

**COMMITTEE ON PROBATION  
(COP)  
ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
1501 WEST WASHINGTON STREET  
CONFERENCE ROOMS 345 A & B  
PHOENIX, ARIZONA**

**AUGUST 27, 2010  
9:00 A.M. – 12:00 P.M.**

**Chair:**

Tim Hardy

**Attending Members:**

Stan Alexander  
John Armstrong  
Rene Baca  
Margie Brakefield  
Barbara Broderick  
Hon. Peter Cahill  
John Dyess  
Carl Fox  
Billie Grobe  
Arno Hall  
Steve Hardy  
Scott Mabery  
Diane McGinnis

Bryon Matsuda  
Mario Moreno  
Doug Pilcher  
Tivo Romero  
David F. Sanders  
Rik Schmidt  
Delcy Scull  
Betty Smith  
Don Stokes  
Livingston Sutro  
Sue Von Borstel  
Kathy Waters  
Cindy Winn  
Todd Zweig

**With Regrets:**

John Armstrong  
Mike Branham  
Kenneth Brown  
Chad Campbell  
Hon. Warren Granville  
Kendall Rhyne  
Vince Iaria  
Sharon Sikora

**Proxies:**

Tim Orona for  
Chuck Moter  
Elaine Grissom for  
Friend Walker

**Guests:**

Stuart Bruner  
Sharleen Decker  
Hon. Michael Jones  
Chad Kewish  
Ken Kung  
Jerry Landau  
Rona Newton  
Katy Proctor

Fred Santesteban  
Jeff Schrade  
Hon. Rick Williams  
David Withey

**AOC Committee  
Staff:**

Brett Watson  
Diane Herst

## I. WELCOME

Tim Hardy called the meeting to order at 9:00 a.m. Tim asked that John Dyess lead the committee in reciting the Pledge of Allegiance. Introductions were made around the room and Tim welcomed John Dyess, the newly appointed Chief/Juvenile Court Director from La Paz County. John replaces Rich Tozier in that position. Tim also welcomed new committee staff from the Administrative Office of the Courts (AOC), Brett Watson and Diane Herst. He then announced that this would be Brett's first and last time staffing the committee as he has accepted a position working on the Adult side of the AOC. He asked that everyone remember to use the microphones and identify themselves so that Diane can get to know who is speaking.

It was established that there was a quorum present as defined in the business rules for the committee. 2/3rds of the members present at any vote are required for a motion to pass.

## II. APPROVAL OF MINUTES

Tim Hardy instructed committee to move to Executive Session to discuss and approve Executive minutes of April 20, 2010 and instructed non members and guests to leave the room.

**MOTION: David F. Sanders made a motion to approve the Executive Session minutes of April 30, 2010. Barbara Broderick seconded the motion. No discussion. Motion passed unanimously. COP 10-06.**

Tim reconvened the public portion of meeting:

**MOTION: Kathy Waters made a motion to approve the Regular Session minutes of April 30, 2010. John Dyess seconded the motion. No discussion. Motion passed unanimously. COP 10-07.**

## III. BUDGET UPDATE

Although there is no new information available on the budget, Tim has asked that this remain a standing agenda item.

## IV. LEGISLATIVE UPDATE

Katy Proctor was joined by Nina Preston to give the update.

- Currently, in their legislative interim
- Primary election held on Tuesday, August 24, 2010
- General election coming up in November; expect no new legislation until January
- Arizona Judicial Council (AJC) proposed AOC legislation review process taking place now
- Two proposals related to probation in the process:

- A. PREA Bill (Prison Rape Elimination Act-Conformity)
- B. Intensive Probation Supervision (IPS) Waiver Language

- A. The PREA Bill:

- Creates a series of felony offenses applicable to probation staff who have sexual contact with someone who is on probation
    - Includes those who work in treatment services under the AOC for juveniles, Surveillance Officers (SO's), Probation Officers (PO's) & Detention Officers (DO's)
    - Class 2 felony for victims 15 and under
    - Class 3 felony for victims under 18
    - Class 5 felony for victims of age of majority
    - Piggybacks on existing statute that makes these actions illegal if committed by a prison guard or employee

Katy then asked for feedback about other issues that may be of concern within this bill, i.e. not knowing that the victim is a probationer. After additional discussion, it was concluded that issues of pre-trial services, “attempt” and all treatment providers would be included in the bill. The issue of whether the crime should be included as a Dangerous Crime Against Children (DCAC) is currently being discussed. Livingston Sutro then commented that the existing PREA includes treatment providers to adults. Everyone agreed that all adult and juvenile treatment providers should be included in this bill.

