

COMMITTEE ON PROBATION

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

MAY 8, 2009
9:00 A.M. – 12:00 P.M.

Chair:

Tim Hardy

Attending Members:

Rene Baca
Carol L. Boone
Margie Brakefield
Barbara Broderick
Kenneth Brown
Chad Campbell
Marilee Dal Pra
Carl Fox
Hon. Warren Granville
Billie Grobe
Arno Hall
Steve Hardy
Bryon Matsuda
Diane McGinnis

Frank Owens
Tivo Romero
David F. Sanders
Rik Schmidt
Delcy Scull
Sharon Sikora
Susan Stodola
Rich Tozer
Friend Walker
Kathy Waters
Cindy Winn
Jerold Wolf
Todd Zweig

With Regrets:

John Armstrong
Frank Begay
Vincent Craig
Hon. Michael Cruikshank
Robert Seymour

Proxies:

Scott Kirshner for
Mike Branham
Bryon Matsuda for
Scott Mabery
David C. Jones for
Mario Moreno
Mike Colwell for
Chuck Moter
Patricia Munoz for
Livingston Sutro

Guests:

Amy Champeau
Lynn Delaplane
Chad Kewish
Lu McLendon
Niki O'Keeffe

AOC Committee Staff:

Katy Proctor
Fred Santesteban
Janet Scheiderer
Jim White
JL Doyle
Lorraine Lerma

I. WELCOME

Tim Hardy called the meeting to order at 9:05 a.m. and asked Diane McGinnis to lead the group to recite the Pledge of Allegiance. Introductions were made around the room and he welcomed everyone.

It was established that there was a quorum present as defined in the business rules for the committee. Twenty-seven committee members and five proxies were identified. (Note: A total of 32 committee members attended the meeting; 2/3rds of the members present and voting would be needed for a motion to pass).

II. APPROVAL OF MINUTES

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

MOTION: David Sanders made a motion to approve the minutes of February 20, 2009, as presented. Margie Brakefield seconded the motion. Motion passed unanimously. COP 09-08.

III. CORP ELECTION

Lu McLendon mentioned that CORP members are having some issues with setting up their individual member accounts as instructed on the Public Safety (PSPRS) website. Lu contacted PSPRS and was provided with instructions regarding downloading the appropriate software to allow access (handout attached). Members, who have questions, should contact PSPRS for additional help.

CORP Election Update

- 10 nominees have been selected
- Voting ballots will go out the end of May

IV. BUDGET UPDATES

Kathy Waters provided the following FY2010 update for adult probation.

- Budget cuts impacting Adult Probation include the proposed permanent cuts (\$618,100) discussed at the February 9, 2009, AMM/JAM meeting.
- The additional cuts received at the leadership conference, IPS and Standard annualized cuts, are currently not in the planned cuts.
- General fund funding of CPP, GPS, Risk Management and \$1M of Standard probation have been shifted to other fund sources: CPP shifted to CJEF; GPS and the \$1M of Standard have been shifted to JCEF probation; Risk Management shifted to Adult Probation Fees (\$2.8M).
- \$10 JCEF probation surcharge would be increased to \$20 to cover the cost shifts.
- Fund sweeps of \$5.7mil for the Judiciary, which include a 4% JCEF probation cut, 18% CPP cut, 6% DTEF cut.

- Adult Standard caseloads will go from 60:1 to 65:1.
- The House is proposing for 2010 that CORP and Elected Official Retirement plans shift 1.39% of costs from the employer to the employees.
- FY10 budget packages have been sent to the counties and need to be returned by May 22, 2009

Fred Santesteban provided the following FY2010 update for juvenile probation.

- JIPS and Standard permanent cut of \$431,000.
- Diversion cut of \$782,000
 - Probation departments cut was only \$105,000
 - \$677,000 recovered from Voc Rehab
- JPSF treatment fund allocated the same as in FY2009.
- JCRF, Juvenile Crime Reduction Fund, to be cut.

Kathy also mentioned that the outlook for Fiscal Years 2011, 2012, 2013, and maybe 2014 could be dismal.

