

COMMITTEE ON PROBATION

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

September 12, 2008

Chair:

David F. Sanders

Attending Members:

Rene Baca
Carol Boone
Margie Brakefield
Mike Branham
Barbara Broderick
Kenneth Brown
Marilee Dal Pra
Carl Fox
Billie Grobe
Arno Hall
Tim Hardy
Rob Lubitz
Scott Mabery
Bryon Matsuda
Diane McGinnis

Mario Moreno
Chuck Moter
Frank Owens
Tivo Romero
Rik Schmidt
Robert Seymour
Sharon Sikora
Susan Stodola
Livingston Sutro
Rich Tozer
Friend Walker
Kathy Waters
Jerold Wolf
Todd Zweig

With Regrets:

John Armstrong
Hon. Anna Baca
Frank Begay
Vincent Craig
Hon. Mich. Cruikshank
Marty Krizay
Delcy Scull
Cindy Winn

Proxies:

Cathy Dryer for
Marty Krizay
Hon. Warren Granville for
Hon. Anna Baca
Sarah Schmoll for
Cindy Winn
Marie Holck for
Tim Hardy (if needed)

Guests:

Krista Chapman
JL Doyle
Cliff Ford
Marie Holck
Kevin Jeffries
Chad Kewish
Rania Khoury
Andrea Mavis

Rona Newton
Tim Orona
Nina Preston
Katy Proctor
Andrea Roman
Fred Santesteban
Sixto Valdivia
Julie Wright

AOC Committee Staff:

Griselda Barragan
Jerry Carroll
Jacquelyn Wilcox

I. CALL FOR PROXIES

David Sanders asked those guests serving as proxies for a committee member to identify themselves and the member they were representing.

II. WELCOME

The David Sanders called the meeting to order at 9:13 a.m. and asked the group to recite the Pledge of Allegiance. Introductions were made around the room. New committee members attending their first meeting were asked to provide a brief statement of their background.

Mr. Sanders established that there was a quorum present as defined in the business rules for the committee. Thirty-two committee members and proxies were identified.

III. APPROVAL OF MINUTES

The Chair asked if there were any comments, corrections or deletions to the minutes of the last meeting.

MOTION: Mike Branham made a motion to approve the minutes of the previous meeting as presented. Chuck Moter seconded the motion. Motion passed unanimously. COP 08-09.

IV. LEGISLATIVE UPDATE

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

Proposals received for the up-coming 2009 legislative session of interest to members are:

- 2009-03: Restitution: Creates a restitution order at time of sentencing of both adult and juvenile defendants. Details and implications of this proposal were discussed. Questions from committee members were addressed.

MOTION: Barbara Broderick made a motion that the Committee on Probation would recommend that this proposal not be accepted in its current format until a series of questions are answered. Second by Frank Owens. Discussion ensued. Carol Boone called for the question. Motion passes (2 nay votes). COP 08-10.

- 2009-04: IGA Authority: Allow the court to establish early prevention and intervention programs and enter in IGAs, MOUs and MOAs for those programs. Additional discussion ensued.

MOTION: Frank Owens made a motion that the Committee on Probation endorses this proposal. Second by Rich Tozer. No further discussion. Motion passes unanimously. COP 08-11.

V. RANDOM DRUG TESTING UPDATE

Fred Santesteban provided the following update on random drug testing of probation staff.

An explanation of the history behind the current code and testing practices was given. Results of random drug testing for FY 2008 were provided as well. Based on the results of the testing, discussion was held regarding the frequency of testing that is necessary.

MOTION: Frank Owens made a motion that the testing rate be reduced to 10%. Second by Barbara Broderick. Further discussion was held. Motion passes unanimously. COP 08-12.

ACTION ITEM: The above recommendation from the committee will be taken to the Administrative Director for review.

VI. BUDGET UPDATE

Kathy Waters and Rob Lubitz provided the following update.

