

COMMITTEE ON PROBATION

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

FEBRUARY 20, 2009
9:00 A.M. – 12:00 P.M.

Chair:

Tim Hardy

Attending Members:

John Armstrong
Rene Baca
Margie Brakefield
Barbara Broderick
Marilee Dal Pra
Carl Fox
Hon. Warren Granville
Billie Grobe
Arno Hall
Steve Hardy
Scott Mabery
Bryon Matsuda

Diane McGinnis
Chuck Moter
Frank Owens
Tivo Romero
David F. Sanders
Rik Schmidt
Livingston Sutro
Friend Walker
Kathy Waters
Cindy Winn
Jerold Wolf
Todd Zweig

With Regrets:

Frank Begay
Mike Branham
Kenneth Brown
Chad Campbell
Vincent Craig
Hon. Michael Cruikshank
Mario Moreno
Delcy Scull
Robert Seymour
Sharon Sikora
Susan Stodola
Rich Tozer

Proxies:

Alice Bustillo for
Carol L. Boone

Guests:

Krista Chapman
Kevin Jeffries
Lu McLendon
Rona Newton

Julie Orduno
Barbara Ortolano
Fred Santesteban
Sixto Valdivia

AOC Committee Staff:

JL Doyle
Lorraine Lerma
Brett Watson

I. CALL FOR PROXIES

Tim Hardy has been appointed as the new Chair of COP. Mr. Hardy thanked David Sanders for his service and the tremendous job served as Chair of COP the last few years.

Mr. Hardy asked for proxies for a committee member from the guests.

II. WELCOME

Tim Hardy called the meeting to order at 9:00 a.m. and asked the group to recite the Pledge of Allegiance. Introductions were made around the room.

Mr. Hardy established that there was a quorum present as defined in the business rules for the committee. Twenty-five committee members and one proxy were identified.

Mr. Hardy mentioned of some last minute changes to the agenda. Chad Campbell and Katy Proctor have been called away for meetings at the legislature. Upon their return they will give their respective updates.

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 November 13, 2008, as presented. David Sanders seconded the motion. Voice vote: motion passed unanimously. COP 09-01.

IV. ACJA CODES

JL Doyle presented four codes that are either proposed or up for revision for the March, 2009, AJC meeting (handouts attached):

ACJA Section 6-106: Personnel Practices. Only changes to this code and the Appendix A, Model Policy for Drug Testing, at the request of the adult chief probation officers and the juvenile directors is to remove the requirement for drug testing if there was a traffic accident with the issuance of a citation. There is nothing that is in this code that precludes from the ability to still do drug testing under the reasonable suspicion. Ms. Doyle entertained any comments/questions. There were none.

MOTION: Barbara Broderick made a motion to approve the code changes for code 6-106: Personnel Practices as described. Diane McGinnis seconded the motion. Voice vote: motion passed unanimously. COP 09-02.

ACJA Section 6-202.01: EBP Adult Intensive Probation. The difference between this version and what COP had approved in November, 2008, is the description to allow recommendations from the probation officers to include medium and high risk. Low risk is still not desirable on intensive probation as it does not fit in with

Evidence Based Practices (EBP). Ms. Doyle entertained any comments/questions. There were none.

MOTION: Livingston Sutro made a motion to approve the code changes for code 6-202-01: EBP Adult Intensive Probation. David Sanders seconded the motion. Voice vote: motion passed unanimously. COP 09-03.

ACJA Section 6-204: Interstate Compact Probation. The changes that were put in this were necessary due to rule revisions under the Federal Interstate Compact. The definition of resident family was added, which always existed but was omitted from the previous code. The other changes had to do with ISC cases are now processed through an automation web based program as opposed to the paper format and the documentation sections now refer to that. Ms. Doyle entertained any comments/questions. There were none.

MOTION: Chuck Moter made a motion to approve the code changes for code 6-204: Interstate Compact Probation. Kathy Waters seconded the motion. Voice vote: motion passed unanimously. COP 09-04.

ACJA Section 6-204.01: EBP Interstate Compact Probation. This includes all the changes that were required in 6-204 as well as adding the EBP piece. The EBP piece mirrors exactly word for word what was already approved at COP in November, 2008, and then by AJC in December, 2008, for standard probation. For incoming interstate cases, they will be supervised under the same EBP as regular standard probationers. Ms. Doyle entertained any comments/questions. There were none.

MOTION: Barbara Broderick made a motion to approve the code changes for code 6-204.01: EBP Interstate Compact Probation. Cindy Winn seconded the motion. Voice vote: motion passed unanimously. COP 09-05.

Kathy Waters mentioned that a technical correction will be made of all the codes on the probation service fees raising it from \$50.00 to \$65.00, per statute.

Cliff Ford presented on the following code (handout attached):

ACJA Section 6-205: Drug Treatment and Education Fund. The revisions made were mainly to bring in alignment with the EBP as well as to enhance the clarification of some of the items that were in the previous code.

There were some concerns raised regarding the clarification of what a “licensed clinician” means and after a lengthy discussion, the code was tabled so that Mr. Ford could make the recommended changes and bring back to COP later during the meeting.

Mr. Ford presented on the recommended changes notated by an asterisk (handout attached). After additional discussion, the following changes will be amended, “Probationers determined to need treatment shall be evaluated with a validated

assessment tool conducted by a certified professional in consultation with the adult probation department to determine the level of substance abuse treatment necessary.”