**ACTION ITEM: Katy will expand the draft of the bill to include all adult and juvenile treatment providers, pre-trial services issues, and “attempt” language.**

- B. IPS Waiver Language:

- Currently counties with less than 300,000 people can apply for a waiver to operate with a 1:15 supervision model for IPS and Juvenile Intensive Probation Supervision (JIPS)
      - This proposal would provide this same opportunity to counties larger than 300,000, specifically Maricopa, Pima and Pinal

No further discussion. Katy will have more information at the next COP meeting as to how the proposals went through the AJC. Tim then called for a motion from the committee to formally include the changes as discussed.

**ACTION ITEM: Katy will provide update of AJC process at next COP meeting.**

**MOTION: Livingston Sutro made a motion to have Katy go forward with the changes as discussed on the proposed legislation. Sue Von Borstel then seconded. Discussion ensued:**

Barbara Broderick then asked for clarification on what changes were being recommended. Katy read back the summary on what changes had been discussed:

- ✓ Include pre-trial/pre-sentence
- ✓ Keep it broad; take out reference to person's direct case load
- ✓ Look at the "attempt" issue and whether it needs a separate piece
- ✓ DCAC issue for under 15 years old
- ✓ Include volunteers, interns and contractors, treatment providers for adults
- ✓ Will expand to cover those who handle cases of those who are not probationers, i.e. diversion, SO's and PO's

**MOTION AMENDED: Livingston Sutro amended his previous motion accordingly to include all changes. Second reaffirmed by Sue Von Borstel. Motion passed unanimously. COP 10-08.**

**ACTION ITEM: Katy will include all changes in the re-draft as approved by the committee and will forward to all members.**

#### **V. SB1070 / Administrative Order 2010-91**

- A. David Withey presented briefly to the committee, some issues that were identified in the SB1070 overview document. (Attached) The issues are relevant to probation and others in the court.
- (Page 9)A.R.S. §11-1051 (C) – not enjoined by the court
  - Notification of ICE upon sentencing
  - Is notification to ICE required in any other context? – No
  - (Page 13) A.R.S.§13-2929 – not enjoined by the court
  - Loosely modeled after federal statute
  - Requires commission of a crime – targets human smugglers and such; little or no exposure to prosecution for PO's
- B. Jerry Landau, Government Affairs Director, then spoke briefly:
- Anticipating some changes to the law in the 2011 session
  - Not anticipating a special session for the law
  - New legislature – things are fluid

No questions from the committee or the public on AO 2010-91 (Attached)

#### **VI. ACJA 1-401: Minimum Accounting Standards (MAS)**

Ken Kung, Court Services Division, gave the presentation and was joined by Sharleen Decker, Court Operations Unit Manager.

- Proposed changes to the current MAS standards (Attached)
- Results came from a financial advisory workgroup that met for 1 year
- Requested that if COP could not reach consensus at current meeting, that COP meet within thirty days on the topic

- Expecting delayed effective date of 1/2012, after the code is approved
- Allows sufficient time for all departments to know the standards and also for any programming changes necessary

Rik Schmidt questioned the committee of how many members were aware of the workgroup or had membership on it. There were no verbal responses at the time.

Diane McGinnis asked of the statewide impact, i.e. costs associated. Ken responded that the largest impact was to:

- Merchant processes
- Receipting
- Identifying the cardholder's information
- Refunds back to the cardholder

Ken stated that they took the following into consideration:

- E-filing
- Arizona Fines/Fees and Restitution Enforcement (FARE) processes
- City and county wide processes
- Impact on Court Management System
- Received green light from Superior and Limited Jurisdiction (LJ) courts
- Consultation with Arizona Court Automation Project (ACAP) programmers to make necessary changes within AZTEC to meet code requirements

Ken indicated that there are no significant changes to processes that exist today; language and definitions were cleaned up. Well represented membership on the workgroup consisted of:

- Court Administrators
- Financial Specialists across the state
- Superior and LJ court representation
- Probation Officers
- Adult Services, AOC
- Elected Clerks
- Arizona Judicial Automated Case System (AJACS) and AZTEC

Most of the representation was probation related; relationship between probation and clerk's offices vary across the state, but the offices generally work on behalf of the other. Reliance was on the financial specialists in each county to know how the proposed changes would affect the processes. No controversial issues; however the 2-day receipt date was discussed and compromised on.

Tim stated that the committee will not be able to meet within thirty days to take a vote on this issue due to time constraints. Barb stated that, at least on the Adult side, her people had taken a look at everything and did not find any issues. She would be prepared to make a motion to accept, but didn't know how the Juvenile side felt. Rik stated that he and his financial people had not been aware of it until receiving the email attachment for this COP meeting. Although, they found no significant issues, there appeared to be a gap in communication between the workgroup and the Juvenile court side. Speaking for Pima County, he could move forward with it. No other Juvenile representation spoke to the communication gap issue.

