

# COMMITTEE ON PROBATION

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

JANUARY 29, 2010  
9:00 A.M. – 12:00 P.M.

**Chair:**

Tim Hardy

**Attending Members:**

Rene Baca  
Margie Brakefield  
Kenneth Brown  
Chad Campbell  
Marilee Dal Pra  
Billie Grobe  
Arno Hall  
Steve Hardy  
Scott Mabery  
Bryon Matsuda  
Diane McGinnis  
Doug Pilcher  
Kendall Rhyne

Tivo Romero  
David F. Sanders  
Rik Schmidt  
Delcy Scull  
Sharon Sikora  
Susan Stodola  
Don Stokes  
Livingston Sutro  
Rich Tozer  
Sue Von Borstel  
Kathy Waters  
Jerold Wolf  
Todd Zweig

**With Regrets:**

John Armstrong  
Mike Branham  
Hon. Peter Cahill  
Carl Fox  
Hon. Warren Granville  
Mario Moreno  
Chuck Moter  
Robert Seymour  
Cindy Winn

**Proxies:**

Zach Dal Pra for  
Barbara Broderick  
Alan Palomino for  
Friend Walker

**Guests:**

Carol Banegas  
Amy Champeau  
Teasie Colla  
JL Doyle  
Kevin Jeffries  
Lula McLendon  
Rona Newton  
Niki O'Keeffe  
Julie Orduno

Tim Orona  
Katy Proctor  
Fred Santesteban  
Jeff Schrade  
Samantha Stone  
Paula Taylor  
Steve Tyrrell  
Brett Watson

**AOC Committee Staff:**

Geoff Kudel  
Lorraine Lerma

## I. WELCOME

Tim Hardy called the meeting to order at 9:08 a.m. Tim asked Scott Mabery to lead the committee to recite the Pledge of Allegiance. Introductions were made around the room and he welcomed everyone. Tim introduced Kendall Rhyne, the new Chief of Gila County and new member of COP, and asked him to briefly introduce himself. Tim also mentioned another newest member of COP is Judge Peter Cahill. Fred Santesteban introduced Teasia Colla as the new Detention Education Specialist. Tim thanked Sharon Sikora for the refreshments.

It was established that there was a quorum present as defined in the business rules for the committee. Twenty-six committee members and two proxies were identified. (Note: A total of 26 committee members attended the meeting; 2/3rds of the members present (17) would be needed for a motion to pass).

## II. APPROVAL OF MINUTES

**MOTION: Sharon Sikora made a motion to approve the minutes of November 6, 2009. Jerold Wolf seconded the motion. Motion passed unanimously. COP 10-01.**

## III. LEGISLATIVE PROPOSALS

Katy Proctor gave an update (handout attached):

- Likely a Special Session the week of February 1, 2010, to address some of the continuing shortfall issues with FY2010.
- This is not going to affect The Judicial Branch at this time.
- There are four pieces the legislature are looking at:
  - Sales tax to the ballot
  - Reauthorize the lottery to do some bonding off of the proceeds
  - Sell some additional state buildings
  - Continue the K-12 and university rollovers
- HB 2043 (post employment) Amendment on the floor – physical fitness for duty. If the employee waives their right to have a second opinion, the Chief would need to produce the report within 10 business days. If the employee wants to have a second evaluation, then they are going to get the evaluation and they are going to swap the department's report for their report at the time they have theirs completed.
- HB 2166 – Law Enforcement, Officer Representation
- SB 1019 (constituent issue to apply to every government program in existence right now. If there is a study committee, AOC will make sure that they have positions at the table so that their issues could be part of that discussion; bill will be held next week and probably on the appropriations agenda the week after.)

**ACTION ITEM: As soon as the revised draft of SB 1019 language is received, Katy Proctor will send out for comment to COP to take to the legislatures.**

- SB 1029 – omit from the list of the handout, probation is excluded from this bill.
- Draft FOP Language – this has now been negotiated with the chiefs of police and the sheriffs; AOC has not yet weighed in on this. Legal looking at the federal collective bargaining and it appears at this point, probation is covered by it. Need to figure out what the extent of that coverage is going to be and how it is going to impact some of the state issues moving forward. This is going to be dropped as a formal bill in the next week or so and when that happens, Katy will notify COP.

**ACTION ITEM: COP members to email Katy Proctor their input specifically on the employee triggering the process.**

**ACTION ITEM: Katy Proctor will send out the draft language to COP this afternoon. After reviewing the draft, COP is to send their comments to Katy Proctor.**

**ACTION ITEM: Katy Proctor will follow-up with Legal regarding the federal collective bargaining legislation, HR413/SB1611.**

In reference to the TIP, both Dave Byers and Mike Baumstark went to Washington, D.C., spent time with some of the congressional, and did have good interactions. Since that time, the County Supervisors Association has asked AOC for more information about this and they are making it a priority back with their federal delegation as well. A lot of organizations are trying to get this passed.

