

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

**OCTOBER 14, 2011
9:00 A.M. – 12:00 P.M.**

Chair:

Tim Hardy

Attending Members:

Stan Alexander
Rene Baca
Barbara Broderick
Chad Campbell
C. Daniel Carrion
John Dyess
Carl Fox
Hon. Warren Granville
Billie Grobe
Arno Hall
Steve Hardy
Tim Hardy
Vincent Iaria
Scott Mabery
Bryon Matsuda
Diane McGinnis

Chuck Moter
Paul O'Connell
Darrell Reeves
David F. Sanders
Rik Schmidt
Delcy Scull
Sharon Sikora
Betty Smith
Don Stokes
Livingston Sutro
Sue Von Borstel
Kathy Waters
Cindy Winn
Lucinda Yellowhair

With Regrets:

Margie Brakefield
Mario Moreno
Kendall Rhyne
Tivo Romero
Todd Zweig

Proxies:

Richard Chavez

Brian Finucane

Guests:

Jerry Landau
Dave Byers

**AOC Committee
Staff:**

Mark Koch
Diane Herst

I. WELCOME

Tim Hardy called the meeting to order at 9:10 a.m. He announced that Agenda Item III. Model Drug Policy had been pulled from the agenda due to some last minute discussions with the AG's office. Since that was the bulk of the agenda, and the next speaker would not be in attendance until 10:30am, he asked that everyone elaborate their introductions and include updates.

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.

Mr. Hardy asked that Barbara Broderick lead the committee in reciting the Pledge of Allegiance.

Introductions were made around the room and updates were given:

Ms. Broderick – Maricopa County Adult Probation Chief: Most proud of FAU (Fugitive Apprehension Unit); had set a goal of getting under 6,000 warrants, both by apprehension and purging old warrants. Judge Granville played a key role in getting under 6,000 as last year there were almost 10,000; also working with the Marshall's office on "Operation Predator" – 205 sex offenders now, with a goal of 0 next year.

Steve Hardy – Yuma County Adult Probation Chief: Project SAFE test program with IPS (Intensive Probation Services) program; beginning Nov. 1st in Standard Probation program; working closely with presiding judge who is spearheading the project.

Judge Granville – Associate Criminal Presiding Judge in Maricopa County: Has been the Chairman of probation committee run by the court; monitors sex offender's requests for modifying or terminating their terms; has worked with JTOP (Juvenile Transfer Offender Program) in the past.

Kathy Waters – Adult Probation Services Director, AOC: Continuing to work on quality assurance; all 15 counties have implemented the new code of Judicial Administration in regards to Evidence Based Practices (EBP); continue to measure the fidelity of the program and the assessment; using motivational interviewing (MI); changing the offender's behavior by changing officer's behavior; did not receive money although benchmarks had been reached for the last two years; third year numbers are looking positive as well.

Arno Hall – Navajo County Juvenile Court Director: Helped sponsor recent drug summit with approximately 800 attendees; collaborated with county attorney and other agencies; focused on reducing prescription and illicit drug abuse.

Don Stokes – La Paz County Line Officer (combined Adult/Juvenile): Chairman of State Probation Officer's Association; on the board for AZCOPS and chairs the probation subcommittee there which handles legislative issues; tremendous increase recently in sex offenders in La Paz County; have a small department and everyone wears many hats.

John Dyess – La Paz County Chief Probation Officer (combined Adult/Juvenile): Began a new substance abuse program last year which is different than many other drug court programs as attendance is wide open; not focused only on drug offenders or DUI offenders; normally 5-6 people are in the program at one time, many who have multitude of issues; like many small counties, also struggle financially but are moving forward.

Rene Baca – Graham County Chief Probation Officer/Juvenile Court Director (combined Adult /Juvenile): Supervise approximately 100 juveniles and 500 adults and have a staff of 26; actively educating schools, teachers and parents on the issues of sexting, spice and bath salts;

program is in its second year and is a collaborative effort between the county attorney's office, the Bench, probation and local police.