V. STRATEGIC AGENDA PLANNING

Janet Scheiderer gave a Power Point presentation (handout attached) of the Strategic Agenda Planning 2010-2015. Janet also talked about the Initiatives (handout attached). Chief Justice Ruth McGregor will be retiring at the end of June and Vice Chief Justice Rebecca Berch will become the new Chief Justice effective July 1, 2009. Janet is making this presentation to all the various AJC committees and associations within the judiciary and is asking all the members for their input by August 2009. There will be a subcommittee that is formed out of the members of AJC to look at all of the input that has been provided to come up with a plan.

VI. ACJA SECTION 6-209: ADULT PROBATION SERVICES TO LIMITED JURISDICTION COURTS

JL Doyle presented a new code for approval (handouts attached).

- Counties governed by 6-201 and 6-201.01 standard probation
- This is not a dual management situation; cases will be handled in either Superior Court or the sentencing Limited Jurisdiction Court.

Kathy Waters went on record that a comment came in from the Court Administrator from a Municipal Court in Mesa that they are using GPS devices for pretrial release for those who cannot post bond and want to add pretrial to the code that cases can be supervised by Pretrial. Kathy does not think this should be in this code and will work with them with Court Services to deal with their issues.

MOTION: Frank Owens made a motion to proceed to all other respective committees for passing. Rich Tozer seconded the motion. Motion passed unanimously. COP 09-09.

VII. REPRESENTATION IN COP

Tim Hardy gave an overview for the benefit of the public members. At the November 13, 2008, COP meeting, a representative of the probation officers association had requested representation of two members on COP. It was voted against by a two-thirds vote.

David Sanders suggested that COP recommend two seats for two line staff selected by the Chief Justice without any regard to association membership.

After a lengthy discussion of the pros and cons of having association members represented in COP, the following motions took place.

Tim Hardy recommends putting this on the agenda for the next COP meeting with Scott Mabery presenting.

MOTION: David Sanders made a motion that the Chief Justice be asked to select two non management staff probation officers to serve on COP, one from adult and one from juvenile, for a two year term without regard to association. Carol Boone seconded the motion.

After clarification of the motion, the motion was amended.

MOTION: David Sanders made a motion that the Chief Justice be asked to select two non management staff probation officers to serve on COP, one from adult and one from juvenile, for a two year term. Carol Boone seconded the motion. Motion was approved with 22 votes, 10 opposed, and 1 abstention. Motion passed by two-thirds. COP 09-10.

Kathy Waters mentioned the COP code would have to be amended adding these two new members.

David Sanders recommends putting the COP code on the agenda for the next COP meeting.

VIII. OFFICER SAFETY RELATED CONTRACT UPDATE

Fred Santesteban asked the committee to give him a call if they had any questions (handout attached).

IX. PRESENTENCE WORK GROUP UPDATE

David Sanders presented a sample document, on behalf of the work group, for approval by COP, COSC and the Arizona Judicial Council (handout attached). This document will be used by the counties. The due date for submission of this document is June 1, 2009.

After various discussions, David will modify the document to add a Recommendations section, omit the Mental Health Diagnosis and the Medication Prescribed, and reword the introductory paragraph under Risk/Need Assessment section.

MOTION: Frank Owens made a motion that the basic report format be adopted as a standardized format specifically the items contained from the Risk/Need Assessment (page 2) through the Overall Assessed Risk/Need Level (page 4) as mandatory sections, but the other sections be subject to local court policy in general. Kathy Waters seconded the motion. Motion passed unanimously. COP 09-11.

X. COMMITTEE UPDATES

SSAC (Staff Safety Advisory Committee)

David Sanders provided the update on behalf of Livingston Sutro. SSAC met on April 27, 2009, and reviewed the Officer Safety Strategic Planning Session that was held on December 12, 2008. There are issues that require some follow-up on include advanced training for Defensive Tactics (DT) Instructors and the use of tasers. Robert Thornton, Safety Consultant, made a point of regardless how many weapons a person may have there was one circumstance that consistently lead to the least amount of suspect and officer injury and that was working with a partner.