**MOTION: Barb Broderick made a motion to move forward with the changes to the MAS as written. John Dyess seconded. Motion passed unanimously. COP 10-09.**

## **VII. Sub-Committee Updates**

- SSAC (Staff Safety Advisory Committee) Livingston Sutro presented the update:

Kevin Jeffries, Education Services Division had been having difficulties in locating and contracting with an occupational therapist as of last meeting. Kathy Waters then stated that she and Kevin presently have a partial contract with some work that had been done by Concentra; are sorting through as if it was a sole source bid only, reviewing the RFP, and defining the scope of the work that needs to be done. AOC Legal and Procurement are also reviewing the issue; expect to resolve this in the next week or so.

- COPE (Committee on Probation Education) Chad Kewish presented the update:

COPE reviewed the results of the second survey; data was mixed. General trends in the feedback were:

- Instruction on time and stress management
- Detailed instruction on programs, i.e. Adult Probation Enterprise Tracking (APETS), integrated Court Information System (iCIS), Offender Screening Tool (OST) and Field Reassessment Offender Screening Tool (FROST)
- Offering classes on a local level as well as having local instructors
- Classes on gangs, family dynamics, mental health, motivational interviewing (MI), search and seizure
- More detailed classes on weapons recognition

The committee discussed combining both the current MI and the Verbal Skills classes into one general communications class; if so, the following issue was debated: Will officers still receive some sort of MI training through their county? Within the discussion, the committee came up with the following:

- Should the classes be combined, it could free up 2.5 hours to add curriculum into the 2 week program
- AOC is looking at benefitting counties, by developing some protocols
- Taking the MI curriculum, and developing systems that enable counties to develop trainers
- Utilizing a Train the Trainer curriculum so that counties can refresh trainers within their departments on their own
- Education Services Division would vet the curriculum through COPE
- Provide periodic updates to the curriculum
- Develop refresher curriculum for MI

- Place resources online for existing trainers; i.e. access to other trainers and offered MI trainings

Chad then requested nominees for an IPS workgroup forming now to look at IPS curriculum; commitment of approximately one year. They are asking for a broad representation of membership from Juvenile and Adult. He requested COP members forward him names for nomination along with relevant information.

**ACTION ITEM: Chad will follow up with an email to all COP members on all specifics.**

The Committee on Judicial Education and Training (COJET) is meeting to revise ACJA §§ 1-302 and 1-108. Subcommittees have been asked to review the changes and provide feedback. COPE adopted and approved new examinations policy; previous one was 10 years old. Jodi Rudd is handling the trainer excellence awards this year; COPE is voting on the nominees.

Officer Safety classes which have been held since the last COP meeting, and those which are scheduled in the future:

- 3 Defensive Tactics
- 1 Defensive Tactics – train the trainer
- 6 Simunitions
- 1 CPR/First Aid
- 1 MI – train the trainer
- 1 Faculty Skill Development
- 1 Detention – train the trainer
- 1 Probation Certification Academy
- 1 Detention Academy
- IPS (9/22 – 9/24)
- Firearms – train the trainer (next week in Payson)
- Firearms (9/13 in Kingman)
- Firearms (9/20 in Phoenix)
- Defensive Tactics (9/27 in Phoenix)
- Probation Certification Academy (10/18)
- Detention Academy (11/16 – 11/19 at COTA)

First Detention Officer training to be held at COTA was in May; evaluations were the highest ever for that academy. Bryon Matsuda commented on all the great work being done by COPE and Education Services and thanked them.

- PACC (Probation Automation Coordinating Committee) Rona Newton presented the update (Attachment):
  - PACC and the Court Automation Coordinating Committee (CACC) went to the Committee on Technology (COT) and made presentations on how they would like to change their focus
  - Want to work more closely together
  - Probation projects were not being monitored closely

- Focusing on inter-dependencies; those who use the IT information and are probation heavy
- Establish open communication
- Rona is now an appointed member of CACC, and a member of CACC is now an appointed member of PACC

Rona asked for more business members for PACC; requested email list for COP. Any issues from COP members will be requested by Rona around the first week in October. Barbara Broderick, Rik Schmidt, Delcy Scull and Dave Sanders serve on PACC now; they would like to bring membership from their staff; people that actually use the systems. Higher level staff tends to rely on line staff opinions before making decisions. PACC is in need of combined courts representation.

**ACTION ITEM: Rona will receive the email list for COP**

Rik Schmidt asked the Chiefs to stay for approximately 10 minutes after to speak with Rona about the webpage that was discussed at previous meetings.

**VIII. NON-AGENDA ITEMS**

Kathy Waters updated the members that they will be receiving a notice about the Chief Probation Officers Association's Annual Probation and Detention Awards scheduled for September 23, 2010. The same afternoon, the AOC will host a presentation with special guest Dr. Fredrick Freeze who speaks on the topic of mental health. It will be held in the great room (room 101) at the courts building.

**XI. CALL TO THE PUBLIC**

No call from the public.

**XII. ADJOURNMENT**

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

**Meeting adjourned at 10:20 am. Next meeting – Friday, October 29, 2010.**