Sue Von Borstel – Pima County Lead Probation/Line Officer: Received recent accommodation for EVP report in Pima County, the assignment process involved and also for the group training procedure involving all newly hired probation officers; the training has been quite effective; Ms. Von Borstel also announced she will be retiring in January 2012.

Carl Fox – Public Member: Has been retired, but recently went back to work at the state hospital in the forensics unit; still president of the AZ Probation, Parole and Corrections Association and is looking to putting together some trainings for probation and would like feedback from the committee.

Betty Smith – Apache County Court Administrator: Starting an adult drug court program; still moving along with juvenile drug court called "Solutions Court."

Livingston Sutro – Cochise County Adult Probation Chief: Recently they have taken two significant economic hits; did not receive drug court grant and funds for the federally funded domestic violence program was not reinstated; closed study groups for SAFE project evaluation; monitoring how probationers are doing under the various supervision regimens under the study.

Delcy Scull – Cochise County Juvenile Court Director: Currently piloting an evening reporting center in Douglas where the probation staff has created programs for juveniles who are in need of services; on-line school through EdOptions in Sierra Vista has proven successful – also transporting in kids from Benson and Douglas; watching this population actually receive diplomas has been great.

Brian Finucane – Pinal County Adult Probation Division Director: Progressive department of approximately 69 employees; institutionalized EVP into the policies and practices; looking at implementing Project SAFE; currently utilizing JWI (Justice Web Interface); recently formulated and instituted a new business plan for the department.

Chuck Motor – Apache County Probation Services Director (combined Adult/Juvenile): Adult drug court to be implemented within the next couple of months; juvenile drug court "Solutions Court" has been very successful and encompasses high risk youth with other issues as well, such as anger management.

Scott Mabery – Yavapai County Juvenile Court Director: New facility (80 beds) slated to be complete in July 2012; Carl Fox assisted and was on the community advisory board that helped in the planning of it.

Stan Alexander – Public Member with Magellan Health Services: Work with community groups and the individuals to be more involved in their own recovery.

Sharon Sikora – Public Member and co-founder of MADD and SADD in AZ: Contacted by the Smithsonian for all of their records as AZ was one of the initial states to join the national organizations; they are opening a room with AZ items and will take about a year; currently working with Candy Lightner on new national organization, We Save Lives, coordinating all of the highway safety groups across the country.

Richard Chavez – Navajo County Adult Probation Deputy Chief: Department received a federal drug court grant allowing us to expand into northern AZ area; in-house cognitive behavioral programs being utilized successfully.

Bryon Matsuda – Coconino County Juvenile Court Director: Program focusing on five life skills; as a positive daily routine with: rules and boundaries, academic terms that structure law abiding living, restorative accountability, relapse prevention (preparing for the future) and having a positive support system; creating it in terms that are more kid friendly; work with them where they are at, not where we order them to be; family inclusive environment; skill development with "Seven Steps of Change"; integrated caregivers and programmers driving toward the five skills.

Paul O’Connell – Community Corrections Operations Director, AZ Department of Corrections (DOC): New committee member; DOC incarcerates about 41,000 people and releases appx. 12,000 people into the counties; re-entry is a big issue for DOC, as well as many counties; interest is to help build relationships between the counties and the DOC for successful reintegration of these offenders; DOC recently received a Justice Collaboration Grant which provides re-entry services to seriously mentally ill offenders and those with co-occurring disorders; part of the grant will fund two statewide conferences, bringing in nationally known speakers providing information on those topics; county probation departments will be invited to participate around Spring 2012.

Lucinda Yellowhair – Chief Probation Officer, Navajo Nation: New committee member; 17 years experience with both juvenile and adult probation; does not directly supervise the 29 PO’s, supervised by each of the court administrators in each of the 10 judicial districts on the Navajo Nation; working toward Chief Justice Herb Yazzie’s goal of having this program on its own unit within the next two years with own funding and Evidence Based Practice (EBP); The Nation has been using EBP, comes from traditions and culture; have many of the same priorities/issues as the counties do: drug court, teen court, EBP, sex offenders and interstate compact; Some Navajo jurisdictions also sit in New Mexico and Utah; surrounding boundaries of Indian Nations: Yavapai, Zuni, Pueblo, Ute, and Hopi at the center; making efforts to work with other Indian Nations; Chief Justice Yazzie believes that jail is not the way to help the people; have no jails on Navajo Nation, 2 main facilities hold up to 30 people; main component that used is probation; have at least 100 cases per officer (adult/juvenile).