MOTION: David F. Sanders made a motion that the committee approves the draft code as revised pursuant to these discussions for code 6-205: Drug Treatment and Education Fund. Frank Owens seconded the motion. Voice vote: motion passed unanimously. COP 09-06.

V. CORP UPDATE

Lu Mclendon gave a brief update. ADOA has disbanded Arizona Government University (AZGU), which provide the pre-retirement seminars. The retirement seminars for 2009 are still scheduled to take place. There is a segment where they have a Social Security presenter for all retirees and then a separate segment for CORP members only. Information can also be obtained from the public safety web site and on Arizona Supreme Court’s web site where the monthly newsletters are posted. Members are welcome to contact Ms. Mclendon. Ms. Mclendon will also have quarterly teleconferences with the CORP liaisons.

VI. BUDGET UPDATES

Kathy Waters provided an update on the current budget situation for adult probation.

- FY2009 budget cuts = \$618,100.
- Community Punishment General Fund reduction = \$534,600.
- Adult probation is required by the budget bill to pick up all Superior Court Risk Management premiums of \$516,700.
- There may be more cuts.
- Dialing for dollars is scheduled the week of February 23, 2009, with the probation departments.

Fred Santesteban on behalf of Chad Campbell provided an update on the current budget situation for juvenile probation.

- FY2009 budget cuts = \$434,000 (JIPS +/- \$297,000; SAE +/- \$137,000)
- Diversion cuts = \$120,000 (originally at \$782,000. Funds recovered from Voc Rehab to reduce this cut.)
- Dialing for dollars is scheduled the week of March 2, 2009, with the probation departments.

Dave Byers and Kevin Kluge gave updates in regards to what might happen in FY2010 with JAM and AMM members, jointly, held on February 19, 2009.

VII. BODY ARMOR UPDATE

Fred Santesteban provided an update on questions the committee had at their last meeting (handout attached). Testing of women’s body armor is specific. If there

is any discontinuity, a shot will be fired into the weakest part of the vest. There was a brief discussion on Second Chance Body Armor. Mr. Santesteban mentioned that there is a Federal Department of Justice civil fraud suit being pursued against Second Chance Body Armor and Toyobo, the people that made the zylon material.

IX. PRESENTENCE WORK GROUP UPDATE

David Sanders is co-chair of a work group working with the AOC that have been assigned to reformat the presentence report and come up with a model to present through COP to the Arizona Judicial Council on or about June 1, 2009, pursuant to Administrative Order 2009-01. Two factors to consider are 1) efficiency and 2) Evidence Based Practices. The adult chiefs have been given copies of samples generated from Gila, La Paz, Pima, and Pinal counties to share with their presentence experts and give feedback prior to their next meeting of March 12, 2009, and present their findings at the next COP meeting.

X. COMMITTEE UPDATES

SSAC (Staff Safety Advisory Committee)

Livingston Sutro provided a list of topics (handout attached) generated from the Officer Safety Strategic Planning Session that was held on December 12, 2008. The guest speaker, Mr. Robert Thornton, was provided by the National Institute of Corrections who did an evaluation of the current officer safety codes for the State of Arizona for probation. Mr. Thornton expressed an approval for the codes and the way training is handled for both firearms and defensive tactics. These topics will be discussed at the next SSAC meeting. Kathy Waters mentioned that Mr. Thornton has produced a final report of the Strategic Planning Session and will forward to Mr. Sutro and share with COP. Also to be discussed at SSAC is a position paper from the Taser Subcommittee chaired by Lance Nickell the use of tasers in probation. Information will be sent to the chiefs and directors of what their findings are. Mr. Sutro congratulated Barbara Broderick of her staff on such a fine member Mr. Nickell is.

COPE (Committee on Probation Education)

Sixto Valdivia presented on behalf of the new interim manager, Chad Kewish.

- Programs cancelled:
 - Certification Program, March, 2009
 - IPS Academy*, March, 2009

*Administrative Order to be prepared extending the period for completion.

- Upcoming trainings:
 - Evidence Based Practices in conjunction with the Adult Probation Services Division, February, 2009
 - Faculty Skills Development, March, 2009
 - Certification Program, April 20, 2009
 - Code Training, within 6-months to 1-1.5 years

Education Services Division (ESD) to provide chairing COJET via distance learning CBT, satellite presentations, ethics, and other goals. Mr. Valdivia also welcomed Chief Todd Zweig as the new chair of COPE and he is also a member of the COJET Committee by virtue of that position.

PACC (Probation Automation Coordinating Committee)

Rona Newton gave a summary on their February 20, 2009, meeting (handout attached)

XI. NON-AGENDA ITEMS

Scott Mabery mentioned there was some discussion at the Arizona Chief Probation Officers Association meeting about Union representation in COP and opening it up to the members. At the request of Tim Hardy, this subject matter will be put on the agenda for the next COP meeting and put to a vote.

XII. LEGISLATIVE UPDATE

Katy Proctor had not returned from the legislature, therefore, no updates presented. It was suggested Kathy Waters contact Katy to send a legislative update to all the chiefs and directors.

XIII. CALL TO THE PUBLIC

None.

XIV. ADJOURNMENT

MOTION: Barbara Broderick made a motion to adjourn the meeting. Livingston Sutro seconded the motion. Voice vote: motion passed unanimously. COP 09-07.

The meeting adjourned at 11:25 am. Next meeting – Friday, May 8, 2009.