

**COMMITTEE ON PROBATION (COP)
ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
1501 WEST WASHINGTON STREET
CONFERENCE ROOMS 345 A & B
PHOENIX, ARIZONA
OCTOBER 5, 2012
9:00 A.M. – 12:00 P.M.**

Chair:

Tim Hardy

Attending Members:

Stan Alexander
Jacqueline Barnes
Barbara Broderick
Chad Campbell
C. Daniel Carrion
Arno Hall
Josh Halversen
Paul Hancock (Interim)
Tim Hardy
Scott Mabery– by phone
Bryon Matsuda
Eric Meaux
Mario Moreno

Chuck Moter
Paul O’Connell
Darrell Reeves
Kendall Rhyne
Tivo Romero
David F. Sanders
Delcy Scull
Sharon Sikora
Livingston Sutro
Todd Zweig

With Regrets:

John Armstrong
Hon. Kimberly Corsaro
John Dyess
Carl Fox
Hon. Warren Granville
Billie Grobe
Steve Hardy
Stephen Rubin
Kathy Waters
Cindy Winn
Lucinda Yellowhair

Proxies:

Sherry Pommer

John Morris
Karen Hoffman

Sarah Douthit

Guests:

JL Doyle
Jerry Landau
Matthew Polk

AOC Committee

Staff:

Mark Koch
Diane Herst

I. WELCOME, PLEDGE of ALLEGIANCE and INTRODUCTIONS

Chair, Tim Hardy, called the meeting to order at 9:07am and asked Mr. Chuck Moter to lead the Pledge of Allegiance. Introductions were then made around the room.

II. APPROVAL OF MINUTES (from August 3, 2012)

MOTION: Mr. Chuck Moter moved to approve the minutes from August 3, 2012; Mr. David Sanders seconded. All in favor, motion carries. (COP 12-07)

III. LEGISLATIVE UPDATE – Mr. Jerry Landau, Legislative Officer, AOC

Mr. Landau introduced Matthew Polk, legal extern from Arizona State University (ASU), Sandra Day O'Connor School of Law. He then addressed the following legislative proposals being brought before the Arizona Judicial Council (AJC):

2013-1: Probation; PCR (Maricopa County Superior Court)

Initially, Maricopa County was proposing legislation permitting those on probation to a municipal court, but supervised by the county probation department, to pay their probation fees at the municipal court. However, "Probation" may now be removed as the issue of appointed counsel billing for post-conviction relief representation will be handled through an Intergovernmental Agreement between Maricopa County, the municipal court and probation.

2013-2: Driving under the influence; fees; waiver

The issue of courts substituting community restitution in lieu of driving under the influence (DUI) fines was ultimately decided to be conducted through the appeals process; proposal was withdrawn.

2013-3: Criminal code; conforming changes

Will now be a joint effort between the defense bar, the prosecution and the court; nothing substantive so it was withdrawn.

2013-4: Probate omnibus (Administrative Office of the Courts)

Permits the Superior Court to order Alternative Dispute Resolution (ADR) or arbitration prior to the appointment of a fiduciary. It was proposed by AJC last year; however, was attached to other bills that died within the process and is being proposed again.

Updates at the Legislature:

- Due to redistricting, retirements and term limits there are a number of openings at the legislature
- Potentially a leadership race in the Senate; 6 or 7 districts that will be decided with the upcoming election
- At this point there appears to be no other legislation that affects probation, but some that may affect juvenile justice; although it usually tends to not move forward
- One issue to be aware of: there has been talk that some sheriffs want to take over the responsibility for determining whether weapons are allowed into courts by law enforcement; this would take the responsibility away from the presiding judges. There may be some constitutional issues as well as others; AJC has not taken an official position as of now.

IV. ACJA § 6-202.01 ADULT INTENSIVE PROBATION EVIDENCE BASED

PRACTICES (EBP)

– JL Doyle, Administrative Services Manager, Adult Probation Services Division (APSD), AOC

Ms. Doyle presented the revisions to the adult intensive EBP code and explained that a workgroup looked at two substantive changes: adding supervision levels to the waiver and placing parameters around the AOC administrative director's approval / denial of waivers. The third task of the workgroup was how to consolidate the code by eliminating redundancies; this is the bulk of the revisions made to the code.

