

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

**APRIL 27, 2012
9:00 A.M. – 12:00 P.M.**

Chair:

Tim Hardy

Attending Members:

Stan Alexander
John Armstrong
Jacqueline Barnes
Margie Brakefield
Chad Campbell
C. Daniel Carrion
Hon. Kimberly Corsaro
John Dyess
Carl Fox
Hon. Warren Granville
Billie Grobe
Arno Hall
Steve Hardy
Tim Hardy

Bryon Matsuda
Mario Moreno
Chuck Moter
Darrell Reeves
Tivo Romero
David F. Sanders
Sharon Sikora
Betty Smith
Don Stokes
Livingston Sutro
Kathy Waters
Cindy Winn

With Regrets:

Rene Baca
Barbara Broderick
Scott Mabery
Paul O'Connell
Kendall Rhyne
Stephen Rubin (INTERIM)
Delcy Scull
Lucinda Yellowhair
Todd Zweig

Proxies:

Saul Schoon
Kathy Waters

Guests:

Jeanne Brandner
Chad Kewish
Kevin Kluge
Amy Love
Carol Mitchell
David Withey

Debra Hall
(for Maricopa Juvenile)

AOC Committee

Staff:

Mark Koch
Diane Herst

I. WELCOME, PLEDGE OF ALLEGIANCE and INTRODUCTIONS

Chair, Tim Hardy, recognized that it was Arbor Day and then asked Mr. David F. Sanders to lead the Pledge of Allegiance. Introductions were then made around the room.

II. APPROVAL OF MINUTES (from October 14, 2011)

Ms. Billie Grobe stated that a correction was needed on page 11, first and second bullets - "Community Supervision" should be stated as "Community Service";

Ms. Sharon Sikora stated she was omitted from the "Attending Members" list, but was in attendance;

Ms. Betty Smith stated she and Mr. Chuck Moter were also omitted from the list but were in fact at the meeting. Ms. Smith then added a correction was needed on pg. 6, last paragraph, and first sentence - "County Administrators" should be "Court Administrators".

With those corrections being noted and subsequently made before posting to the website;

MOTION: Mr. David F. Sanders moved to approve the minutes from October 14, 2011; Mr. Livingston Sutro seconded. All in favor, motion carries. (COP 12- 01).

III. BUDGET UPDATE - Mr. Kevin Kluge, Chief Financial Officer, Administrative Office of the Courts (AOC)

- The Governor and the Legislature are currently negotiating the budget and are looking at some cuts for the Judicial Branch, although where from is unknown at this point
- The Governor's initial budget in January and February had \$800,000 in fund sweeps for the Judicial Branch, however now the sweeps may be as much as \$12 million
- The General Fund budgets look to be okay; right now the fund sweeps are the issue

Ms. Amy Love said she was given confirmation that they are looking at \$12 million in sweeps and the legislature is moving quickly on the budget.

Discussion -

- Are the automation funds that are in jeopardy centrally held funds?
- Yes, they are out of the state appropriation (Judicial Collection Enhancement Fund (JSEF) and Defensive Driving) funds that are used for automation

IV. LEGISLATIVE UPDATE – Amy Love, Legislative Liaison, AOC (Handouts)

Ms. Love passed around handouts listing some current bills that may be of interest to the committee. The majority of the Legislature's business has concluded for the year, including conference committees. The budget is clearly the focus right now.

- The majority of the bills listed have already been signed by the Governor; a couple others are moving along slowly
- **HB2388:pharmacy board; drug schedules; rules** (Page 2 of the handout) - meant to allow the pharmacy board to remain one step ahead of those who are modifying the spice and bath salts in order to get around the law already in place
- Has been controversial as some thought it delegated legislative authority to the pharmacy board; has been amended somewhat and it is expected to go through
- **HB2532: court ordered treatment** - ready for the House to either concur or refuse; it is assumed they concur as again the conference committees are finished meeting.

Ms. Love then asked the committee if there were any questions about the bills on page one; they have all been signed by the Governor. There were no questions.

