

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

**JANUARY 11, 2011
9:00 A.M. – 12:00 P.M.**

Chair:

Tim Hardy

Attending Members:

Stan Alexander
Rene Baca
Margie Brakefield
Barbara Broderick
John Dyess
Carl Fox
Billie Grobe
Arno Hall
Steve Hardy
Vince Iaria
Scott Mabery
Bryon Matsuda
Diane McGinnis
Chuck Moter

Kendall Rhyne
Tivo Romero
David F. Sanders
Rik Schmidt
Delcy Scull
Sharon Sikora
Don Stokes
Sue Von Borstel
Friend Walker
Kathy Waters
Cindy Winn
Todd Zweig

With Regrets:

John Armstrong
Mike Branham
C. Daniel Carrion
Hon. Peter Cahill
Mario Moreno
Betty Smith
Susan Stodola
Livingston Sutro

Proxies:

Laura Dillingham
for Mike Branham

Don Goldstrum for
Livingston Sutro

Guests:

Chad Kewish
Jerry Landau
Rona Newton
Jeff Schrade

**AOC Committee
Staff:**

Mark Koch
Diane Herst

I. WELCOME

Tim Hardy called the meeting to order at 9:07 a.m. The Committee then took a moment of silence regarding the Tucson incident. Tim asked that Diane McGinnis lead the committee in reciting the Pledge of Allegiance. Introductions were made around the room and Tim welcomed new committee staff from the Administrative Office of the Courts (AOC), Mark Koch. He asked that committee members contact Mark with any questions pertaining to COP, and he will forward to the appropriate individuals.

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 asked for a motion to approve

MOTION: Barb Broderick made a motion to approve the meeting minutes from October 29th, 2010. Sharon Sikora seconded the motion. No discussion. Motion passed unanimously. COP 11-01.

III. LEGISLATIVE UPDATE – Jerry Landau

Jerry L. announced the departure of legislative liaison Katy Proctor, who is now a policy advisor for the senate. Amy Love will be returning to the AOC on January 20th. Jerry L. will be handling Adult Probation and Amy L. will take over Juvenile Probation. He stated that they will periodically be sending out bills for the committee to review and give feedback on, which is imperative in speaking to the legislature about probation issues.

- 3 bills regarding probation; 2 of them have been filed
 - SB 1023 – enforcement of pretrial release; Maricopa County issue (or counties of 2 million or more) — possibly adding more counties later on
 - SB 1054 – Changes in flexibility for team ratios and team compositions – makes corresponding changes to Maricopa County’s §12-269
 - PREA – not filed yet; still working out details on final draft
- 1 new bill came down late
 - SB 1057 – amending §38-1104 – discipline of law enforcement officers; probation officers not defined in it; does not apply to our PO’s since they are Court certified, not POST certified
- SPICE update – discussed at length at liaison meeting
 - DPS crime lab report has broken it down into its chemical components
 - Added to definition of dangerous drug contained in §13-3401
 - Added to definition of manufacture and/or possession of dangerous drug §13-3407; will not have its own statute
 - Will be a class 4 felony

-Discussion:

Don Stokes stated as an FYI, that there is a company out of Florida advertising the sale of SPICE on Craigslist (under its initial name) all over the Western U.S. Jerry L. explained that Law Enforcement may already know about it; if the substance falls under Federal statute, then Federal action may be taken and the same if it comes into Arizona, and falls under our statute we can take action as well

Judge Granville asked if it will it be treated like other drugs under Prop 200 or like meth which is not covered under Prop 200? Jerry L. responded that he has not seen the draft yet, however as it stands now it will be a Prop 200 offense

- Public Pensions

- All three systems need some work; less for Arizona State Retirement System (ASRS) than the other two
- There is a push to do away with the Elected Officials Retirement Program (EORP) and to put Judges into ASRS
- Also talk of increasing contributions
- Public Safety Personnel Retirement System (PSPRS), Correctional Officers Retirement Program (CORP) and EORP do not have requirement of employee/employee match
- Went from 80 points back to 85 points
- All new changes will effect new employees
- How changes taking place will affect those who are retired, and who are already in the system, is being discussed at the legislature

-Discussion:

David F. Sanders suggested there may be no point in performing drug tests for SPICE at this time, and spending the money, since the law has not finished addressing the issue. Jerry Landau responded that there has been talk that a test has been developed, but he does not know the details; also there is an internal issue with that right now until it is recognized as a crime.