- Adding supervision levels: currently the code reads that probationers are supervised per the statutory waiver requirement of one time per week which cannot be reduced, but can be increased as necessary;
- The additional levels would mirror the two- and three-person team's levels of 2 through 5; for instance, higher risk persons would be required to be supervised beginning at a contact level 2
- Guidelines for approval or denial: Over the previous four years, as waivers come in, there has been little explanation or justification when they are approved
 - Three criteria added –
 - ✓ size of the department's Intensive Probation Supervision (IPS)
 - ✓ geographical makeup and "windshield time" for jurisdictions
 - ✓ broad definition of how each jurisdiction's IPS structure fits within EBP and how a particular type of supervision would be more beneficial for those deemed as one-person teams

MOTION: Mr. Sanders moved to approve the revised code as drafted; Mr. Josh Halversen seconded. All in favor, motion carries. (COP 12–08)

V. CRITICAL INCIDENT REPORTS

– Barbara Broderick, Chief Adult Probation Officer, Maricopa County

Ms. Broderick presented a power point presentation of Maricopa County's critical incident reporting procedures, which featured statistics gathered over some previous years.

Identifies many areas including, but not limited to:

- Search and seizure activity
 - searches on homes, cars, etc.
 - the number of searches
 - drugs and weapons seizures
 - pornography related items
 - money and other contraband
- Threats and assaults
 - threats are decreasing due to sight of taser
 - assaults are decreasing due to defensive tactics training
- Damages and loss
- Accidents
 - Employee injuries
 - ✓ decrease over the previous four years

- ✓ most injuries happen in defensive tactics training
- ✓ falls
- ✓ auto accidents
- ✓ dog bites
- Medical emergencies
- Use of force
 - excluding firearm draws
 - handcuffing
 - use of force by others within probation setting

Continuing to develop specific training areas such as;

- how to approach a home (especially with dogs)
- defensive driving
- hands-on courses
- The Education Services Division (ESD) at the AOC should be commended as it is their trainings which have made all the difference in the statistics
- APSD working with Juvenile Justice Services Division (JJSD) to create statewide critical incident reports

The committee then took a break at 9:42 a.m. and reconvened at 10:06 a.m.

VI. 2013 PROBLEM SOLVING DRUG COURT CONFERENCE

- **C. Daniel Carrion, Maricopa County Public Defender**

Mr. Carrion, as President of the Arizona Association of Drug Court Professionals, spoke briefly about the history of the conference.

- The next conference is May 14 – 15, 2013 in Prescott, AZ; and in partnership with ASU's Center for Applied Behavioral Health Policy, will highlight many treatment providers and will focus on juveniles in the courts and the judges
- The cost of the conference is \$149 until March 14, 2013, then goes to \$179; there may be a few scholarships available for officers
- Hotel rooms for the conference are \$60 at the Prescott Resort Until March 14, 2013

VII. SUB –COMMITTEE UPDATES

- SSAC (Staff Safety Advisory Committee) – David Sanders
 - The request to modify the Administrative Directive regarding concealability of thigh holsters will be presented at the next director's meeting
- COPE (Committee on Probation Education) – Todd Zweig (please also refer to handout)
 - The revised IPS training institute was completed in September
 - New IPS officers who are required to go to the institute within their first year, still attend the full institute as well as some of 21 new electives added to the curriculum; existing officers can also choose to attend these new electives being offered
 - New supervisor curriculum through the Arizona Court Supervisors Program; first training will be November 29th

- Excellence in Education Awards – probation, detention, defensive tactics and firearms were presented in September
- PACC (Probation Automation Coordinating Committee) – Barbara Broderick
 - Looking for ways to be more viable in bringing issues to the Committee on Technology (COT)
 - For issues related to the Adult Probation Enterprise Tracking System (APETS) or the Juvenile Online Tracking System (JOLTS), please submit to Rona Newton; also please continue to respond to the emails Rona sends out asking for information

VIII. AROUND THE STATE

Maricopa County – Barbara Broderick

- Maricopa adult has been awarded 2 different grants; one for the re-entry program and the other for case management programming
- Conducted 20 “listening sessions” in order to find out what the themes are across the agency and how to get there within a three year plan

La Paz County (combined) – Sherry Pommer

- Continuing to work on the Shining Star Program

Gila County (combined) - Kendall Rhyne

- Working with San Carlos Indian Reservation through the Juvenile Detention Alternative Initiative (JDAI)
- In January 2013, the county will have a new sheriff and county attorney; the attorney’s platform was to get tougher on crime; subsequently there may be a rise in the number of detainees
- Recent collaboration of a local artist and the kids in detention to paint a mural