- **HB2556: criminal restitution order** and **HB2723: law enforcement officer; discipline; information** have also been signed
- **HB2556** will affect last year's code changes pertaining to the 90 days effective date on Criminal Restitution Orders (CRO) by allowing the Courts discretion on when the CRO is entered
- Need to keep an eye on the priority of payment portion as that could impact probation
- **HB2729: state regulation of firearms** – the Governor vetoed this bill; however some revision of it may reappear before the end of the session
- **SB1186: law enforcement officers; omnibus** –Has been held up for about a month; legislative group will update members on the outcome

V. COMMISSION ON VICTIMS IN THE COURTS (COVIC):

- Victim ID Protection Rule Petition (ACTION ITEM)

– Carol Mitchell, COVIC Staff, AOC
(Handouts)

One of the charges of the Commission (COVIC) is to make recommendations to the Arizona Judicial Council (AJC) regarding victims' rights. Ms. Mitchell's presentation was regarding a rule petition that the committee filed back in January after a workgroup was formed last fall. The workgroup consisted of judges, probation chiefs, advocates, attorneys and victims themselves. This rule petition is the result of a couple of years ago when COVIC received information about some molestation victim's identification being published. Specifically one victim discovered through a Google search on her name that the graphic details of the offense committed against her 30 years ago as a juvenile, was linked to an appellate case and published in Westlaw©. More recently, there was an Arizona trial court case where the full name of a 12 year old victim of a sexual offense was made available online and was uncovered by a member of the public.

Summary of discussion –

- Purpose is to produce a statewide standard to reduce the amount of identifying victim information that is available to the public
- Pertains to victims of *any* case type (only if they were juveniles at the time of the offense) and adult victims of sexual offenses
- Intended to assist victims and minimize or eradicate opportunities of further pain and embarrassment
- The Arizona Prosecuting Attorney's Advisory Council (APAAC) had approved similar language and created best practices that were distributed to all of their prosecutors
- Process uses initials or some other non-identifying source other than victim's full names
- Presentations by members of COVIC were made to several AOC committees and subsequently approved in concept before filing the petition

Ms. Mitchell presented the most recent draft of the rule petition from the workgroup. Since it has evolved from the initial petition filed in January, this is an amendment which the committee intends to file before May 4th.

- Original petition stated that all victims' names would be identified only by initials; it was determined that in the rural areas initials may not give enough privacy
- Language now indicates that a "victim identifier" such as "victim 1" may be used instead; it would be up to the Court or the prosecuting attorney

Ms. Mitchell asked that COP look particularly at the section regarding pre-sentence reports in utilizing the victim identifier.

- COVIC created a confidential datasheet; a method which is cross-referenced with the victim's full name
- Kept on file at the courts only using the victim identifier
- Intended process - confidential datasheet submitted by the prosecutor along with the charging document using non-identifying term of their choosing
- Cross-referenced for the court file with the victim's full name

Further, she referenced a provision in the new section 'C' paragraph 4 (page 3 of handout)

- Victim's name within an electronically recorded court proceeding to be sealed if the prosecuting or defense attorney deems it necessary and pursuant to court order

Discussion ensued regarding probation officer's responsibility of entering information into the Adult Probation Enterprise Tracking System (APETS) and how the rule may impact victim restitution payments/victim notifications.

- Testing done through the Case Management System (CMS) confirmed that initials would be allowed
- Recommended at this point to enter initials or some other type of victim identifier rather than full names
- Having not conducted specific testing on the APETS itself, they will need to look at it further in specific if it will accept initials only, or some other identifier
- Probation officers will have access to the cross-referenced confidential datasheet with information necessary to conduct mandated victim notifications
- Anything released as public record would not have the victim's full name

Further discussion took place regarding the increasing importance of technical abilities necessary to seal only portions of electronic recordings, specifically interviews of minors which become exhibits in cases.

- Can redaction be completed once interviews have been burned to CD's?
- Education and training of prosecutors is key; real concerns about a victim's privacy in a particular case requires a motion to the Court to ask for certain provisions
- Need to meet with court staff making sure those provisions are feasible
- Left up to the prosecutor and judicial discretion on a case by case basis when needed
- Issue can be revisited and possibly amended in the future if items are not being sealed or redacted properly

Pertaining to the effective date of the rule, the following issues will be brought back to the workgroup:

- Assuming an effective date of January 1st, will a case actually being heard on January 2nd then require redaction of said items?
- Is redaction necessary in pre-sentence reports which include the original police report that contains full information of victim?
- Retroactive time frame for older reports which contain information
- Ms. Mitchell encouraged the committee to send any comments and questions to her, Judge Reinstein, or the COP staff before the final comment period on June 4th

Mr. Hardy asked what action from the committee Ms. Mitchell is requesting; she replied that support of the rule petition out right is an option; however, if the committee would rather submit comments and questions at this time, that is also an option.