Vincent Iaria asked if could be made part of the conditions of probation? Tim Hardy stated that Yuma County (juvenile) has done so already and are holding juveniles accountable for using SPICE. He went on to say, that recently 5 kids were booked into detention for using; they were tested, and then 17 days later they still tested positive for it even though it is said to only remain in the system 2-5 days.

IV. BUDGET UPDATE - Kevin Kluge

Kevin indicated there is still nothing new to report since the last COP meeting – still projecting \$825 million deficit for FY11 and \$1.4 billion for FY12.

- Governor's budget comes out on Friday – no major cuts to probation expected in it, however AOC may be affected

- JLBC's baseline budget out Tuesday; projected cuts may not be known for a couple of weeks
- Sub-committee (Senate) meeting on Feb. 4th; we will see cuts to probation in this budget
- FY12 is expected to be the worst year
- We have plans in place for cuts to not impact probation above a certain level

-Discussion:

Tim Hardy asked if there was a sense of when the budget will be adopted. Kevin K. responded that it may happen earlier this year, possibly as early as March or April. Kevin further stated that maximum cuts are looking to be 10%; those which had been approved in the contingent budget. The AOC is pushing for fund sweeps for the non-permanent cuts so as not to impact probation; end up with 5% cut.

Judge Granville then asked about, as a way of sweeping, anyone sentenced to prison for a year or less would be moved to a county jail. Kevin K. responded that remains to be seen if it is included in Friday's budget. Judge Granville also asked about the idea of abolishing the juvenile custody system. Kevin stated that is now off the table; parole moving to probation has also been taken out of the Governor's budget.

David S. asked if the new 15:1 ratio option in IPS would be available before the new budget, as that would allow some fund savings. Kevin K. replied that Maricopa went to a 15:1 ratio last session (2:30 ratio), and he asked if Pima did the same. The answer was unclear. Kevin K. then stated that they would look at multi-tiered option and 15:1 under standard probation. David S. added that savings with that ratio would allow cuts to Surveillance Officers (SO's); legislation which is likely to pass that will allow Pima to do that like the other counties as long as it is before FY12. Kevin K. also stated that excess capacities may be looked at to pull a position if the cuts come through – hopefully vacant positions.

V. REVIEW OF DRAFT CHANGES TO COJET (Committee on Judicial Education and Training) CODE – Jeff Schrade

Jeff indicated that there was a more concise version of the changes than what was sent out previously, and distributed copies of it to the committee.

- COJET code has not been consolidated since 2007
- Reduced the length of the code by 12-13 pages
- Staff has reviewed the proposed changes; training coordinators from around the state also gave great amounts of input, COJET committees have had several opportunities for input as well
- COP is the first of the Arizona Judicial Council (AJC) committees to give input into the proposed changes; three more AJC committees will review before it goes in front of AJC in March

- Section 1-302: Substantive changes - Accreditation process; introduced ‘Non-Facilitated Learning’ in place of Independent Learning; introduced ‘E-Learning’ to encompass any computer aided learning
- Added section referring to Detention Standards for trainings in that area
- Exemptions area: Removed language referring to permanent medical waivers for Detention Tactics (DT); now in line with §6 of the code; medical waivers are temporary only
- Probation area: Standardized the term used in describing Directors of Juvenile Court; there had been two or three different terms; Circular code reference now clarified; included additional references to the probation sections that cover training; included a specific and explicit statement of Evidence Based Practices (EBP) to be included in the Probation Academy while removing some topics that were not as relevant
- Section 1-108: COJET Committees – Committee on Probation Education (COPE) term limit at 15 years has been removed; refined wording describing what the committees do

-Discussion:

Billie Grobe (referring to 32 page document): Section 1-302 (page 3) – definition of probation personnel includes ‘support staff’ and ‘any other staff assigned to probation’, but on (pages 21 and 22) Standards for Probation Personnel state that ‘all probation personnel’ will attend defensive tactics and firearms training – some classification of people should not be attending either of those trainings, i.e. ‘support staff’. Jeff S. replied that in Section 6-107 there is a distinction that covers ‘safety sensitive positions’ so they will take a closer look at that and see about amending that language.