#### **IV. CORP MEMBER COMMUNICATIONS**

Niki O’Keeffe and Lu McLendon presented a PowerPoint presentation (handout attached) giving a brief update on the CORP website. The local board feels this is where the members are going to get the majority of communication of what is going on with the local board and the latest CORP updates. The local board met on January 28, 2010, and the Fund Manager, provided the board members an update on the plans performance. CORP for Probation Officers will see an increase of 5.6 % to the employer contribution rate effective July 2010.

**ACTION ITEM: Lu McLendon to send the name/contact information of the fund manager of CORP to the COP members.**

**V. ROLE OF LINE OFFICER REPRESENTATIVES**

Sue Von Borstel and Don Stokes are pleased to be serving on COP and hope to be an intricate part of the work of this committee over the next two years.

A suggestion/recommendation was made to send out an email to the chiefs and directors to disseminate to their staff information on what COP does and who the members are, and anyone is welcome to contact any member or even attend COP meetings as these are open to the public. It was then mentioned that the COP minutes and members are on the AOC website and no action needed to be taken.

**ACTION ITEM: At the request of Tim Hardy, Kathy Waters and AOC staff are to work on a formal orientation for newly elected COP members.**

**POINT OF ORDER: Tim Hardy reminded the members that a member be recognized before a member speaks rather than having a debate.**

**VI. ACJA 6-113 EMERGENCY AMENDEMENTS**

Kathy Waters presented for information only. (handouts attached). The emergency amendments were in response to an incident and clarification was made based on that.

**VII. ACJA 6-207 UNIFORM CONDITIONS OF PROBATION**

Kathy Waters presented (handouts attached). The state and the Supreme Court adopted the Uniform Conditions of Supervised Probation on the adult side. A work group was created consisting of judges, various representatives from the adult probation departments, and AOC staff worked on revising the uniform conditions incorporating the principles of evidence based practices. The code will be presented at the Limited Jurisdiction Court and the Committee on Superior Court the week of February 8, 2010. The code will also be presented to the Presiding Judges and the Arizona Judicial Council in March 2010.

**MOTION: Livingston Sutro made a motion that the amendments to code section 6-207: Uniform Conditions of Supervised Probation including Appendix A be adopted. Rich Tozer seconded the motion. Motion passed unanimously. COP 10-02.**

**VIII. ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS (ADOJC)**

Chad Campbell gave an update. The governor has recommended that ADOJC is to close on July 1, 2010, and if the bill to keep it open crosses her desk, she will veto that bill. AOC is neutral and exploring all the options. The governor has put

together a commission to look at the transition of ADOJC. Dave Byers and Chad Campbell have been appointed to that commission and will meet for the first time on February 2, 2010. The scenarios could be that ADOJC could close entirely with secure care and parole going back to the counties as her budget proposes, or it could look that maybe just the parole part gets moved back to the counties. Dave has been in discussions on how that is going to move forward. AOC has created a committee of about five chiefs to help move strategically to be prepared and proactive moving forward whatever that particular outcome is.

On the legislative side they are looking at it its entirety as the governor has indicated there is a duplication of services between ADOJC, the courts, and the counties. The closing of ADOJC would be a cost savings to the state of \$70 million; she has reflected in her budget that it is about \$143,800 per person, but in that particular situation it reflects only secured care kids and does not take into account Interstate Compact and the other kids that are on parole. There are about 750 that are currently in the community and 494 that are in secured care.

## **IX. COMMITTEE UPDATES**

### SSAC (Staff Safety Advisory Committee)

Livingston Sutro provided the update. SSAC met on December 10, 2009, solely dedicated to the officer safety codes:

- 6-104: Probation Officer Certification and Training – SSAC recommends that Defensive Tactics (DT) be mentioned in the code and any other applicable code sections specifically in the probation officer certification and training and that the Certification Academy and DT be completed within the first year in order for the officer to be considered to have successfully completed the probationary requirements.
- 6-107: Safety Training – AOC Legal addressed some of the potential problems with the current code as it stands with definitional problems. A subcommittee was appointed to be chaired by Kevin Jeffries to look into some of this specifically to look into what might define the essential functions of a probation officer with reference to the DT academy and what needs to go on there. No recommendations for either of those codes to COP at this point.
- 6-112: Use of Force – AOC Legal made some suggestions on verbiage changes and requests that a subcommittee be formed to review the information presented as well as the current policy and matrix information. Kevin Jeffries appointed to chair the subcommittee and is moving forward. Kevin will have something prepared before the next SSAC meeting, which has not been scheduled at this time.
- 6-113: Firearms Standards – discussions on some of the verbiage will be passed on to Kathy Waters as well as some suggestions on lengthening some of the time frames for the production of reports and decisions about the incidents.