Mr. Hardy asked for a motion from the committee on the issue.

MOTION: Mr. Bryon Matsuda moved to support the rule petition; Mr. Chuck Moter seconded. All in favor, motion carries. (COP 12– 02).

Mr. David Sanders, who participated in the workgroup, thanked Ms. Mitchell for all of her hard work on this issue.

VI. RULE 123 DISCIPLINE RECORDS (ACTION ITEM)
– David Withey, Legal Counsel, AOC (Handouts)

Mr. David Withey introduced a rule change petition regarding Supreme Court Rule 123, specifically to confidentiality of employee discipline records. The proposed amendment is intended to parallel the general public records law with consideration of the uniqueness of court employee records. Prompting this petition are some changes in statutes which affect, in one case, all public records.

A.R.S. §39-128. Disciplinary records of public officers and employees; disclosure; exceptions

- Disciplinary action taken against public employees in general, and the employee response to the action, open to the public

Rule 123. Public Access to the Judicial Records of the State of Arizona

- (e)(1) *Employee Records*; certain employee records are closed but with a few exceptions
- Proposed change to the rule (addition of section H) would make serious disciplinary action (written reprimands, warnings, suspensions, loss of pay, demotion, termination) open rather than confidential
- Disciplinary actions are placed in the general personnel file; would then be confidential under Rule 123 as currently written

A.R.S. §38-1101. Law enforcement officers; probation officers; right to representation; right to evidence on appeal; change of hearing officer or administrative law judge; burden of proof; polygraph examinations; definitions

- (A)(3) calls for disclosure of specific information regarding *previous* disciplinary action
- Includes provision stating “...does not apply if court rule prohibits the release of file copies of disciplinary cases.”
- Speculation is that most Chiefs/Directors have been interpreting it solely by way of that provision and that the statute does not apply to court employees

There is no clear rule if the disciplinary file is confidential; this rule change would clarify what the rule is concerning court employee disciplinary records.

- Arizona Attorney General’s Office (AG) has viewed the rule as applying only to the official personnel records file
- AG’s office has advised at times, that the investigation file be open if requested

The three issues to be decided are as follows:

1. Should Rule 123 be amended to open to the public records of the following disciplinary actions: written reprimand or warning, suspension, loss of pay, demotion, and termination?
2. If so, should the open disciplinary records be limited to the notice of charges, the discipline letter and other records of the action taken, and any employee response concerning the disciplinary action taken?
3. If so, should the supporting documentation, investigation files and all other disciplinary records be available to the public on a showing of good cause?

Summary of Discussion:

- Difficulty in maintaining ongoing database of any type of disciplinary action for any employee
- Release of officer's information, including their names, is inappropriate and may be very harmful
- If other members of the law enforcement community, i.e. police officers, sheriff's deputies, DPS, in terms of rights are exempt from this, then probation officers should be as well
- §39-128 is generally applicable to public officers and employees; not sponsored by law enforcement
- §38-1101 is specific to law enforcement officers and was sponsored by the law enforcement community
- Provision at the end of §38-1101 (A)(3) can be added to the rule change petition so that §38-1101 would not apply to probation

- Who would determine a "showing of good cause?" (Issue #3)
- Rule 123 (f) - appealing the denial of an access to records request; after an initial denial, the presiding appellate judge would then determine if there is good cause for the records to be available to the public

- Issues with releasing the original complaint and the disciplinary action that was taken, without releasing the reasoning behind the action
- If the disciplinary information which is now kept confidential from other staff members is made publically available, would staff then be able to submit a public records request to get the info?
- Police personnel issues are not public record as a police officer is a witness in a case and (may) also be on the Brady List (Reference to 1963 U.S. Supreme Court case [Brady vs. Maryland](#))
- Issue that within a progressive discipline program, the documents at the first level (coaching) would be released just the same as the documents from the top level (written reprimand)
- Employee's learning opportunity is hindered when disciplinary records for being late to work once would be released just the same as being fired over a very serious offense
- Should be left as is in order to protect personal interests
- Even after being cleared of wrong doing, the public image of an officer may be affected in a negative way upon release of discipline records for a serious offense
- If it is made clear in Rule 123 that the release of file copies of disciplinary records is prohibited then everything (§39-128 and §38-1101) would fall under that exception
- If something needs to be provided to the officers about comparable disciplines, then that may be something to do separately from the statute

