

# COMMITTEE ON PROBATION

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

APRIL 30, 2010  
8:00 A.M. – 11:00 A.M.

**Chair:**

Tim Hardy

**Attending Members:**

Stan Alexander  
Rene Baca  
Margie Brakefield  
Barbara Broderick  
Hon. Peter Cahill  
Chad Campbell  
Marilee Dal Pra  
Hon. Warren Granville  
Billie Grobe  
Arno Hall  
Steve Hardy  
Vince Iaria  
Scott Mabery  
Bryon Matsuda  
Mario Moreno

Chuck Moter  
Doug Pilcher  
Tivo Romero  
David F. Sanders  
Rik Schmidt  
Delcy Scull  
Sharon Sikora  
Betty Smith  
Don Stokes  
Livingston Sutro  
Rich Tozer\*  
Sue Von Borstel  
Friend Walker  
Kathy Waters  
Cindy Winn

**With Regrets:**

John Armstrong  
Mike Branham  
Kenneth Brown  
Carl Fox  
Kendall Rhyne

**Proxies:**

Dan Carrion for  
Susan Stodola  
John Dyess for\*  
Rich Tozer  
Christopher Kerich for  
Diane McGinnis  
Cindy Roup for  
Todd Zweig

\*Agenda Item #VIII.

**Guests:**

Amy Champeau  
Mike Colwell  
JL Doyle  
Cliff Ford  
Lisa Hudson  
Kevin Jeffries  
Chad Kewish  
Sharon Knutson-Felix

Rona Newton  
Julie Orduno  
Nina Preston  
Katy Proctor  
Fred Santesteban  
Brett Watson  
David Withey  
Sharon Yates

**AOC Committee Staff:**

Geoff Kudel  
Lorraine Lerma

## I. WELCOME

Tim Hardy called the meeting to order at 8:00 a.m. Tim asked Rich Tozer to lead the committee to recite the Pledge of Allegiance. Introductions were made around the room and he welcomed everyone. Tim welcomed new members: Stan Alexander, Public Member; Honorable Peter Cahill, Presiding Juvenile Judge with Gila County; Vince Iaria, Juvenile Director with Maricopa County; and Betty Smith, Court Administrator with Apache County.

It was established that there was a quorum present as defined in the business rules for the committee. Thirty committee members and four proxies were identified. (Note: A total of 34 committee members attended the meeting; 2/3rds of the members present (22) would be needed for a motion to pass).

## II. APPROVAL OF MINUTES

**MOTION: Sharon Sikora made a motion to approve the minutes of January 29, 2010. Chuck Motor seconded the motion. Motion passed unanimously. COP 10-04.**

## III. LEGISLATIVE UPDATE

Katy Proctor gave an update (summary handout attached):

- The Regular Legislative Session ended on April 29, 2010, at 11:07 p.m.
- There are some talks about potential Special Sessions, which could revolve around the immigration bill, SB 1070.
- HB 2162 had significant amendments to take care of some of the concerns raised with SB 1070.

**ACTION ITEM: Katy Proctor will send out an updated summary to COP once the amendments are received.**

- HB 2043, vetoed.
- HB 2166, signed.
- SB 1029, signed, does not apply to probation or juvenile detention officers.
- SB 1140, did not make it to the Governor's office.
- SB 1325, (FOP bill) significant changes.
  - Changes the definition of a disciplinary action from 24 hours to 16 hours.
  - Allows the employee to trigger the notification process under A.R.S. § 38-1101A.
  - Goal for next year is going to eliminate the use of polygraphs post employment.

**ACTION ITEM: There are still several good cause exemptions in A.R.S. § 38-1101, Katy Proctor and Nina Preston will go through the statute and show what the applicable**

**standards are and forward the information to COP prior to enactment.**

- SB 1070, significantly amended yesterday in Conference Committee through HB 2162.
  - Clarified several concerns from the original legislation.
  - A group chaired by Jerry Landau will look into how it will be implemented in the Court.

**ACTION ITEM: COP should send any questions or concerns to Jerry Landau or Kathy Proctor to start looking at what the implementation will look like.**

- The effective date for all these Bills is July 29, 2010.

The probation departments are to follow the protocols for Illegal Aliens and notify ICE. Ultimately it is up to ICE to take action. Making it a state crime, and thus a probation violation of Condition #1, is a question that will have to go to the “group” that will be working through the bill.