II. LEGISLATIVE UPDATE (taken out of agenda order)

LEGISLATIVE PROPOSALS– Jerry Landau, Government Affairs Director, AOC
(Accompanying handouts)

Mr. Landau stated that for these proposals, he is looking to the committee’s recommendation to the Arizona Judicial Council (AJC) on each; supporting it, not taking a position on it, or opposing it.

2012-1: Criminal Code; Law Enforcement; Probation Officer Correction Bill

- §8-208 Juvenile court records. is identical to proposal 2012-6; this may end up being handled by court rule; Some in Maricopa county believe the statute does not permit transmitting information without a court order between juvenile probation departments; subsequent discussion not seeking legislative clarification and should be handled by court rule

Summary of discussion:

- Chad Campbell commented that information sharing is a challenge in Maricopa because of iCIS (Integrated Court Information System) as they are not a part of the JOLTS system
- Ms. Von Borstel stated that adult probation officers sometimes have difficulty obtaining juvenile information for investigations and asked if it would be appropriate to add the language “or as an adult in superior court” at the end of sentence number one and at the end of sentence number two adding the language “and with adult probation”; thus allowing adult probation officers access to juvenile records. She continued, that specifically, pre-sentence reports that were written by the juvenile officer are difficult to obtain.
- Mr. Landau replied that it can be discussed with our legal group; there is a provision in statute that allows the use of juvenile records in adult pre – sentence reporting; is it that the information is not available due to legal interpretation or due to logistics?

- Mr. Campbell stated that right now it looks more like a logistics issue than a legislative one, but we will follow up
- Mr. Schmidt commented that certain levels of confidentiality are required; some things cannot be released without a court order
- §12-123 Jurisdiction and powers: says the maximum fine for a misdemeanor is \$1000 while under Title 13, Ch. 8 it was changed to \$2500 a decade or two ago; this one just never caught up (No discussion)
- §13-703 Repetitive offense sentencing: Sentencing code was reorganized a few years ago; the first offense non dangerous and the category 1 prior have always had identical sentences; this was off by 1/10 of a year with lengths of sentencing; this will conform it (No discussion)
- §13-709.02, §13-709.06 Special sentencing provisions: renumbering the sections (No discussion)
- §13-907 is being dropped (No discussion)

MOTION: Diane McGinnis moved to support 2012-1 moving forward to AJC. Chuck Moter seconded the motion.

Discussion ensued prior to the vote.

- Mr. Schmidt asked for clarification on how the motion supports the individual actions of proposal 2012-1; specifically if the committee is recommending that §8-208 be handled by court rule or legislation
- Mr. Landau replied that if the committee feels that §8-208 should be handled by court rule, include that in the motion, or it can be separated out

AMENDED MOTION: Diane McGinnis amended the motion to allow §8-208 to be handled by court rule. Chuck Moter seconded.

No further discussion. Motion carries. COP 11-14.

2012-6: Juvenile Probation Records (May be merged into the Criminal Code Correction Bill)

As stated before, it is identical to §8-208, and will be withdrawn by AJC and either included in the discussion of the criminal code clean up, or will be dropped completely because of going through as court rule. (No discussion)

2012-7: Court Employees; Salary; Approval

Removes the statutory requirement of the board of supervisor's (BOS) approval of salaries for court reporters and adult probation employees

Summary of initial discussion:

- Mr. Campbell suggested that juvenile probation employees need to be included as well
- Mr. Schmidt relayed that the Court in Pima County has their own judicial merit and compensation plans and are not managed by the county; these two positions are essentially the only ones where salary has to be approved by BOS; they are just looking to make everything uniform
- Ms. Broderick voiced concern that this may lead to major controversy within Maricopa County as the BOS approve all of their positions; the compensation plan is negotiated together and with a lot of input already, but this would look very different for the county

- Mr. Matsuda stated that this would cause possible problems in Coconino County as the BOS are very supportive of juvenile probation (and adult probation); Coconino has a system more similar to Maricopa County than to Pima County

Mr. Hardy stated that the committee can oppose it, take no action, or support it and asked if there was a recommendation.