- Releasing the record of disciplinary charge, action taken, and employee response may not be a complete picture of each incident
- Opening up records to the public also opens up the agency, in particular the administrator or chief, to be scrutinized in their decision making process and that the agency or presiding judge in each county has the discretion to dole out discipline

Mr. Don Stokes conveyed that AZCOPS was one of the sponsors on this bill, and the main thing that the association was interested in, was ensuring disciplinary action was dispensed evenly for same or similar offenses. He suggested there may be a way to write it so that information can be released on a limited basis, rather than releasing confidential discipline files to anyone who requests them.

Mr. Hardy reminded Mr. Stokes that comments should be limited to his role on the committee as a line officer representative, and to please have opinions remain separate from those of the association's.

Mr. Stokes stated that he did so because he felt he had some input as to the intention of it; he will heed the Chair's comments.

Mr. Withey then asked the committee members if (in their employer capacity) any of them had been advised by the AG's office to disclose any discipline records. None stated as such.

Mr. Hardy asked Mr. Withey what he is looking for from the committee on the entire issue at this point.

Mr. Withey replied that COP's reaction will be filed as a comment to the petition if there is a reason to proceed. If there is no reason to proceed, it can be withdrawn.

- Does issue #1 (Should Rule 123 be amended to open to the public records of the following disciplinary actions: written reprimand or warning, suspension, loss of pay, demotion, and termination?) apply to all sworn officers, i.e. surveillance officers, probation officers, unit supervisors, division directors, deputy chiefs and chiefs?
- This would apply not only to probation officers, but to every employee of the Court; except for Judges, as they are only subject to disciplinary action by the Commission on Judicial Conduct which has separate rules
- If the committee decides "no" to issue #1, does that suspend the other two issues?
- Issue #2 would definitely be suspended, but issue #3 is really a separate issue from the disciplinary action of #1 and #2

Mr. Hardy suggested the committee separate the issues when voting on them and start with what the committee wants to do with issue #1.

Mr. Withey recommended, after hearing the discussion, adding an amendment to Rule 123 making it clear that the supporting documentation is not to be open. He continued, the supporting documentation is in a *separate file* and the employee records provision of Rule 123, seems to have been interpreted by the AG as applying only to the *official file*; if the committee wants to close those files it needs to be specifically said within the rule.

Mr. Hardy called for a recommendation or a motion from the committee.

**MOTION: Mr. Steve Hardy moved as to the issues presented under #1; should Rule 123 be amended to open to the public, records of the following disciplinary actions: written reprimand or warning, suspension, loss of pay, demotion, and termination; that response would be "no."
Mr. Bryon Matsuda seconded.**

Mr. Hardy asked if there was further discussion prior to the vote. Discussion ensued.

- Does a "no" vote, change what is currently written in Rule 123?
- It would not be changing Rule 123, and is relying on the fact that the disciplinary action and the employee response is contained within the official personnel file and therefore are closed
- Earlier, it was discussed to add an amendment to include the supporting documentation, is that still a possibility?
- Yes, in order to make it clear that those records are closed under Rule 123, because they are not necessarily closed under the General Public Records Law

Judge Granville suggested that for the language in Issue #3, the word "*only*" should be added. This would change it to read, "If so, the supporting documentation, investigation files and all other disciplinary records be available to the public *only* on a showing of good cause?"

Mr. Withey countered with the change of, "... *shall be closed*, ~~be available~~ to the public *except only* on a showing of good cause?" or the "good cause" exception could just not be allowed at all. It needs to be made clear if the vote is to close the records or not.

Mr. Hardy asked again for any further discussion prior to the vote. He then clarified with Mr. Steve Hardy that his motion pertains only to Issue #1; Steve replied that was correct.

Mr. Hardy called for a vote on the motion; 26 in favor; 1 not in favor; motion carries. (COP 12-03).

