

**COMMITTEE ON PROBATION**

ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
1501 WEST WASHINGTON STREET  
CONFERENCE ROOM 119 A & B  
PHOENIX, ARIZONA

FEBRUARY 2, 2007

**CHAIR:**

David F. Sanders

---

**MEMBERS PRESENT:**

Margie Brakefield  
Barbara Broderick  
Jim Buzard  
Marilee Dal Pra  
Carl Fox  
Billie Grobe  
Arno Hall  
Tim Hardy

Marty Krizay  
Rob Lubitz  
Scott Mabery  
Bryan Matsuda  
Chuck Moter  
Frank Owens  
David F. Sanders  
Rik Schmidt

Sharon Sikora  
Livingston Sutro  
Rick Tozer  
Kathy Waters  
Richard Wilson  
Myrtle Young  
Todd Zweig

**MEMBERS NOT PRESENT:**

Lin Adams  
John Armstrong  
Frank Begay  
Carol Boone  
Mike Branham

Frank Corrales  
Vincent Craig  
Honorable Michael Cruikshank  
Dave Despain  
Debra A. Hall

Honorable James Keppel  
Greg Lucero  
Diane McGinnis  
Ken R. Symmes  
Friend Walker

**GUESTS:**

Maria Aguilar-Amaya  
Rene Baca  
Dave Byers  
JL Doyle  
Dori Ege

Girlie Forman  
Leila Gholam  
Marie Holck  
Rania Khoury

Alan Palomino  
Tivo Romero  
Fred Santesteban  
Cynthia Segovia

**STAFF:**

Berry Carroll

Griselda Barragan

**I. WELCOME**

David Sanders called the meeting to order at 9:05 a.m. and asked the group to recite the Pledge of Allegiance. Introductions were made around the room.

**New members and staff:**

- Frank Owens - Chief Probation Officer and Juvenile Court Director - Gila County
- Maria Aguilar-Amaya - Researcher Analyst - Adult Probation Services Division (AOC)
- Griselda Barragan - Administrative Assistant - Adult Probation Services Division (AOC)

**II. APPROVAL OF MINUTES**

**MOTION: Tim Hardy made a motion to approve the November 9, 2006 meeting minutes. Chuck Moter seconded the motion. Motion passed unanimously. COP 07-001**

**III. CORP**

➤ Rob Lubitz provided the following information:

**CORP updates and current status:**

- A meeting was held 01/31/07 with the head of ASRS, CORP and their attorneys to make sure there were no additional issues to resolve. We are expecting to sign the joinder agreement no later than February 8<sup>th</sup>. The effective date of transfer to CORP would be July 1<sup>st</sup> 2007; that will be the day everyone moves over.
- The Chief Justice has appointed as CORP Board Members: Jim Bruner, a member of the Arizona Judicial Council, and also served with the ASRS board; Phil Hanley, Human Resource Director for the Maricopa Court System; Kevin Kluge, Chief Financial Officer for AOC.
- The first meeting of the CORP Board will be February 8<sup>th</sup>, 2007.
- Between now and July 1<sup>st</sup> all officers need to complete an application form or an opt-out form. Chiefs and Directors are asked to take the lead in their counties to ensure officers provide the information to AOC as close to July 1<sup>st</sup> as possible, to have an accurate count.

- The application form will be available on the website, as well as in a hard copy. The form asks you to send it back to CORP but do not follow those directions. Send it to AOC instead. The opt-out form or an application for each employee is required to determine how much money needs to be transferred from ASRS to Corp. Important information required in the application: the email address; the election phase (we are hoping to do that electronically) employer acknowledgement requires critical position classification, current annual salary, and full time (40 hour employee) certification; and, either Director or Chief signature. Do not send in forms too early in case there are some employee changes. The information provided needs to be as accurate as possible. CORP will be contacted to see if the social security card copy can be waived for current employees.
- Employees moving to CORP are giving up the long term disability that was provided by ASRS.
- The Board will decide when the medical forms are due (sometime in June). The Board needs to approve the medical provider first.
- Kathy Waters recognized Rob Lubitz and Fred Santesteban for the work done on this project.
- Dave Byers provided comments and suggested that any questions or concerns for ASRS or CORP be posted on the website. Topic comes to a closure.

#### IV. Legislative Update

➤ Leila Gholam and Cynthia Segovia provided the following information:

- HB2209 – Law Enforcement Officers; Misconduct Interviews. Prior to misconduct interview, written notice with the specific nature of the investigation needs to be given to the probation officer. This bill is being heard on Tuesday, February 06, 2007.
- SB1332 – Law enforcement officer representation; allows that an attorney selected by the probation officer can be present during a disciplinary interview.
- SB1223 - Records redaction; officials; officers. Adds to list of people who can request redaction of personal information.
- SB1425 – Sexual offenses; defense. Adds to the defenses of sexual misconduct with a minor or child molestation for youthful offenders.
- SB1426 – Youthful Sex Offenders; sentencing; registration. Would change definitions and requirements for sentencing and registration of youthful offenders.
- SB1427 – Youthful Sex Offender committee. Extended to September 2008.