## **TAKEN OUT OF ORDER**

### **V. BUDGET UPDATE**

Kathy Waters gave a budget update.

- Between adult and juvenile that the Court oversees, the budget has been reduced by 5% and another 5% set aside if Prop 100 is not passed by the voters on May 18, 2010.
- AOC vacant positions are all frozen, with the exception of specialty positions in IT.
- AOC and Court staff will take 3 furlough days.
  - The day after Thanksgiving, Christmas Eve, and employee’s choice.
- All other State agencies including the Executive Branch will take 6 furlough days.
- If Prop 100 does not pass:
  - The adult and juvenile probation departments should be prepared to have an additional 10% budget cut.
  - The probation departments are to determine where the cuts will be and which funds.
  - Anticipate that there will then be Special Sessions, possibly statutory changes, due to numerous occurrences and possibly the elimination of programs.
  - Individuals who are doing one year or less in DOC will then shift to the county jails.

### **VI. COMMITTEE UPDATES**

### COPE (Committee on Probation Education)

Chad Kewish provided the following updates:

- COPE met on April 6, 2010.
- Results from the survey that was distributed to all probation officers who attended the Certification Academy the last four years.
  - Over 400 surveys sent out, received approximately 120 responses (25% responded).
  - Most of the results were very positive, nothing negative stood out.
  - An average of 85% of the respondents indicated that the classes were mostly beneficial to their jobs.
  - Second part of the survey explored the frequency of use of certain skills that an officer would utilize after they have been in the field.
  - Respondents found the class to be very beneficial, but may not be using those skills on a day-to-day basis; whereas in others some of the topics they reported they were using them on a day-to-day basis: motivational interviewing and verbal skills.
- Based on the comments from the survey, COPE discussed the possibility of separating some of the topics between adult and juvenile officers either by breakout sessions and dividing some topics between adult and juvenile officers.
- An email will be sent to the chiefs and directors attaching a second survey for the purpose of ascertaining whether supervisors, managers, and upper management feel the same as new officers who attend COPE programs.
- An update from the Handle with Care Defensive Tactics (DT) Work Group, created from the Detention Subcommittee, reviewed every DT technique that is taught in the 5-day academy and looked at which of those techniques are already covered in Handle with Care and which of those techniques are not covered in Handle with Care, and specifically which techniques could be used or could be applied in a secure facility.
  - At the request of COPE, the work group is to gather additional information. Specifically to conduct some research on what other agencies in other states are using in their detention centers for officer safety, and report back at the next COPE meeting.
- Review of the practicum scenarios that will be piloted in the next Detention Officer Academy and the Detention Officer Academy is going to have a practicum component within it and use scenarios that were written up with help from the Detention Subcommittee.
- Trainings
  - Defensive Tactics, May 10, 2010
  - Detention Officer Academy, May 18, 2010
    - Training will be at COTA (Correction Officers Training Academy)
    - \$23/day
  - Development of a Motivational Interviewing Train-the-Trainer, June 8, 2010, 4-day program
  - Defensive Tactics Train-the-Trainer, June 21, 2010

- Defensive Tactics, June 28, 2010
- Firearms Train-the-Trainer, week of August 30, 2010
- Certification Academy, October 2010
- Within the next year, Education Services Division will monitor the need for motivational interviewing trainers from each county.
  - There may be another train-the-trainer.
  - Set-up protocols in place whereby having master trainers in Motivational Interviewing.
  - Counties could be responsible for training their own trainers.

PACC (Probation Automation Coordinating Committee)

Rona Newton provided a presentation, and also provided a handout, which is attached. After examining PACC's charter, the committee discussed the current role of PACC. The committee posed several questions to COP, to clarify the committee's current role. The original role of PACC was to be a mechanism to allow COP to identify needs to the AOC and IT regarding probation related issues and receive information regarding these issues. The purpose of automation efforts are to streamline or to make it easier for things to be done and to be able to, even more effectively, meet the needs of staff than they were before. Karl Heckart, ITD Director, would like for PACC to be the group that gathers information from COP in order to pass that information back to COP about his resourcing, and he advocates for COP about the things needed from a probation standpoint. Probation represents a huge amount of the budget, a large amount of the staffing, and, therefore, should take a good deal of IT resources.