Mr. Withey said that given that vote, Issue #2 now goes away, but Issue #3 is still open. Mr. Hardy asked Judge Granville if he would like to entertain a motion on Issue #3 given his prior recommendation of the wording change.

MOTION: Judge Granville moved to approve Issue #3 with the recommendation the language is changed to read, “The supporting documentation, investigation files and all other disciplinary records be available to the public only on a showing of good cause.” Mr. David F. Sanders seconded.

Mr. Hardy called for discussion prior to the vote. Discussion ensued.

- With the committee voting “no” on Issue #1, how is there still an Issue #3?
- Under the current public records law the investigative file is typically provided, even for law enforcement
- Once the investigation is complete, the investigative file is provided
- Separate action would need to be taken to close it because it is in a separate file from the disciplinary action and response
- The way it is worded it’s not just the supporting documentation and the investigation files, but also all other disciplinary records?
- That would be interpreted to mean anything that’s not in the main personnel file, which was voted on by the committee in #1, and they are now closed
- Issue #3 addresses all the other records; due to the AG’s interpretation that the rule that closes employee records only applies to the official personnel file
- Other records are open under the general public records law and if the committee wants to close them, then it needs to be specifically said in Rule 123

Judge Granville stated he would withdraw the motion due to not being involved in that AG case.

Motion withdrawn by Judge Granville.

- Not everything in the investigative file has undergone a lot of scrutiny, whereas everything in the personnel file has gone through due process
- Items in the investigative file should not be disclosed as they have not been determined to be factual

Mr. Sanders suggested, not including “showing of good cause” and just saying the records are closed; petitions seeking disclosure could still be filed with the Court.

Mr. Withey stated that one exception to this is that the investigative report has had some vetting in terms of being carefully considered; perhaps that is something newspapers do get access to as opposed to the supervisor’s notes taken during the investigation.

MOTION: Mr. David F. Sanders moved that information of a supporting nature in investigative files, exclusive of the official personnel file, be closed to public inspection. Mr. Steve Hardy seconded. All in favor, motion carries. (COP 12-04).

The committee then took a short break. 10:44am

The committee reconvened at 10:57am and Mr. Hardy welcomed new committee member Jackie Barnes, Senior Adult Probation Officer, Yavapai County Adult Probation.

VII. PSYCHOLOGICAL EVALUATIONS

– Jeanne Brandner, Manager, JJSD Operations/Budgets Unit, AOC

Ms. Brandner explained that the RFP (Request for Proposals) process that the state undertakes for psychological examiners culminates in a 5yr contract; the current one is expiring at the end of FY12 and background work has been underway to get ready for the new RFP to be issued. After speaking with many departments about their process for psychological evaluations, a wide variance in the practice was found. She encouraged everyone to review Arizona Code of Judicial Administration (ACJA) §6-106 on Personnel Practices for Psychological Evaluation Standards to ensure that the contracted doctor's services utilized; i.e., qualifications, tests they use, etc., fall in line with the standards. She also encouraged that local vendors apply to become state contracted vendor; once contracts are in place at the state level departments will write a work order off of the global contract.

Summary of Discussion –

- Historically, it was decided that doctors performing psychological exams should have specific backgrounds in doing evaluations for law enforcement
- Although the original contract only had two doctors who applied, all who have that background are encouraged to apply as there can be a multiple award on the RFP
- In speaking with the departments, some were paying in excess of \$100 or more than what was procured under the state contract
- State contracts are negotiated for consistent price points for all jurisdictions to utilize; this can be a local cost savings for each jurisdiction
- What is the average amount paid under the state contract?
 - On one of the previously awarded contracts, the Pre-Employment and Pre-Arming Evaluations were about \$245 *per evaluation* and Fitness for Duty was about \$135 *per hour*
 - The other contractor's evaluations were all priced *per evaluation* and at an average of \$250

Ms Brandner noted that since that RFP is 5yrs old, we expect to see a marked increase in the prices in the new one and all departments are encouraged to speak with their local providers who may be able to contract. Mr. Chad Campbell added that some providers are not being utilized under the state contract and are being paid \$60 *per hour* just for travel time to the more rural counties, which is not included in the service price

Ms. Brandner concluded; as part of the review process, the AOC's legal and procurement departments have asked to have a county representative as part of the proposal review panel. Only one individual is necessary, and if they have prior RFP knowledge or experience that would be helpful.