David Sanders asked if Section 1-302 (K)(3)(a)(7) – orientation for new officers includes the subject of ‘affirmative action’ – what does that consist of and does it vary county to county? Jeff S. replied he is not certain what that covers, but will look into it and let everyone know.

Diane McGinnis noted that sometimes a consolidated report on the proposed changes, is sent out, has a document been issued with these requests; specifically about the probation personnel definition being too encompassing? Jeff S. replied not yet, as the goal so far has been more about simplification rather than substantive changes.

Rik Schmidt followed up on Billie Grobe’s statement; is there clarification on the definition of Probation Personnel and that it should not include detention officers; relevance is to firearms training. Jeff S. replied that as the code stands right now, it is part of the definition, but if detention personnel should be treated separately and distinctly from probation personnel we will clarify. Rik S. also stated the issue of ‘safety sensitive’ is separate from the issue of probation and detention staffing.

Barb Broderick then followed with, the definition of ‘probation personnel’ would be fine, but (on page 22) the definition would need to be made for ‘safety sensitive’; safety sensitive definition needs to be expanded; cannot have one definition and apply the Defensive Tactics (DT) and the option of firearms. So, on page 22, it would refer to ‘safety sensitive’ not to ‘probation personnel’.

Tim H. asked in reference to the Faculty Skills Development and the requirement that a trainer goes through it, has it been stricken from the code. Jeff S. replied that it has been discussed; it has been left in there in order to maintain that requirement for probation trainers; (when Jeff asked for validation that that is a good intent, all agreed)

Rik S. clarified that the “probation personnel” definition should not include support staff or detention officers, however on page 22, it should say “probation personnel” but not “safety sensitive positions” so as not to include support or detention since detention officers are safety sensitive positions, but do not carry firearms. Billie Grobe stated, then all the other requirements would come under “Court Personnel” – detention, support staff are then under that definition.

Jeff S. followed for further clarification, if in addition to that change, is it still necessary to reference the “Safety Sensitive” definition on page 22, after making the change to the definition of “Probation Personnel”? (No direct answer)

Judge Granville suggested an all encompassing definition of “personnel” to comply with general education requirements; then have on page 22, a more specific definition of a subgroup needing to complete DT training, firearms training, etc; possibly creating a new title for the subgroup.

Don Stokes further commented that there had been talk of instituting DT for non-safety sensitive personnel; now might be the time to do that within COJET for the possible future requirement of those employees

Friend Walker stated that on page 21, paragraph K. should read: Standards for Probation Officers and Surveillance Officers; they are the only ones that go to DT and firearms

Barb B. then clarified that the attempted changes are:

- All people who work within probation and juvenile courts need to be compliant in **H. General Requirements for Compliance**
- Safety Sensitive – (Probation and Surveillance) are required to be compliant in **K. Standards for Probation Personnel**
- Detention Officers are required to be compliant in **J. Standards for Administrators, Clerks and Court Personnel**

Diane M. also suggested that there is an important delineation between Probation Officers and Surveillance Officers in the DT piece; not all departments have all of their officers considered “Safety Sensitive” Rik S. followed with the fact that Detention Officers are classified as “Safety Sensitive” Diane M. replied, Correct, it would say “Safety Sensitive – Probation and Surveillance Officers” Rik S. agreed

Scott Mabery stated that part of the confusion is that there are three separate definitions of “Safety Sensitive” – 1. Detention Officers and people who work in the

field with the supervision of probationers are defined as ‘safety sensitive’; 2. Another ‘Safety Sensitive’ definition for those positions that carry firearms; 3. A new definition of ‘safety sensitive’ under education.

