

# COMMITTEE ON PROBATION

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

November 13, 2008

## Chair:

David F. Sanders

## Attending Members:

John Armstrong  
Rene Baca  
Carol Boone  
Margie Brakefield  
Barbara Broderick  
Kenneth Brown  
Carl Fox  
Billie Grobe  
Arno Hall  
Tim Hardy  
Marty Krizay  
Rob Lubitz  
Scott Mabery  
Bryon Matsuda

Diane McGinnis  
Chuck Moter  
Frank Owens  
Tivo Romero  
Rik Schmidt  
Delcy Scull  
Robert Seymour  
Sharon Sikora  
Susan Stodola  
Livingston Sutro  
Kathy Waters  
Cindy Winn  
Jerold Wolf  
Todd Zweig

## With Regrets:

Hon. Anna Baca  
Frank Begay  
Mike Branham  
Vincent Craig  
Hon. Mich. Cruikshank  
Marilee Dal Pra

## Proxies:

John Dyess for  
Richard Tozer  
Hon. Warren Granville for  
Hon. Anna Baca  
David C. Jones for  
Mario Moreno  
Alan Palomino for  
Friend Walker

## Guests:

Dave Byers  
Amy Champeau  
Krista Chapman  
Mike Colwell  
Lynn Delaplane  
Marie Holck  
Chad Kewish  
Lu McLendon

## AOC Committee Staff:

Jerry Carroll  
Dori Ege  
Lorraine Lerma

## **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**

David Sanders called the meeting to order at 8:35 a.m. and asked the group to recite the Pledge of Allegiance. Introductions were made around the room.

Mr. Sanders established that there was a quorum present as defined in the business rules for the committee. Twenty-four committee members and proxies were identified. (Note: additional committee members arrived after the quorum had been established. A total of 33 committee members attended the meeting; 22 votes, or 2/3rds of the members present, would be needed for a motion to pass).

## **III. APPROVAL OF MINUTES**

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

**MOTION: Chuck Moter made a motion to approve the minutes of the previous meeting as presented. Margie Brakefield seconded the motion. Voice vote: motion passed unanimously. COP 08-16.**

## **IV. LEGISLATIVE UPDATE**

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

The status of the two proposals discussed at the last COP meeting is:

- 2009-03: Restitution: Proposal has been withdrawn and will not move forward this year. The proposal was referred back to the Committee on Victims in the Courts and proposal language will continue to be revised.
- 2009-04: IGA Authority: Proposal is going forward in a version that encompasses only the Safe Schools program in Maricopa County. Yavapai Youth Step program and the Good Will Project in Maricopa County are deemed to be able to proceed without legislation at this time. Further discussion ensued and questions from the committee were answered.

## **V. ARIZONA PROBATION OFFICERS ASSOCIATION**

**Don Stokes spoke on behalf of the association.**

Issues relating to the history, philosophy and activities of the association were discussed. Mr. Stokes made an appeal to the committee to allow up to 2 association members become members of COP. The value to the committee of this change in membership was discussed at length. Mr. Stokes answered numerous questions posed by committee members regarding the association.

**MOTION:** Barbara Broderick made a motion that the Arizona Probation Officers Association nominate 6 names to the Chief Justice for the appointment of 2 seats on COP. Second by Chuck Moter. Further discussion was held. The vote was taken by hand count: 11 in favor; 17 opposed; 4 abstaining. Motion defeated. COP 08-17.

**MOTION:** Livingston Sutro made a motion that the Chief Justice consider one seat on COP for a member of the Arizona Probation Officers Association and that a list of 3 names be submitted to the Chief Justice for selection. Second by Sharon Sikora. The vote was taken by hand count: 16 in favor; 10 opposed; 6 abstaining. Motion defeated. COP 08-18.

Discussion continued regarding the appropriate means to establish formal communication with the association.

**MOTION:** Rik Schmidt made a motion that COP request the Chief's Association discuss at their next meeting, and with AOC administration, the appropriate means of communication with the Arizona Probation Officers Association. Second by Diane McGinnis. Voice vote: motion carried. COP 08-19.

