

COMMITTEE ON PROBATION

ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
1501 WEST WASHINGTON STREET
CONFERENCE ROOM 345 A & B
PHOENIX, ARIZONA

May 2, 2008

CHAIR:

David F. Sanders

Attending Members:

Rene Baca
Carol Boone
Margie Brakefield
Marilee Dal Pra
Carl Fox
Billie Grobe
Arno Hall

Tim Hardy
Marty Krizay
Rob Lubitz
Scott Mabery
Bryon Matsuda
Diane McGinnis
Mario Moreno
Chuck Moter
Frank Owens

Tivo Romero
Rik Schmidt
Sharon Sikora
Livingston Sutro
Ken R. Symmes
Friend Walker
Kathy Waters

Cindy Winn
Myrtle Young
Todd Zweig

With Regrets:

John Armstrong
Hon. Anna Baca
Frank Begay
Mike Branham
Barbara Broderick
Vincent Craig
Hon. Michael
Cruikshank
Debra A. Hall
Ken R. Symmes

AOC Committee Staff:

Jerry Carroll
Glenda Carter

Guests:

Amy Champeau	Lula Mclendon	Amy Stuart
Mike Baumstark	Chief Justice Ruth McGregor	Paula Taylor
Ken Brown	Rona Newton	Julie Wright
Dave Byers	Julie Orduno	
Zach Dal Pra Proxy for Barbara Broderick	Alan Palomino	
Lynn Delaplane	Nina Preston	
John Dyess Proxy for Rich Tozer	Katy Proctor	
JL Doyle	Fred Santesteban	
Marie Holck	Sarah Schmoll	
Lorraine Lerma	Delcy Scull	

I. WELCOME

David Sanders called the meeting to order at 9:02 a.m. and asked the group to recite the Pledge of Allegiance. Introductions were made around the room.

Guests Dave Byers and Chief Justice Ruth McGregor honored Myrtle Young on her recently announced retirement.

II. APPROVAL OF MINUTES

The Committee Chair commended AOC staff on preparation of the minutes.

MOTION: Livingston Sutro made a motion to approve the minutes of the previous meeting as presented. Diane McGinnis seconded the motion. Motion passed unanimously. COP 08-02.

III. LEGISLATIVE UPDATE

Katy Proctor provided an update on pending legislation pertinent to probation.

- SB1043: Designating other judicial positions to CORP; passed two weeks ago.
- SB 1265: Employee representation; bill is moving forward
- SB 1339: Employee representation; agreement bill.
- SB 1476: Probation earned credit; changes to bill; handout provided.
- SB 2117: Increase member CORP contribution rate; provides disability coverage.

IV. BUDGET UPDATE

Rob Lubitz and Kathy Waters provided the following update.

- \$1.1 million is being cut from the FY08 judicial budget. Cuts will be absorbed by the AOC and will not be passed on to the counties. Additionally, \$1.5 million is being swept from both the juvenile treatment fund and the CJEF fund. The juvenile services division has transferred \$1 million (17 positions) to the adult probation division.
- The FY08 cuts to adult probation will be absorbed administratively through revertment of a portion of the GPS budget. Kathy stated the GPS program will change, perhaps making the offenders pay some of the costs.
- Dave Byers commented that in FY09 there will be a \$2 billion deficit in the state budget. One proposal to handle the shortfall is a 15% across the board cut. Mr. Byers suggests being cautious with spending due to the budget crisis. Internally, appeals court filing fees have been increased by 44% as they have not been increased since 1993.
- Discussion ensued.

V. CORP UPDATE

Lu McLendon provided the following update.

- Member annual statements will be coming in August; and, thereafter, annually in August.
- Health insurance---ASRS retiree's health insurance is the only CORP option.
- CORP does not offer a supplemental retirement saving program.
- CORP does not offer any pre-retirement seminars but members can attend Corrections or DOA seminars.
- Discussion ensued.

VI. COP RULES OF OPERATION

Frank Owens provided a draft of business rules for the Committee on Probation. Discussion indicated meeting minutes should state whether or not a quorum is present.

The committee proposed the use of a proxy form, sent with the meeting agenda, for the member to provide notice that a proxy will be present. Also, a proxy should identify themselves to the Chair or AOC committee staff prior to the commencement of the meeting.

MOTION: Rik Schmidt made a motion to approve the proposal for use of a proxy form and the requirement for proxy identification prior to the start of the meeting. Chuck Moter second the motion. Motion passed with all in favor. COP 08-03.

MOTION: Rik Schmidt made a motion to approve the draft business rules for the Committee on Probation as modified. Kathy Waters second the motion. Motion passed unanimously. COP 08-04.

ACTION ITEM: The rules are to become effective immediately.

ACTION ITEM: Future meeting minutes should state whether or not a quorum is present.

VII. ACJA CODES

ACJA Section 6-201: Standard Probation

A copy of the code was provided along with the comments received. Discussion ensued regarding changes made to the code, implementation dates and impact, as well as the direction that the code moves standard probation in Arizona.

MOTION: Chuck Moter moved to accept the code as discussed. Frank Owens second the motion. Motion passed unanimously. COP 08-05.

ACJA Section 6-202: Adult Intensive Probation

A copy of the code was provided along with the comments received. Discussion ensued regarding changes made to the code, implementation dates and impact, as well as the direction that the code moves IPS in Arizona.

MOTION: Frank Owens moved to accept the code as proposed. Chuck Moter seconds the motion. Myrtle Young called for the vote. The Chair asked for a show of hands; 25 in favor, 4 opposed, 1 abstention. Motion passed. COP 08-06.

ACJA Section 6-105: Powers and Duties of Officers

A copy of the code was provided along with the comments received. Discussion ensued.

MOTION: Diane McGinnis moved to accept the code as drafted. Livingston Sutro seconds the motion. The Chair asked for a show of hands; 24 in favor, 4 opposed. Motion passes. COP 08-07.

ACTION ITEM: The committee requested code updates be presented at every meeting.

VIII. COMMITTEE UPDATES

SSAC (Staff Safety Advisory Committee)

Livingston Sutro provided handouts containing the results of taser pilot projects within Maricopa and Pima County Adult Probation Departments. SSAC recommends that the pilots be considered successful and the applicable codes be revised to include tasers as an option available in the continuum of force. Lengthy discussion ensued regarding the appropriate use of tasers in probation, particularly the use of tasers on juveniles.

MOTION: Tim Hardy moved that codes be amended to allow adult probation department arrest/warrant teams, with department head approval, the option to carry tasers. Rik Schmidt second the motion. The Chair asked for a show of hands; 24 in favor, 3 opposed. Motion carried. COP 08-08.

ACTION ITEM: The Chair directs SSAC to study the use of tasers on juveniles and develop a report to present to COP. The Chair requested asked for an informational show of hands in favor of and opposed to conducting the study; 12 in favor, 2 opposed.

COPE (Committee on Probation Education)

Marie Holck stated that the 2007 Annual Report was completed. An update on probation education programs was provided.

PACC (Probation Automation Coordinating Committee)

Rona Newton provided information and a handout covering current committee activities.

Probation Funding Subcommittee

No report at this time.

IX. NON-AGENDA ITEMS

None.

XI. CALL TO THE PUBLIC

None.

X. ADJOURNMENT

The meeting adjourned at 1:00 pm. Next meeting – Friday, September 12, 2008.