Jeff S. then asked if for purposes of the COJET code, if using the definition of ‘safety sensitive’ without adding another one will be alright since it is defined in other codes. Friend Walker replied that as long as it is specifically stated in paragraph K that it is only Probation Officers and Surveillance Officers. Diane M. followed with it stating “Safety Sensitive – Probation Officers and Surveillance Officers”

Tim H. asked Jeff S. if he was looking at getting approval today from COP to pass it on with the recommended changes. Jeff S. replied, yes, if at all possible so that it can go before the AJC on March 24th.

Tim asked the committee if there are any recommendations.

MOTION: Barb Broderick made a motion to clarify the COJET requirements for all probation personnel:

1. That all probation personnel must comply with subsection H. General Education Requirements

2. That we change Subsection K to read: Probation and Surveillance Officers who are “safety sensitive”

Diane McGinnis seconded the motion.

Discussion ensued:

Rik S. asked for clarification from Barb, if in her motion she is proposing change with the probation personnel definition? Barb stated that she is not because the probation personnel definition goes to subsection H. General Education Requirements for COJET that we all have to comply with; it’s subsection K. that needed to change so that it read: Probation and Surveillance Officers who are “safety sensitive”; Subsection J. is where the detention officers are. Billie G. then asked if the motion is changing the title of it and in paragraph 1, “All probation personnel” would change as well? Barb responded that was correct.

Tim called for a vote on the motion. **Motion passed unanimously. COP 11-02.**

Tim called for a ten minute break at 10:14am

Tim reconvened meeting at 10:25am

VI. SUB-COMMITTEE UPDATES

🚩 SSAC (Staff Safety Advisory Committee) - David F. Sanders reporting for Livingston Sutro

- Livingston has announced his resignation from the SSAC committee; now need another Chair and member
- Physical standards for probation officers that are being recruited; Concentra to analyze job functions and determine physical standards; need to establish a contract with them

Kathy Waters stated that just last week they received a bid from them which may need to be scaled back due to cost; may be able to conduct a partial study

- Requests for Self Defense for support staff; possible that SSAC can begin to look into and report back to COP

Barb Broderick suggested that Maricopa County now has a program that can be looked at to see if it is applicable. Tim Hardy commented that it sounds like a good project for SSAC; he then asked David S., as Vice Chair of the committee, to meet with Barb and report back some preliminary information at the next COP meeting. David and Barb agreed.

COPE (Committee on Probation Education) - Chad Kewish

- Completed programs since the last COP meeting
 - 2 Defensive Tactics Academy
 - 1 Firearms Academy
 - 3 Simunitions
 - 1 Detention Officer Academy
 - 1 Faculty Skills Development
- Addition of two new classes to Certification Academy
 - Interstate Compact
 - Combination of Motivational Interviewing (MI) and Verbal Skills curriculum (into both a General Communications class and a formalized Evidence Based Practices class)
 - Curriculum subcommittee to meet in February to review that curriculum; also to review the new 8-hour “New Officer Safety Orientation”; also reviewing the Office and Field Safety curriculum
 - Detention subcommittee beginning review process of the classes that are in the Academy
 - Kevin Jeffries is developing curriculum now on “Basic Building Search”; he has been shadowing Maricopa County’s curriculum
 - New trainer – David Chaison (former employee); spearheading development of Supervisor curriculum for probation officers; collaborative effort between COPE/CLIA
 - Looking for volunteers for workgroup (consisting of experienced supervisors and up); tasked with reviewing current curriculum of CLIA and also Supervisor Track; identify learning objectives and report back to COPE
 - Intensive Probation Supervision (IPS) Subcommittee – developing learning objectives for their identified topics

- Education Services vetting current MI curriculum; will look at revising it if necessary
- Upcoming programs
 - Certification Academy for January was cancelled due to low registrations; moved to April
 - DT – February 2nd
 - Detention Officer Academy – February 22nd – registrations are low
 - IPS – March 16th

-Discussion:

Tim Orona asked how the Orientation training for new hires will be completed; Chad K. replied that the goal is to convert it to Computer Based Trainings (CBT) with Lectora. Tim H. then asked if, until those changes are made, what remains in effect for the requirement is the 8 hour orientation in place now. Chad K. stated that was correct.