- SB1484 – Sex Offenders; Probation; Terms. Requires offenders to stay five miles away from child. This is out of the Committee.
- SB1628 – Youthful Sex Offenders; Treatment. Changes requirements when placing a youthful sex offender in a sex offender treatment program
- Discussion ensued regarding the details of the bills presented and the potential impact on programs and youthful sex offenders.

V. ACJA Section 6-114 (Committee on Probation)

- JL Doyle provided the following updates:

Code has been drafted and sent to chiefs and directors for approval. Comments were solicited, received and recorded. Most comments received were regarding committee membership, specifically the inclusion of “line” probation officers as committee members. Discussion ensued regarding this issue.

On February 16, 2007 this code will be presented to the Committee on Superior Court.

**MOTION:** Rich Tozer made a motion to approve the Committee on Probation code (section 6-114) as presented in the draft. Kathy Waters seconded the motion. After discussion, 5 were in favor of and 13 were opposed to this motion (2 abstentions). Motion did not pass. COP 07-002

**MOTION:** Rick Tozer agreed to a friendly amendment to the original motion to accept the code with the exception of the inclusion of line probation officers as committee members. Scott Mabery seconded the motion. After discussion, 14 were in favor of and 4 were opposed to this motion (4 abstentions). Motion passed. COP 07-003

VI. BUDGET PROCESS; COURT LEADERSHIP (CLIA)

- Kathy Waters provided the following information:

- Last year, during the legislative process, we ran into issues with budget related recommendations from the Chiefs Association. However, as of yesterday those issues

have been resolved. The chiefs and directors ability to have input regarding programs and expansion has been incorporated into the AOC budget process.

- Court Leadership Institute of Arizona (CLIA) continues to be developed. Kathy Waters is the member representing probation. She will provide updates to COP members and she is asking for input regarding probation leadership issues.

## VII. COMMITTEE UPDATES

### ➤ SSAC (Staff Safety Advisory Committee)

- Jim Buzard reported that the committee hasn't met as there have been no issues to discuss. The last meeting was about one year ago. However, there will be a meeting in the future to determine if there are issues that are not being presented for the committee to address.

### ➤ COPE (Committee on Probation Education)

- Marie Holck reported that the committee met in December and will be meeting again in February. They will be approving the last 3 lesson plans; Working as Partners, Family Dynamics and Co-occurring Disorders. The lessons will be piloted in March. The surveillance officers will be doing a workbook for the overview of the court system and also piloting a report writing workbook.
- The detention committee will be having their second annual conference June 14, 2007; the two topics will be drug recognition and working as a team, which is based on the color system training.
- Faculty Skills Development - Tucson on February 21<sup>st</sup> -23<sup>rd</sup>. There are only 4 openings.
- Probation Certification - Every December there is an analysis of the exam which the testing committee reviews in January. For the year 2006, certification exam averages are; Version A- 98%, Version B- 94%, and Version C- 92%. This is the average score for officers taking the test.
- COPE curriculum committee has approved 5 new sections for defensive tactics training. The training manuals are being updated to implement the new sections. Officers who have training manuals already will get the 5 new sections to add to their manual. The new sections will be addressed as officers attend their refresher courses.
- Statistics for 2006 – accomplishments are: 4 certification academies, 2 IPS institutes, 2 detention officer academies, 5 faculty skill development, 18 defensive tactics, 7 firearms training, 1 defensive tactics instructors course, 1 detention conference.

➤ PACC (Probation Automation Coordinating Committee)

- Myrtle Young reported that there was an emergency meeting in December to discuss items for the January meeting of the Commission on Technology. The concerns were from juvenile and revolved around the indecision and an upcoming vote on how to move forward with a case management system. AGAVE has the responsibility to develop the case management system and the work was redefined in order to meet a deadline. There was a concern, as we moved forward with the JOLTS-AZ development, that the juvenile case management integration component was no longer in the scope of the AGAVE mandate. Jennifer and Myrtle attended this Commission on Technology meeting to provide input. As a result, the vote was put off until more research can be done on alternatives for AGAVE, ISIS and a special private contractor. The commission voted to review the matter at another sub-committee meeting.
- Myrtle would like to commend the probation member of the committee, Marty Krizay, for representing probation very well.
- Another item is the celebration of the completion of the APETS roll out. This was announced at the Commission on Technology meeting. She commends AOC staff for this achievement.
- As an announcement for the public members and juvenile directors, APETS has an intranet site that is a great information portal for users.

**VIII. NON-AGENDA ITEMS**

None.

**IX. CALL TO THE PUBLIC**

None.

**X. ADJOURNMENT**

**The meeting adjourned at 11:57 am**