Further discussion ensued.

Ms. Broderick stated that there may be a court case out of Maricopa County where they attempted to fix salaries without BOS permission; may be acting prematurely if there are court cases that set precedent; Mr. Landau responded that Dave Byers says it was a negotiated statute many years ago.

Mr. Schmidt asked Mr. Landau about the time frames on this issue going to AJC and if there is time to take the comments made here back to Pima County to research possible existing precedent before moving on. It was decided there was not sufficient time to do so; however this conversation would be relayed to AJC through Mr. Landau and the COP members who would be in attendance at the subsequent 2011 AJC meetings.

MOTION: Rik Schmidt moved to take “no action” other than to recommend referral to AJC for a subsequent review and/or vote; in the mean time, the county (Pima) work specifically with Mr. Landau and the legislative department of the AOC, etc. to try to clarify.

Discussion ensued prior to the vote.

Mr. Schmidt clarified that his suggestion is to not take a vote on the issue at this time, but to move forward to AJC. Mr. Hardy asked for clarification that all of these proposals are moving onto AJC with this committee’s recommendations of supporting, opposing or taking no position. Mr. Landau responded that yes, they are all going to AJC and it is not necessary to have a motion in order to move them forward, just looking for the committee’s recommendations.

Mr. Schmidt withdrew the motion and further discussion ensued.

Mr. Mabery asked if the [proposal] gives discretion to each county to decide how they want to set salaries. Mr. Landau replied that the BOS would no longer approve the salaries for Court Reporters and Adult Probation employees statewide. He added that if it were to move forward, he assumes it would include juvenile and the state statute would apply across the board.

Ms. Smith commented that many Court Administrators did not know the BOS had the power to approve these two positions. Some were unaware of the statute and did not know to ask for, nor had been asking for, approval for these two specific positions. She continued by stating that there was an informal Attorney General (AG) opinion on a particular situation in Apache County which said that when the budget is approved, the BOS only plays a ministerial role for specific salary levels.

Ms. McGinnis stated that the statute already allows the courts to establish salaries, except for these two positions. She continued that most courts have a cooperative arrangement with county BOS in adopting their salary decisions anyway, and in some cases the BOS play only a ministerial role. She further commented that this change really seems to be cleanup and creates consistency for all court positions; however, raising the issue in light of only two positions may not be the best approach politically speaking.

Mr. Landau commented that he asked the AOC legal group to research how county salaries are set. The statute referring to probation personnel currently says “the salary ranges of probation department personnel shall be fixed by the BOS on recommendation of the presiding judge”; the change to the statute would say that “the salary ranges of the Adult Probation department personnel shall be fixed by the presiding judge” (court reporters are similar); proposal statutorily removes the BOS from being able to set the salary.

Mr. Sanders asked if this would apply to every position in Adult Probation. Mr. Landau replied, adult probation personnel, and yes it is every position the way he reads the statute.

Mr. Dyess commented that it may be very beneficial for La Paz County to be able to work on salaries with the presiding judge. Mr. Landau suggested, as Ms. Broderick mentioned, to keep in mind that the budgets are still set by the BOS.

Mr. Schmidt added that in Pima County, even with the authority to set the salaries, the funding issue requires a high level of collaboration and negotiation with the BOS. Pima’s original intention was to clean it up to have the same authority across positions.

Mr. Stokes asked why the proposal only pertains to Adult Probation and not to all of Probation. Mr. Schmidt replied that it also pertains to Juvenile, within another statute; any proposal going to the legislature should include both. Mr. Landau added that if the AJC instructs him to move forward with it, he will write it to apply to both.