Bryon Matsuda recognized the prior detention academy and stated it was valuable and they will be sending more people. Chad K. followed up in relaying that the practicum component has been very beneficial; also the basic building search and the simunitions curriculums have been implemented by Kevin Jeffries on an as requested basis and if there are any other counties which are interested to contact Chad K.

 **PACC (Probation Automation Coordinating Committee) – Rona Newton**
(2 Handouts)

- Moved rollout date for JOLTSaz to after June 30th
- Project plan has not changed; still scheduled for all development to be completed by Memorial Day weekend
- Training for Pima between Memorial Day and June 30th
- Statewide ID (SWID) – Pima is pilot on January 31st – others between February 14th and 28th (Rurals)
- Not waiting for Maricopa to be finished; they will join later

Diane McGinnis asked if the Statewide Identifier (SWID) will be included in the existing Legacy JOLTS system. Rona stated, yes

- APETS update – Winter 2011 build is scheduled for Feb 4-7, 2011 - incorporating many things
- Probation – Integration of AJACS and APETS (Justice Web Interface) – by midsummer
- How can COP best utilize PACC? – send all questions to Rona and she will research who the question should go to

-Discussion:

Susan Von Borstel asked with the JOLTSaz access, will there be access to all county's records rather than having to send written official requests. Rona replied that the access will be to juvenile's history but not to the chronological log.

Bryon Matsuda then asked if Arizona will ever have only one system. (Maricopa County has their own). Rona stated that the Commission on Technology (COT) had granted Maricopa the right to have their own; it will probably never change.

Diane M. explained that the financials in some juvenile courts accounts do not match what is shown in AJACS. She proposed that AOC take the lead in putting auditing in place prior to JOLTSaz rollout, however Karl Heckart (AOC ITD Director) stated audit reporting would take place right before the rollout. Diane M. suggested that auditing should take place much sooner than that; can PACC have any influence on this? Rona N. agreed that the financials are a huge issue which could have long term effects; subject is talked about a lot at COT meetings; PACC will approach the subject.

VII. TASER DISCUSSION

Tim asked that the discussion last no more than 45 minutes; unclear if there was a vote on the issue two years ago, or just lack of a vote. Committee will have the ability to make decisions today.

Friend Walker opened the discussion by suggesting that the Chiefs and Directors should have the option of using another less than lethal force weapon for SO's and PO's to use; the Committee has authorized the use of lethal force (handguns), which obviously shows the trust we have in our staff; so why the hesitation? There needs to be the option; not a requirement.

Delcy Scull explained that she is struggling right now with finding the funds just to keep people employed; there are no funds available now for purchasing more weapons no matter what they are. She also voiced great concern that the firearm code was forced upon counties and feels she cannot afford something else being forced on them.

Don Stokes clarified that the taser is a stand-off defensive mechanism; using a baton in a heated situation will more likely lead to injury or even death more than using a taser; OC spray is great, but usually gets on everyone involved. Once the taser is displayed (not used), the risk of injury to the officer is decreased substantially. He further stated that he also does not want to see a mandate given to all departments, just the choice. As for costs, the 100 Club can help off-set costs in some cases.

David S. added that in his county, they have not used the taser as a defensive weapon; used more offensively. David S. encouraged Friend to introduce this as an offensive weapon in arrest situations only, rather than full deployment. Friend replied that he philosophically disagrees with the taser being used offensively, rather than defensively and that all weapons should be used defensively. He strongly cautions against classifying

our weapons as offensive weapons. He went on to say that the Chief of Police in Granite City, IL saw a 70% reduction in injuries of officers and suspects when they employed the taser as a defensive weapon.

Don S. then explained that using tasers with almost anyone who is under the influence has been proven to be more effective no matter what drug they are on. Also, arrestees who have been tased under the influence come off the drug faster and with the incidence of drugs here in Arizona, we should look more closely at it.

Scott Mabery stated he would like more information on how often one needs to re-qualify for the taser. There is major expense in re-qualifying quarterly for firearms and purchasing ammo and vests, etc. If Tasers are more cost effective, his officers would turn in their firearms if they were given tasers to use.

Stan Alexander questioned what the perception of the public is if the officers are allowed to carry firearms (lethal), but not tasers (less than lethal).