## **VI. CORP**

**Don Mineer and Lu McLendon were present to discuss issues brought forth by the Chief's Association.**

Issues relating to the operation of CORP were discussed. Questions posed by the Chief's Association were answered. The roles of CORP employees, local boards and the board secretary were clarified. Communication with the board secretary as well as retirement training seminars and annual statements were items of interest to committee members.

## **VII. BUDGET UPDATE**

**Kathy Waters provided a brief update on the current budget situation.**

AOC administration has prepared budget proposals allowing for 10% to 20% cuts. It is anticipated that budgets will be reduced this year and markedly reduced for next year as well. A special session of the legislature is anticipated. Additional information will be provided to probation departments as it is received.

## **VIII. EVIDENCE BASED PRACTICES REPORT**

**Kathy Waters briefed the committee on the status of Evidence Based Practices in adult probation departments throughout Arizona.**

Public members will be provided additional information on the Evidence Based Practices program through Kathy Waters.

## **IX. COMMITTEE UPDATES**

### **SSAC (Staff Safety Advisory Committee)**

Livingston Sutro reported that the sub-committee met 10-31-08 (rather than 11-13-08 as stated during COP). Proposed changes to the Use of Force code were discussed with the sub-committee agreeing to let the draft move forward in the code approval process. A committee of SSAC members was formed to continue to review the use of tasers by probation departments. A position paper will be developed and presented to COP at their next meeting. The officer safety strategic planning session, discussed at the September COP meeting, is scheduled for 12-12-08 and will be hosted by the AOC. Recommendations developed at the meeting will be provided to COP. New body armor standards were provided to the sub-committee and a motion went forward requesting COP consider adopting new firearms standards for the state.

Fred Santesteban provided a handout and summarized new information on body armor standards to COP. As a result of the new standards, SSAC asks COP to recommend to the AOC that Level IIA be established as the minimum level of protective body armor for Arizona probation officers. A brief question and answer session followed.

**ACTION ITEM: Fred Santesteban agreed to bring information on women's body armor standards to the next COP meeting.**

**MOTION: Frank Owens made a motion that COP recommend to AOC that Level IIA body armor is the minimum acceptable standard. Second by Barbara Broderick. Voice vote: motion carried. COP 08-20.**

Follow-up questions regarding the proposed changes in the Use of Force code and the code approval process were addressed.

### **COPE (Committee on Probation Education)**

Marie Holck stated that COPE has not met since the last COP meeting. The next meeting is a few weeks away. The strategic planning process continues and a plan will be submitted to the Chief Justice by June 30th. Due to a lack of enrollments, the January 2009 certification academy was cancelled. The schedule of up-coming classes was reviewed. Defensive Tactics and Firearms train-the-trainer programs were completed with many new instructors approved.

### **PACC (Probation Automation Coordinating Committee)**

A report was not provided as the sub-committee has not met since the September COP meeting.

### **Probation Funding Sub-committee**

The motion from the last meeting regarding the creation of a standing committee by AOC to work on budget issues was reviewed. Decisions have not yet been made. The issue of creating a standing committee should continue to be included on the COP agenda. However, Billie Grobe will no longer be the individual asked to report.

**X. NON-AGENDA ITEMS**

Dave Byers honored Marty Krizay on his recently announced retirement. David Sanders expressed appreciation to Marie Holck for her years of service as she is retiring shortly as well.

Dave Byers announced that Tim Hardy has been appointed by the Chief Justice as the new chair of the Committee on Probation beginning January 2009.

Kathy Waters continued the discussion of the Model Drug Testing policy and the Personnel Practices code that began at the September 2008 COP meeting. Sections of the codes regarding random drug testing of probation officers involved in off-duty traffic accidents have been reviewed. Revisions to the codes will move forward and be presented to COP for approval at a later date.

Barbara Broderick, for Judge Granville, provided information to the committee about an Appeals Court decision regarding the Peak case, whereby a life-time probation sentence was found to be unconstitutional. The decision involved sentences in cases of attempted Dangerous Crimes Against Children between 1994-1997. Probation departments should be aware that a review of such cases is being conducted with the potential for newly imposed sentences.

Sharon Sikora expressed appreciation to the out-going COP chair and good wishes to the incoming chair.

**XI. CALL TO THE PUBLIC**

None.

**X. ADJOURNMENT**

**The meeting adjourned at 12:10 pm. Next meeting – Friday, February 20, 2009.**