- Drug Treatment and Education Fund (DTEF) was cut an additional \$500,000 by the legislature.
- Dangerous Crimes Against Children GPS monitoring funds were reduced. The AOC is now required to charge probation departments for GPS equipment. The money is to be taken from the probation service fees accounts. Additionally, the courts are now allowed to charge the offender for GPS monitoring.
- Budget outlook for FY09 and FY10 is still gloomy with possible expropriation in FY09 yet to come.
- Juvenile probation lost a total of 20 probation officers for FY09 primarily due to fewer juveniles on probation. Additionally, 7 diversion positions and 16 school probation officer positions were eliminated, for a total loss of 43 positions.
- Juvenile treatment funding was reduced by 5.6 million dollars. Funds from other sources were used to replace all but about 1.2 million dollars so that appropriations to county departments were not reduced.
- Juvenile departments are also struggling with reductions in funds from their counties.
- Discussion ensued related to budget topics.

VII. ACJA CODES

JL Doyle discussed current proposed revisions to ACJA Section 6-201.01: Standard Probation, ACJA Section 6-202.01: Adult Intensive Probation, and ACJA Section 6-105.01: Powers and Duties of Officers.

Evidence based practices revisions to these codes were approved by COP at the May 2008 meeting. Approval is now needed for the portion identifying the transition to evidence based practices. Handouts for each code and the new revisions were provided. Note: Codes have been renumbered to accommodate the EBP revisions. Discussion ensued.

MOTION: Barbara Broderick made a motion that the committee accept the transition plan and title it “The Transition to Evidence Based Code”. Second by Frank Owens. Brief discussion occurred. Motion passes unanimously. COP 08-13.

VIII. COMMITTEE UPDATES

SSAC (Staff Safety Advisory Committee)

Livingston Sutro reported that the committee has not met since the last COP meeting. The date of the next meeting is 10-31-08. Significant topics to be considered at the meeting are: (1) use of tasers in juvenile probation and (2) conducting an officer safety summit.

Lengthy discussion ensued regarding: the appropriate use of tasers in probation and detention, particularly the use of tasers on juveniles; the recommendation of the committee at the last meeting; and, the new task assigned to the committee at the last meeting regarding tasers.

Discussion of the proposed officer safety summit resulted in the following motion.

MOTION: Rich Tozer made a motion that COP endorses the concept of the strategic planning forum with the list of attendees modified to be at the discretion of the chiefs or their designee. Second by Frank Owens. Motion passes unanimously. COP 08-14.

COPE (Committee on Probation Education)

Marie Holck stated that at the August COPE meeting updated by-laws and a proxy policy were approved. They also approved and amended the officer safety testing policy, approved new defensive tactics instructors, and began a strategic planning process. Additional instructor approvals will occur at the end of September. An update on certification academies was provided as well. The detention committee is also involved in creating a new strategic agenda. A poll was taken as to how much interest there was statewide in cultural diversity and Colors training.

PACC (Probation Automation Coordinating Committee)

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

Probation Funding Subcommittee

Billie Grobe provided several handouts comprising the report from the sub-committee to COP. Discussion ensued over many issues surrounding collaboration, transparency and oversight of the AOC budget process utilized to distribute funds to probation departments. A continuing role for the committee

MOTION: Rich Tozer made a motion that COP endorse the sub-committee recommendations and establish a probation funding standing committee whose recommendations would be the foundation of a long-term liaison relationship with AOC. Second by Frank Owens. Additional discussion ensued.

MOTION: Barbara Broderick made a motion that COP recommends the AOC take under advisement the creation of a standing committee to work collaboratively on adult and juvenile probation budget issues attempting to achieve transparency in that

process and more importantly to have fair and equitable allocation of dollars at the state level. Bearing in mind, we have to ensure that we are leveraging our county funds appropriately.

Rich Tozer's motion is withdrawn; Frank Owens' second stands.

A friendly amendment is made to the motion: COP accepts the recommendations from the existing funding sub-committee. No further discussion. Motion passes unanimously. COP 08-15.

IX. NON-AGENDA ITEMS

Frank Owens provided an update on CORP annual statements.

David Sanders relayed that public members are able to receive AOC security ID badges to access the building. Names of public members should be given to security so the ID can be provided.

Sharon Sikora was recognized for providing refreshments for the meeting.

XI. CALL TO THE PUBLIC

None.

X. ADJOURNMENT

The meeting adjourned at 12:32 pm. Next meeting – Thursday, November 13, 2008.