Navajo County (adult) - Paul Hancock

- Drug court is expanding in Navajo adult

Navajo County (juvenile) – Arno Hall

- Received help from AOC and COPE in identifying juvenile detention officers who could be master trainers through Handle With Care (HWC) curriculum, “Train the Trainer”

Coconino County (juvenile) – Bryon Matsuda

- Developing pro-social life skills and parenting skills; building evidence based positive working relationships
- Conduct regular surveys of parents and found an 84% effective working relationship reported between parents and officers
- Empowering parents to be the primary provider of structure, supervision, model/teacher of pro-social skills and the primary adult caregiver/leader; 80% of parents report relationship with child has improved

Santa Cruz County (combined) – Tivo Romero

- Caseloads are well below capacity for both adult and juvenile probation
- Credit and accolades given to Chad Kewish and his staff in the Education Services Division of the AOC for the new and improved IPS institute

Arizona Department of Corrections (ADC) - Paul O’Connell

- Conference at Arizona State University (ASU) West Campus to be held on October 10th regarding justice and mental health collaboration with Magellan Health Services greatly involved;

- Focused on re-entry training and have now expanded to 400 participants; will have many high-level, national presenters; it is the first of two conferences being planned, the second will be in Tucson in Spring 2013
- Multifaceted community corrections center in Tucson - converting a minimum security (144 beds) female facility into a center expected to open December 1st, 2012;
 - Addressing the homeless population in Pima County;
 - 90-day inpatient drug treatment program with certified staff;
 - Using it as a sanction center similar to Project HOPE where they will be voluntarily admitted and can be sanctioned for up to a month
- Opening a community corrections center in Phoenix for Maricopa County;
 - Request for Proposals to private stakeholders going out Dec. 1st; if facility not run privately, there will be a unit opening up at the Perryvale prison on the west side; facility could easily be modified into a co-ed / halfway house type setting

Graham County (combined) Josh Halversen

- Annual judicial award for probation recipient, Deputy Chief Sandra Figueroa;
 - Spearheaded the juvenile drug court
 - Great success with the Community Action Board (CAB) for drug and alcohol prevention program in the schools
 - Recently implemented, through the Juvenile Crime Reduction Fund (JCRF), a truancy prevention program with after school tutoring program for juveniles, and an education program for parents

Cochise County (juvenile) Delcy Scull

- Pilot county for JDAI; local services are now being examined;
 - Reaching out to community stakeholders throughout the county where a lot of support has been received; core member of the JDAI team is a minister from Sierra Vista with a youth boxing program; mostly dealing with violent offenders
- November 2nd retreat with JDAI core members defining juvenile detention and the purpose of detaining juveniles in Cochise County; focusing on detaining the right population for the right reasons
- Teamed up with the public defender's office to work with the probation officers to provide theatre classes for kids in detention
- Piloted online school in Sierra Vista; now expanding into Douglas area

Yavapai County (juvenile) Scott Mabery (by phone)

- October 26th at 10:00am - ribbon cutting ceremony for the new juvenile justice center

Maricopa County (juvenile) Eric Meaux

- JDAI site; will be meeting with stakeholders in November to define the purpose of detention
- significant portion of the kids (average of 250 kids a day between 2 facilities) are there not on original offense, but rather subsequent violations
- New hires for executive team; including one from Pima County
- The research division has been working with ASU, and was selected by the Office of Juvenile Justice Delinquency Prevention (OJJDP) to present a national webinar; information to follow soon

Public Member / Co-Founder of MADD and SADD - Sharon Sikora

- Recently attended the chiefs of police conference in San Diego where there was a good turnout from Arizona; they will be focusing more on juvenile issues in the coming years

- Presented at the COPE academy recently; very impressed with the efficiency of the academy
- Arizona has the most items for the early history of MADD in the Smithsonian; national exhibit to open next year about the early history of MADD nationwide

Apache County (combined) Chuck Moter

- Adult drug court has been running for about a year; did not receive grant to continue, however the judge and other key players will attempt to keep it going
- Implementing a Teen AA program within the detention centers and for when the kids leave the facility
- Waiting to receive a grant through the Governor's office to work with juveniles on probation and their families in collaboration with the Arizona Youth Partnership; higher risk kids not on probation can benefit from the program as well