Questions for COP:

- Is there a need for PACC?
- Is there a need for PACC at this level?
- Is it better to increase the participation of probation personnel on PACC?
- What is expected of PACC?
- What services can be offered?
- What business needs are needed?
- Will this be a beneficial use of PACC, to pass on the business needs to the IT group (Karl Heckart and COT)?
- Continue with PACC Updates?

After various discussions, PACC should continue to exist, but needs regrouping.

- There should be many more business people on the committee.
- Continue with the updates.
- Requests for tools (i.e. ROAM) or any other tools should go through PACC.
- Communication to and from PACC.

**IV. THE 100 CLUB OF ARIZONA**

Barbara Broderick has been engaged with the 100 Club since 2002. Sharon Knutson-Felix had spoken at Maricopa's Officer Safety program and was very

valuable as a part of a major training event in Maricopa in terms of creating their critical incident stress management team. She talked about what the organization had to offer. (Barbara encourages all organizations where there is a loss of life or loved one within the agencies.) The 100 Club can help financially. There are many different ways you can join the 100 Club as an agency. It is part of the United Way. It is a service that is very instrumental in helping many women in law enforcement, in corrections, and in probation.

Sharon thanked probation for being valuable to the various communities. The 100 Club started more than 40 years ago, but only became acquainted and involved with probation in 2002. Their Mission Statement is to provide immediate financial support to the families of public safety when they are seriously injured or killed in the line of duty, and to also provide resources for their safety and welfare. They offer seven different programs or benefits: line of duty death, non line of duty death, death, injury, safety enhancement stipends, scholarship programs, heroes programs, and all benefits are extended to those called to active duty that serve public safety that are part of a qualified agency in the state of Arizona. Benefits are \$15,000 for death, \$5,000 for non line of duty death, and could be up to \$18,000 for serious injury. Their website is: 100club.org. Sharon has offered to come and visit the counties, and offer training in critical incidents.

## **VII. SPECIAL PRESENTATION, RICH TOZER**

Rich Tozer will be retiring after 27 years as Chief Probation Officer/Juvenile Director effective June 30, 2010. This is Rich's last COP meeting in that role. Dave Byers recognized, thanked for his many years of service, and presented Rich with a gift from the AOC. On behalf of the COP for his service to probation in the State of Arizona, he was presented a gift. Refreshments were provided.

## **VIII. SSAC (STAFF SAFETY ADVISORY COMMITTEE) DEFINING OFFICER ESSENTIAL FUNCTIONS (EXECUTIVE SESSION)**

Livingston Sutro provided an update on SSAC. SSAC met on April 23, 2010. There were two major items on the agenda. The first agenda item was a discussion about the Law Enforcement Officer Safety Act (LEOSA), which is a Federal Legislation that has implications for state officers and local jurisdiction officers in terms of carrying firearms, carrying firearms off duty, and carrying firearms out of state. An opinion came out of the Attorney General's office as to whether this Federal statute covered state probation officers and county probation officers. The AG's opinion was that it did not. SSAC's sentiment that the AG's office may not have fully comprehended or grasped all the duties and responsibilities of a probation officer. In light of additional information, the AG's office may have a different opinion. A subcommittee was created to address

LEOSA and will report at the next SSAC meeting in terms of what should be recommended to COP.

The second major agenda item had to do with staff safety particularly the Defensive Tactics (DT) course. At this time, Tim Hardy called for an Executive Session.

Tim called for COP to reconvene, additional discussions took place.

**ACTION ITEM: Livingston Sutro, Chair of SSAC, to convene a meeting to specifically address the issues raised during the Executive Session. Members of COP and any others are invited to attend the SSAC meeting, and participate in a work group.**

**ACTION ITEM: The Agenda for the August 27, 2010, COP Meeting to include Progress Report and Other Questions from the special SSAC meeting.**

#### **IX. NON-AGENDA ITEMS**

There were no non-agenda items.

Tim Hardy made mention that he sure appreciated working with Rich Tozer for so many years.

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

No call from the public.

#### **XII. ADJOURNMENT**

**MOTION: Livingston Sutro made a motion to adjourn the meeting. Barbara Broderick seconded the motion. Motion passed unanimously. COP 10-05.**

**Meeting adjourned at 11:15 pm. Next meeting – Friday, August 27, 2010.**