Mr. Hardy asked if there was a motion after hearing the comments and explanations

MOTION: John Dyess moved to adopt or accept the proposal as written.

Discussion ensued prior to the vote.

Mr. Mabery believes the way the proposal is written gives discretion for the counties to decide whether the judge or the BOS set the salary; however the actual draft of it says the judge “shall” set the salaries. Mr. Landau clarified, in case the summary (handout) is misleading; the proposal itself states that the presiding judge fixes the salary of probation department personnel and court reporters.

Mr. Hardy asked Mr. Dyess if he would like to withdraw his motion or keep it as stands.

Mr. Dyess replied that his motion stands as written. Don Stokes seconded.

Further discussion ensued prior to the vote.

Mr. Matsuda commented that Coconino County, as a rural county, would not benefit from this proposal. Judge Granville added that with a history of funding battles in certain counties and independence of the judiciary being decision making, not purse spending, there may be tension caused by this. Mr. Stokes commented that a system of checks and balances is in place; ultimately the BOS has the power to determine hiring, positions and salary just with their overall approval (or not) of the budget.

Mr. Schmidt clarified that there would be no substantial change right now, and it is always contingent upon negotiating effectively with the BOS for funding. From Pima County's perspective, it's just placing these two job classes under the already existing umbrella; bringing it into alignment with who we believe should have the authority to set the salaries; does not guarantee the funding asked for.

Mr. Hardy asked if this would not include other court positions in Counties with judicial and with separate merit systems. Mr. Landau replied that the statutes Pima County seeks to amend are specific to court reporters and probation personnel; these are the only two professions that would be impacted by the change and in each and every county. He continued that the two statutes presented to him, §12-224 (Salary Fees for Transcripts) having to do with court reporters and §12-252 (Salaries and Expenses) having to do with Adult Probation (juvenile probation would be added to it) are the only statutes affected.

Mr. Hardy called for a hand count vote on the motion made by Mr. Dyess.

12 votes yes; 15 votes no; Motion to support the proposal fails.

Mr. Landau then conveyed the many compliments given to AZ probation at conferences he attended in Washington D.C. with probation personnel from around the country.

Proposal from AZ Bail Bondsmen Association

Release onailable offenses before trial

Mr. Landau introduced the proposals by stating that the AZ Bail Bondsmen Association is bringing forth eight proposals; based on a national movement by bail bondsmen. One (of the eight) proposals could impact probation (see handout); does three things according to the bail bondsmen he spoke with:

- Prohibits cash bonds except when the defendant previously failed to appear or has unpaid child support/fees
- Verified prior felony conviction within 7 years, requires minimum \$2500 bond posted
- Prior failure to appear requires minimum \$1000 secured appearance bond

AJC is already opposing this proposal; Mr. Hardy then asked if there was a motion from the committee and there was none.

Fraternal Order of Police (FOP) Proposals:

Proposal #1: Discipline Hearings

- Part One - The words "if applicable" were written in to allow clean up of legislation; currently requires alternate hearing officers in counties with populations less than 250,000 and cities with populations less than 65,000 through IGA process

- Part Two – Defines “disciplinary action” from which a person can appeal as dismissal, demotion or suspension for any length of time; not only for the currently established 8 hours

Mr. Hardy asked if there was a motion from the committee.

**MOTION: Scott Mabery moved to not support proposal number one.
Rik Schmidt seconded.**

Mr. Landau then asked if the motion was based only on part two (the 8 hour time frame down to zero hours) and not on part one (the clean-up of current legislation). Mr. Mabery stated that was correct.

Mr. Hardy called for a hand count vote and then discussion ensued.

Ms. Broderick asked if Mr. Mabery would consider amending his motion on the basis that part one (clean up) is acceptable and that opposition is to part two (the 8 hours). Mr. Mabery asked for clarification in part one; the term “if applicable” would not apply to all counties as Yavapai County has a merit board and does not have hearing officers, so the legislation does not apply there. **He further stated that he would amend the motion as suggested by Ms. Broderick if it clarifies that.** Mr. Landau replied that the term does not substantively change the existing law; only applies in the situations where there is not more than one hearing officer.