Barb B. explained that when the pilot first started in Maricopa County, it was due to the Fugitive Apprehension Unit (FAU) having incidents justifying the use of tasers. Further, the costs of training and qualifying field officers are more than situations justify right now. She also stated that tasers are very different in terms of training; device needs constant calibration. She agreed to the suggestion of Chiefs and Directors having the option to use tasers. She added that the taser is a viable instrument but does not replace the firearm; strongly recommends carrying both. The downside is that it can be more difficult to hit the target than with the firearm; however it is effective in calming a situation when displayed to someone. She concluded that when COP gained the ability to have DT (and all the way through firearms), it was decided everything would be standard.

MOTION: Friend Walker made a motion to give Chief Probation Officers and Juvenile Court Directors the option of using tasers or not using tasers as they see fit within their own departments. Steve Hardy seconded the motion. COP 11-03.

Discussion ensued:

Diane M. questioned the reasons given not to give departments the discretion to use tasers or not. Is the only issue that some are concerned it would become mandatory? What about increased liability exposure to those counties who opt out and perhaps have an injury that the taser might have prevented? She also asked if the group and the AOC see barriers to this vote.

David S. stated that the motion on the table is far reaching and affects every county and he believes there will be a delay in implementation until there is code implemented. David then urged Friend to reframe the motion to affect his county only.

Friend Walker asked if there were any other Chiefs or Directors who would want

to be part of a pilot such as mentioned in the motion. Steve Hardy replied, Yuma County Adult.

Tim H. clarified that when this was voted on before, Mohave and Yuma (Adult and Juvenile) created policies and procedures to be implemented for beginning the pilot. He further stressed that a pilot is for a limited amount of time; we need to designate a set amount of time (6, 9 or 12 months). He also suggested that the further action should be taken on current pilot programs which have been going on for 3 years.

Bryon Matsuda commented that the committee had voted the pilot down before. Tim H. responded that he does not recall if it actually came to a vote last time and that, even so, not everyone that is in attendance now were in attendance at that time.

Scott M. clarified that the way the motion sits now, every department would have the discretion to pilot or not.

Barb B. stated that the word “pilot” was not in the motion currently on the table and that what is at issue is the standardization or localization for less than lethal. She understands Friend’s motion to be concerning localization in less than lethal. She further commented that she believes the code is specific: baton or pepper spray. Barb also suggested that the next question is where the Presiding Judges (PJ’s), county managers and AJC sit with this?

Kathy Waters stated that the code specifies standardization and that the AJC voted on standardization to be in place; voting on an “option” now may not agree with what is in the code. There were some options for Chiefs and Directors in the code; for instance, discretion of who will be mandatorily armed and who won’t be armed at all. She further clarified that the language of “less than lethal” would probably need to go into code to allow it. Also, the issue arises of arming in general, it may further the criticism that it has not been standardized.

Tim H. asked how COP had the authority to implement the pilot taser programs. Kathy W. replied that it was presented as a pilot to the AOC Executive Office with a lot of information and data specific to warrants teams; how to better assist Police Officers who do have tasers, etc. Also, it did not go back to the AJC for approval. Barb B. then added that her county covered all of the costs.

Tim H. further commented that the report from both pilot counties is that it has been very beneficial in working with other agencies; is there a way to apply these results to the code?

Diane M. asked if the code for Officer Safety is currently under revision. Kathy W. replied that they are waiting on the bid from Concentra, and some other information needs to be looked at. Diane M. then suggested that there is a need to take a closer look at code to determine if we can even approve this discretion. She

further commented that Pinal County had been restricted join the pilot before due the geographic location of the warrants team.

Rik S. stated that all of this had been discussed and voted on before and Kathy's point is correct; will follow firearms and will become part of code.

Bryon M. commented that Coconino County has not had a type of situation where pulling a baton or spray is necessary in 4.5 years. Since the physiological effects of tasing kids are not known right now, he would help fund to support a research program to find out.

Friend W. stated that no one is saying at all that it's alright to tase kids; but the tool is available if necessary to deter kids. He further stated that tasers should not be used indiscriminately; that's why the training is in place.

