38am. The motion was seconded by Rob McCone and passed by unanimous vote. **COP 2021-04.**