Mr. Hardy asked Mr. Schmidt if he would still **second the amended motion**. He stated that he would; further discussion ensued prior to the vote.

Summary of further discussion:

- Mr. Sanders commented that he used to be in opposition to the reduction in hours (as in part two of the proposal) but currently believes that any disciplinary action that takes money out of someone’s paycheck should be subject to review
- Mr. Stokes agreed with that statement and added that he is in opposition of the practice of giving the [officer] 8 hours simply because he cannot challenge it.
- Mr. Matsuda pointed out the challenge in using progressive discipline if a limited suspension process was not available.
- Ms. McGinnis asked for a show of hands of how many counties (in the room) are able to do an 8 hour suspension and under their own rules, not face the possibility of an appeal that could result in a hearing; no official count was taken.
- Mr. Schmidt clarified that there is a difference between an appeal and a grievance; the grievance process in Pima County provides protection and at issue in this is the appeals process which would result in a hearing procedure.

Mr. Hardy then asked Mr. Mabery to restate his motion for the committee’s clarification.

Mr. Mabery stated that the motion is in two parts; accepting part one of the proposal (the hearing officers going out of county), and not supporting part two of the proposal (the 8 hours suspension down to zero hours). Mr. Landau suggested bifurcating the motion; vote on the clean-up legislation first and then vote on the 8 hours issue second and that’s what he will relay to AJC.

AMENDED MOTION: Scott Mabery moved to not support the second part of proposal number one; disciplinary action of 8 hours down to zero hours. Seconded by Diane McGinnis.

16 votes in favor of the motion; 7 votes not in favor of the motion. Motion carries. The committee does not support part two of proposal number one. COP 11-15.

Mr. Landau asked if “not support” means “oppose”. The answer was ‘yes’. He then asked for those who are opposing [the legislation] to please send him the talking points on why they are opposing it; in case AJC adopts that position, he will need to lobby against it and he may ask committee members to testify before the legislature.

MOTION: Diane McGinnis moved that the Committee on Probation recommends accepting the first paragraph of proposal number one that involves an alternate hearing officer. David Sanders seconded.

All in favor; motion carries. COP 11-16.

Proposal #2: Fitness for Duty

- An employer may order an officer (law enforcement or probation) to submit to a physical examination only when the officer has acted (or failed to act) in an observable manner indicative of a physical condition limiting the ability to perform within the job description
- Requires at least 10 days notice to the officer; officer has right to audiotape the examination; employer must provide final examination report with: all pre-examination materials (findings, results, diagnosis and conditions, reports of all earlier examinations of same condition considered by the medical professional) and copies of all written or recorded notes by the examiner at the time of the examination
- Report must be provided to the officer immediately (if the officer has provided a final report of an independent examination) or within 10 business days after the employer receives the final report of the examination. Employer may provide additional information related to the fitness for duty examination to the officer
- No final action may be taken by employer until after the officer has had a minimum of 20 days to review the report. The officer shall have the right to an independent medical examination

Summary of discussion:

- Mr. Mabery commented that FOP raised the issue last year; why did it fail at that time? He added that probation needs to be taken out completely
- Mr. Landau replied that it never got to a vote before; it was pulled in negotiations
- Ms. Broderick stressed it is a very important subject for probation officers; she would propose reaching out to FOP and AZPOA to negotiate something that would benefit all parties; she would oppose this bill as it is written

MOTION: Barbara Broderick moved to oppose this written format of this bill, and suggested that Mr. Landau reach out to AZPOA and FOP for a Probation Officer fit for duty discussion. Seconded by Livingston Sutro.

Discussion ensued prior to the vote.

Mr. Stokes commented that they are in the process in La Paz County of writing physical fitness standards; it will be some time before they know how they would be affected by it, so he would oppose it. Mr. Sanders asked if Mr. Landau would contact the organizations mentioned by Ms. Broderick on behalf of the Probation Chiefs. Mr. Landau replied that if AJC or Mr. Byers requests that, then yes.