Tim then asked if Friend wanted to amend his motion. Friend asked if code prohibits the whole of his motion; if it is legal, his motion stands as is. Kathy stated that it gives the continuum of use of force; the exact question would need to be asked.

Friend W. amended the motion:

AMENDED MOTION: Friend Walker moved to support going forward with the process to changing code legally to include an option by the Probation Chiefs or Court Directors to use tasers in their own departments. Steve Hardy seconded the motion. COP 11-04.

Tim H. called for a vote.

David S. asked for clarification if the motion is for general purpose, general issue, adult and juvenile? Friend W. replied, "It's at the discretion of the department head, correct."

The vote ensued. 15 in favor, 11 opposed. 17 needed to carry the motion. Motion fails.

-Discussion:

Diane M. stated that more discussion needs to take place about expanding the warrants team use of tasers in the state as there seems to be some inconsistency. She asked if the pilot will only be utilized in Pima, Maricopa and Mohave and then all the other counties don't have access to tasers even with a warrants team? She further asked if this is a reason to explore code revision so that other counties with warrants teams get access like Mohave did?

Chuck Moter said he would like to see results and data from the pilot programs before he decides how to proceed. David S. commented that he and Barb have repeatedly reported out on the effectiveness of the taser in their county pilot

programs. He further stated that pilots will continue to be pilots sanctioned by the AOC until sanctioned by code.

Barb B. agreed with David S. and then stated, "I want to make sure I go on record very clearly, I do not want to take this out to my general field, it is for the discreet use of the FAU unit."

Bryon M. commented that he can see the value in using it on an adult warrants team; if juvenile warrants teams were rolled out, what is the liability if there is injury or death?

MOTION: David F. Sanders moved, unless they opt out during the discussion phase of this motion, that Mohave Adult and Yuma Adult be approved to pilot a taser program subject to a policy approved by the AOC. Sharon Sikora seconded the motion. COP 11-05.

Kathy W. asked if that it was for warrants teams or general usage. David S. replied that it would be subject to approval; assuming that would be for warrants teams.

Friend W. commented that Mohave already has their warrants teams being piloted.

AMENDED MOTION: David F. Sanders moved, unless they opt out during the discussion phase of this motion, that Yuma County Adult probation be authorized to pilot the use of a taser in the execution of warrants subject to a policy approved by the AOC. Sharon Sikora seconded the motion. COP 11-06.

-Further discussion:

Todd Zwieg then asked what the process would be if he did not opt in to be included in the motion, but decided next week that he wants to be included, would he have to come back to COP or just submit a request to the AOC?
(answer unclear)

Diane M. commented that she would vote against that motion so as not to set the standard here; prefer to follow the practice of submitting through the AOC according to policy

Tim H. called for a vote.

Todd Z. then restated his question as it had not been answered, and depending on the answer, may want to be included in the motion.

Tim H. responded that unless David S. further amends the motion, he would have to come back to this committee; it will also depend on code and if it's changed or not. If so, it may be a natural progression to be included.

Kathy W. then clarified that Mohave was not piloted through COP; it was through a conversation with and approval by Adult Probation Services Division (APSD).

Tim H. asked if that would mean that any county or department that are interested in joining the pilot program, and are not included in the motion, can just contact the AOC? If so, then David's motion is not even necessary.

MOTION WITHDRAWN: David Sanders withdraws the motion.

Tim H. stated that any department (Adult or Juvenile) that has interest in joining the pilot then, can contact Kathy Waters or Chad Campbell to discuss it.

Kathy W. added that of course there will follow up, code has to be looked at and there needs to be a process. Having said that, it does not prohibit counties from contacting the AOC.

VII. NON AGENDA ITEMS

Kathy W. recognized that in Adult Probation - All 15 counties are now in the process of being approved to move to the Evidence Based Practice (EBP) code. The process has been 8 years in the making. The code includes: Standard, IPS, Powers and Duties, Interstate Compact, (everything that has to do with adult supervision of offenders).

XI. CALL TO THE PUBLIC

Nothing from the public.

XII. ADJOURNMENT

Tim adjourned the meeting (without a motion) at 12:13pm

Next meeting – Friday, April 29, 2011