David also reported on the Taser Subcommittee Findings (handout attached), which met on February 19, 2009. SSAC recommends COP to recommend to AOC that the juvenile departments for Mohave and Yuma counties be given authorization to pilot a taser program subject to the approval of their directors to begin with the development of policy completed by August 1, 2009 and commence no later by August 1, 2009 for a period of 12 to 18 months. In addition to the costs of the tasers, there will be additional costs for training and maintaining the taser at the appropriate levels

MOTION: Frank Owens made a motion to thank the Taser Subcommittee for their hard work and not to proceed with a pilot program on the juvenile side based upon their findings. Carol Boone seconded the motion. Motion was approved with 16 votes, 9 opposed, and 3 abstentions. Motion does not pass. COP 09-12.

Carol Boone called Point of Order.

COPE (Committee on Probation Education)

Chad Kewish provided an update. Just completed a Certification Program with 16 participants. Numbers continue to remain solid in Defensive Tactics (DT), Firearms (FA) and most of the Train-the-Trainers (TTT) programs including Faculty Skills Development (FSD), DT, TTT Programs related to detention officers. Chad thanked those who served as Dean at the last program and for those who served they appreciate the input. The next certification program is scheduled for August, 2009, which may not happen as there are currently no registrations. The time will be used to review existing curriculum.

COPE is making plans to fill some vacancies on the Curriculum Subcommittee. The new codes coming into affect and coming into implementation, it may necessitate having a separate class on EBP, and will look at adding breakout sessions for adult and juvenile officers. COPE made a policy change on the Instructor Policy.

Kevin Jeffries and Barbara Ortolano continue to travel to the counties assisting with refresher programs:

- Defensive Tactics
- Firearms
- Handcuffing Curriculum
- Ground Fighting

Trainings:

- Detention Academy – April 2009 – CANCELLED
- FA Lead Instructor – May 11, 2009
- FA – May 18, 2009
- PREA (Prison Rape Elimination Act) TTT – May 27-28, 2009
- DT – June 8, 2009
- FSD – June 8, 2009
- DT TTT – June 22, 2009
- Detention Academy – July 2009

PACC (Probation Automation Coordinating Committee)

Jim White provided the update on behalf of Rona Newton and gave a summary (handout attached).

XI. NON-AGENDA ITEMS

Marilee Dal Pra asked if handouts could be sent to the committee members prior to COP meetings. A discussion took place and it was decided for all agenda items

that require a vote for all handouts to be sent to the COP members at least two weeks prior to the COP meetings. This includes all standing subcommittees of COP.

Jerold Wolfe asked for verification pertaining to the motion made under the SSAC update. After additional discussion took place, Tim directed David to go back to the Taser Subcommittee to do a full report including:

- Needs Assessment
- Risk Management's Perspective
- Attorney General's Perspective
- True Overall Costs
- Where will the funds come from

Kathy Waters gave an update on the Uniform Conditions Subcommittee. This subcommittee is the result of the Presentence Uniform Conditions work group that was divided into two. The subcommittee met on May 6, 2009. They are looking at current codes and current uniform conditions to fine-tune and hope to have some recommendations by the end of summer.

Tim Hardy mentioned that a subcommittee of COP has been assigned to look at how COP handles their proxy vote and their business practices. The subcommittee had recommended changes which included going from a majority vote to a two-thirds vote to pass motions. AJC and COSC practices a majority vote to pass motions. COP did vote to pass motions by a two-thirds vote. In preparation for the September meeting, copies of the Rules of the Court guidelines will be sent for review. There is nothing in the Rules that says that COP as a subcommittee to COSC has to follow those guidelines.

XII. CALL TO THE PUBLIC

No respondents.

XIV. ADJOURNMENT

MOTION: David Sanders made a motion to adjourn the meeting. Rich Tozer seconded the motion. Motion passed unanimously. COP 09-13.

Meeting adjourned at 12:35 pm. Next meeting – Friday, September 4, 2009.