Mr. Hardy then clarified to the committee that a “Yes” vote supports to oppose the proposal.

All in favor to oppose; motion carries. COP 11-17.

NON –AGENDA ITEM PRESENTATION: (taken out of agenda order)

Mr. David Byers, Director, AOC

Mr. Byers addressed the committee about federal legislation and the National Center for State Courts asking for our assistance. They are working to counter objections to the Court Fee Intercept bill (HR 1416/S 755). The objections are that a tax refund intercept program would negatively impact the indigent coming out of prison. The groups making these arguments are centered on the prisoner re-entry movement and they include: the Brennan Center for Justice, ACLU, the Sentencing Project and others. He asked that Kathy Waters forward the report to the committee; not to fill out the exact data they are asking for, but rather come up with some better arguments and thoughts on how to counter the group’s arguments.

Summary of discussion:

- Mr. Byers stated that the vast majority of the tax intercept now is from traffic tickets, not from felony offenders. Potentially, very few former prisoners’ income tax is being intercepted. Even though it is a small percentage of the total being intercepted, we are getting opposition from Congress on this issue. One argument they mention is that there are states (AZ may be one of them) that do not have a community service option as way for people to pay off that debt; we do have the option for probation, but is there a way for a person out of prison or on parole to pay off debt through community supervision (service)?
- Mr. O’Connell replied that (as far as with AZ DOC) there are no community supervision (service) programs for people being released from prison; in fact there is no collection of court ordered fees, fines or restitution. He stated that they refer them to the court to make those payments, but do not physically collect those monies
- Mr. Byers added that community service may be an option to begin looking at; we need to look at the Brennan arguments and formulate our counterpoint; for all of the people going into the debt setoff program, most of them are not coming in to set up a time payment program, most are failing to appear altogether
- Ms. Waters stated she would set up the discussion through a conference call for the following week
- Ms. Grobe commented that reentry is a barrier; recently had an individual being released from prison and with the 10% being charged per annum, he will never get to the principle; he is willing to pay it, just doesn’t have the means

- Mr. Byers replied that if they are willing to make payments, even it is only \$10 per month; no one goes into debt if they are making their payments, only if they refuse to pay at all. He continued that courts should be willing to set it up based on the person's income; even if it is a minimal amount; but they can't just walk away and not pay completely
- Ms. Grobe stated that is information that needs to be clarified to reentry groups because they may not understand it in that way
- Ms. McGinnis agreed that there needs to be more clarification for persons going thru reentry; our state needs to give them all the alternatives available after all assessments are completed and then asked if there can be a delay in time before the tax intercept; maybe a 2-yr timeframe
- Mr. Byers replied that logistically a clerk may not know when someone was released, but that may be a fair approach if there was a mechanism in place for that

Mr. Hardy reiterated for interested people to contact Ms. Waters

III. APPROVAL OF MINUTES (taken out of agenda order)

Mr. Hardy asked for a motion to approve the minutes from the last meeting.

**MOTION: Vince Iaria moved to approve the minutes from August 26, 2011.
David Sanders seconded.**

All in favor; Motion carries. COP 11-18.

The Committee then took an approximate 10 minute break and reconvened at 11:40am.

Introductions/Updates continue:

Billie Grobe – Yavapai County, Chief Probation Officer: The recovery month celebration in Prescott, won award from SAMHSA (Substance Abuse and Mental Health Services Administration); the re-entry program begins in January, there is a brochure being circulated to people in DOC out of Yavapai; services begin in January and now certifying community coaches; Cognitive Behavioral for sex offenders program as an adjunct to treatment and have a lot of success with those who deny.

Rik Schmidt – Pima County, Juvenile Court Director: Karen Adam is our new presiding juvenile judge who is wonderful to work with; continue to work extensively with the dependency side of the court as well as juvenile; not in the initiative business, we are in the business of doing good work; working on sustainability programs; recently revised mission statements and posted our core values; continue to be designated as a model dependency and delinquency Court; we are also JDAI (Juvenile Detention Alternatives Initiative) model; working on DMC Intervention (Disproportionate Minorities Contact) model from a 3 yr grant; 47 kids today in detention which is on the decline; in the process of replacing Dodie Ledbetter, our longtime detention administrator.