Pinal County (interim combined) Todd Zweig

- JDAI site; has become all encompassing and touches every part of operations; if juveniles don't need to be detained but are, there are negative outcomes for their life; becomes a long term initiative
- Focusing on dependencies within juvenile court; Best for Babies program - looking at the dependency process within the court and placing resources where they can better assist those taken out of the home from 0 – 3 years old
- Hired a child protective mediator to be placed within the dependency system at various stages
- Second adult drug court started in July serving the central part of county

Pima County (adult) David Sanders

- County is currently plagued with heroin addictions; many probationers end up in drug court, go to jail, get out and start using again;
- Such a large number of them abscond, that it undermines the future and success of drug court;
- Implemented strategy of Medication Assisted Treatment (MAT) program for heroin addiction; the county assists with costs for the program as it is linked with jail reduction
 - If someone in drug court uses heroin, they go to jail for 30 days or they can opt into the program; taken directly from court to the program where they undergo an induction: a physical; a medical history; an interview with a psychiatrist and a determination whether they are suitable for Suboxone treatment
 - Each time they opt into the program, 30 days of jail time are saved which after a year can help fund the program and improve the outcome rates in drug court

Cochise County (adult) Livingston Sutro

- Drug court numbers are as high as ever (24) and it is not federally funded
- Completed a year of full participation in Project SAFE study; now conducting preliminary view of data for outcomes;
- Pepperdine University will be assisting with the analysis and are now approaching the county to collaborate on a national study on increased drug testing on probationers

Mohave County (combined) Darrell Reeves

- Moving forward with the adult drug court in Kingman; will be rolling out subsequent ones in Lake Havasu City and Bullhead City mid-year 2013

- Project SAFE plan formulation (adult side) in coordination with the county attorney and the presiding judge taking place
- Encouraged by the new case plans initiatives with AZYAS on the juvenile side; want to move forward with them very soon
- Approved again for teen law school; will be discussed at the APPA conference in January
- Two adult supervisors hired last week; ratio of supervisor to staff was 16:1 now it will be 8:1; also hired a safety trainer for the department

Coconino County (adult) Sarah Douthit

- In month 6 of a pilot program and have seen cases starting out as a prison-only plea, now becoming probation-available
- In month 2 or 3 of newly implemented veterans court
- In beginning phase of partnering with the police and sheriff's departments in a bike loan program similar to Yuma County; using confiscated bikes loaned to probationers
- Collaborative agreement with sheriff's office that during the last 30 days of 90 day treatment program, probationers can be out on work furlough during the day and continue treatment services at night; sheriff's office is helping to fund some of the materials as well

Yuma County (adult) Karen Hoffman

- In the process of increasing Project SAFE
- Had one IPS team and one standard caseload, now have two of each as of October 1st
- In the process of collaborating with stakeholders to develop mental health court
- Audit review project recently passed which was a major accomplishment

Committee on Limited Jurisdiction Courts (LJC) Representative C. Daniel Carrion

- Newly created specialty courts group within the Maricopa County public defender's office; now have three attorneys dedicated to projects
- Second chance warrants – adult probation sent out 700 letters and had 100 people show up to get their warrants quashed and get back on a probation plan; after completion of the plan, many had their probation terminated

U.S. District Probation Office Representative Mario Moreno

- Hiring in the federal probation office is slowing down
- Rolling out their STAR program and their revised search and seizure regulations; on the national level the sex offender management regulations have also been revised
- Now studying the applicability of a veterans program at the federal level
- Many federal officers working around the state (without offices to work out of) have been generously offered workspace in many county probation offices and it is much appreciated

Yuma County (juvenile) Tim Hardy

- Recent detention operational review was successful
- Retired music department head from a local high school is a detention teacher who, with permission, has started a small music program for the kids after they showed great interest in learning guitar; has become a positive learning tool

Juvenile Justice Services Division (AOC) Chad Campbell

- Chairman Hardy's last meeting as Chair; Chief Justice Berch will be appointing new chairman within next couple of months; thank you for your time as Chairman, Mr. Hardy

Mr. Hardy then encouraged the next chair to work closely with Chad Campbell and Kathy Waters for agenda items to be heard.

IX. CALL TO THE PUBLIC – none

X. ADJOURNMENT

Meeting adjourned at 11:29 am.