**ACTION ITEM: Kathy Waters, Chad Campbell, Kevin Jeffries, JEC staff, and COPE to work on SSAC's code recommendations.**

### COPE (Committee on Probation Education)

Todd Zweig provided the following updates:

- COPE met on December 15, 2009.
- The Behavior Lesson Plan for detention training was approved and adopted and a train-the-trainer will begin in July 2010.
- A practicum policy for the Probation Officer Certification Academy was adopted.
- The contract with DOC and the Correction Officer Training Academy (COTA) in Tucson was finalized for the detention training scheduled for May 2010 as a pilot.
- A work group is collaborating with Handle With Care and are looking into some DT techniques that might be appropriate for secure settings. The work group will present their findings to COPE in March 2010.
- Looking at the Certification Academy, which has been in existence since 1995, to see if there are things the academy are spending too much time on that may not be necessary anymore and other types of things that should be done that are not.
- A survey will be going out within the next couple of weeks to officers that have attended the academy within the last three years about the different classes they attended, what kind of things they have been able to use on the job, what they did not find is useful, and what do they think it needs.
- A survey will also be going out to supervisors and management leaders of the departments will ask what do you see when officers come back, what do you think is missing, is there anything missing, and what kind of comments do you have. The data collected will give an indication of how to move forward.
- Trainings
  - Probation Officer Academy, January 25 – February 5, 2010
  - Firearms and Defensive Tactics, February 2010
  - Faculty Skills Development, March 2010
  - IPS Training Institute, March 14, 2010

### PACC (Probation Automation Coordinating Committee)

Rona Newton provided an update (handout attached).

- JOLTSaz is almost totally developed.
  - Integrating with Case Management Systems on the Superior Court level, AJACS for the rural counties, and AGAVE for Pima County.
  - Modular rollout to 13 counties, Pima will do their own rollout, and Maricopa has a different system.
- Legacy JOLTS has been frozen for a while.
  - Couple of applications are being developed.
  - Some modules that are rolling out are going to communicate with Legacy JOLTS.

- The pilot for the Needs Assessment Tool is in 5 or 6 counties and is starting effective February 8, 2010.
- The Needs Assessment Tool is rolling out in conjunction with Legacy JOLTS and eventually will become part of JOLTSaz.
- iCIS Juvenile
  - Maricopa rolled out a while ago and now they are doing enhancements.

## **X. NON-AGENDA ITEMS**

At the request of Tim Hardy, all future meetings will have a budget update.

- Kathy Waters gave a budget update:
  - The governor had proposed a 15% cut across the board that would equate to around 480 positions statewide in probation.
  - JLBC came out with their recommendations, which could be upwards of 17% that would equate to well over 500+ positions in probation.
  - The court proposed a Plan “A” creating some revenue pushing judges salaries and other costs out to the counties, but yet generating some money with some fees and some other money collections.
  - The decision was made that AOC should keep the money and then pay for the judges salaries thereby responding to the governor’s 15% cut.
  - The court has a new Plan “B” to generate about \$11 million in the general fund that will offset a lot of the cuts and then hopefully it would continue to generate money the next year.
  - The governor is recommending a 5% cut to all state employees in the merit system.
    - The court is awaiting clarification from DOA if it applies to the court.
  - The deficit is approximately \$1.5 billion for FY2010 and expect a \$2.6 billion deficit in FY2011.

**ACTION ITEM: Kathy Waters and Chad Campbell to send budget updates to COP members as they become available.**

Kathy Waters provided an update on AJACS (handout attached).

The adult probation departments are having problems with AJACS retrieving historical financial information in the new system. A committee of clerks, court administrators, and certain representatives are working with Pat McGrath from Court Services trying to resolve this issue. Paula Taylor will be the adult point person and Amy Stuart will be the juvenile point person to participate in the committee’s meetings. Any future concerns from the chiefs/directors are to be addressed to Paula or Amy.

## **XI. CALL TO THE PUBLIC**

No call from the public.

**XII. ADJOURNMENT**

**MOTION: David Sanders made a motion to adjourn the meeting. Arno Hall seconded the motion. Motion passed unanimously. COP 10-03.**

**Meeting adjourned at 11:29 pm. Next meeting – Friday, April 30, 2010.**