Diane McGinnis – Pinal County, Juvenile Court Director: Juvenile Court now oversees the work of the conciliation and the domestic relations courts; 155 employees under our supervision; financial difficulties as most all counties are experiencing, juvenile court has lost 5 positions this FY alone; beginning a juvenile justice reform process and had our first stakeholders, including the sheriff, the county attorney and the county defender; have a newer presiding judge as well, Kevin D. White who is very enthusiastic and brings great leadership to the county; the teen parents program focusing on

young men (12 are enrolled now) is running successfully and they graduate after accomplishments on many levels of training.

Vince Iaria – Maricopa County, Juvenile Court Director: Developing new practice model using EBP and at the foundation is the new youth assessment system; new model case plans, addressing 7 criminogenic domains; new case management tools; motivational interviewing and cognitive behavioral training; opening up a citation court around status offender issues, some probation officers will serve as hearing officers; installed cameras within the juvenile detention centers to deter violent episodes.

Cindy Winn – Coconino County, Chief Adult Probation Officer: Focusing on collaborative efforts with sheriff; residential treatment program for both men and women in the jail and through a grant we doubled the number of beds specifically for probationers in the program; can now revoke people to jail in order to complete their residential treatment; Criminal Justice Coordinating Council (CJCC) recently sponsored a team to attend the Smarter Sentencing Conference in Portland; CJCC and many departments are collaborating to bring out some of the speakers to AZ for more opportunities.

Darrell Reeves – Mohave County, Chief Probation Officer/Juvenile Court Director: New committee member; spent 17 years in the Air Force and the AZ Air National Guard; 19 years at Pima County Adult Probation; very proud to have this new position with about 100 staff and a 45 bed detention facility; look forward to future meetings.

David F. Sanders – Pima County, Chief Probation Officer: PO's do approximately 400 pre-sentence reports each month and supervise 7500 probationers a year; Range from 240 to 300 employees depending on funding; currently have 250; Just completed the first year with Project SAFE (Swift Accountable Fair Enforcement) designed to impose short terms of incarceration for misconduct, specifically unauthorized substance abuse. i.e. positive drug test; do not test for marijuana the first month as the positive result will always be attributed to pre-probation drug use; do not defer the sentence - maximum of 3 days time between positive test result and court appearance.

Mark Koch – AOC, Detention/Probation Program Specialist: Operational reviews of detention continue; now combining operational reviews for detention and probation; Navajo County is the first to be reviewed in combination.

Tim Hardy – Yuma County, Juvenile Court Director: Most important part of juvenile court is dependency; the kids did nothing to get into court as compared to the kids in delinquency. Several counties have festivities for Adoption Day in November; great moment of pride for everyone involved.

C. Daniel Carrion – LJC Representative: Public Defender in Maricopa County for 24 years; involved in several projects, from mental health court, DUI court, Veteran's court, as well as JTOP (Juvenile Transfer Offender Program); kids between ages of 16-22 who are looking at going to prison, the program works with them to try to change their behavior; currently have approximately 116 juvenile offenders in the program.

IV. SUB-COMMITTEE UPDATES:

SSAC (Staff Safety Advisory Committee) - David F. Sanders

Mr. Sanders reported that the committee is waiting to meet until the physical standards report is received from Concentra; moving along well, looking to be at less cost than what was first expected; presumably able to share details on the program in January.

V. NON-AGENDA ITEMS

Mr. Hardy announced that the 2012 schedule for COP will be sent out shortly; waiting on the AJC schedule to plan around it.

Mr. Carrion announced that the Arizona Problem Solving Courts Conference will be held sometime in May of 2012; more details to follow.

VI. CALL TO THE PUBLIC

None.

VII. ADJOURNMENT

**MOTION: Ms. Broderick moved to adjourn the meeting at 12:05. Ms. Waters seconded.
All in favor. COP 11-19.**