VII. SUB COMMITTEE UPDATES

🚩 COPE (Committee on Probation Education)

– Chad Kewish, Manager, ESD Probation Education Unit, AOC (Handouts)

- Detention Academy received the highest overall evaluation ever – 4.81 out of a 5.0 score
- Intensive Probation Supervision (IPS) Training for March received a score of 4.58 out 5.0 which was up from 4.31 the last time
- Information for September's program will be out soon including an electronic registration form
- Approved a new instructor policy which covers all faculty for all COPE programs; quarterly reporting now reduced to bi-annually

- Developing a specialized supervisor case management curriculum in conjunction with CLIA; 8-hour class to be piloted in November 2012
- Mr. Kewish thanked Mr. Tivo Romero for chairing the IPS subcommittee and for everyone's outstanding work in developing many classes in a short timeframe
- Excellence in Education Awards nominations are being accepted now through an electronic nomination form

Ms. Sikora asked if the training programs have been significantly affected by the current budgetary restraints, and if future cuts will have an impact.

Mr. Kewish stated they have been affected as they had not anticipated the numbers of attendees to double; however they have cut back while still maintaining quality programs. They are managing to conduct a fourth academy in order to accommodate the larger numbers.

✚ **SSAC (Staff Safety Advisory Committee)**
 - **David F. Sanders, Adult Chief Probation Officer, Pima County**
(Handouts)

Overview of Association Meeting

- A meeting was held in mid-April between the executive team of the Chief Probation Officers Association, the executive board of the Probation Officers Association and AOC leadership
- The topic of firearms was discussed, and that in some jurisdictions, new probation officers are not allowed to attend the firearms certification academy during their first year
- Rationale behind this decision is that the Chief/Director wants the officer to be time-tested; observed over a probationary time period
- Glendale incident – new PO working an IPS caseload, received assistance from a police officer who was armed and was subsequently killed
- Position of was that:
 - most people complete the academy and probation
 - the overriding issue is one of officer safety
 - all new staff should have the option of attending the certification academy without time limits
 - new officers should be working standard case loads and integrated slowly
 - new officers should not be placed into a high-risk case load without prior experience or training
- Departments seize firearms everyday; issue of safety with someone inexperienced with firearms put into a position of handling them
- Officer who went to academy would still make informed decision of if they want to carry or not – at least they would be familiar enough with a weapon to be safe
- Some Chiefs/Directors require all of their officers go through the academy; whether or not they are going to carry
- Association group was “warm” to the new physical standards; no retroactive applicability

SACC meeting

- Last SSAC meeting was March 9th
- Officers being killed in the line of duty statistics are up

(short news video shown on probation officer killed by unintentional discharge during training class <http://www.cbsatlanta.com/story/15374501/ga-probation-officer-killed-in-training-accident>)

Mr. Sanders commented that these incidents never seem to happen in the morning; tends to be after lunch when people are more relaxed and people have become more comfortable in their skills. Need to applaud our firearms instructors and the classroom safety they stress.

SACC packet handout

Body Armor

- No jewelry should be worn; can cause projectile if hit by bullet
- Correct storage practices of bullet proof vests; should be stored flat; lifespan of 5 years
- Minimum state standard for vests: Level II-A or higher

ACJA §6-113 Firearms Standards

- Lack of guidance for Chiefs/Directors of how to restore officer's privilege to carry a firearm if officer fails to meet the 8 hour firearms training requirement
- Considered adding new language (G) (10) but ultimately decided on local discretion

Authorization for Fugitive Apprehension Units (FAU) to use thigh holsters

- Request from Maricopa County warrants unit for the option to carry thigh holsters due to possible inability in using strong hand; the weak hand can better utilize the firearm from that position
- More comfortable during extensive surveillance
- Firearms experts on SACC recommended the use of only one holster, not two
- Committee overwhelming supported recommending to COP that provision #1 "Be readily concealable" be deleted from the requirements
- The practice around the state is quite variable:
 - some counties require the firearm be concealed at all times
 - others require it be exposed at all times
 - some allow the situation to dictate concealment or not

Mr. Sanders concluded that this issue was brought to COP for possible action today; the email sent to Chief Broderick can be tabled by COP for the next meeting if the committee so chooses.

Summary of Discussion –

- Does the recommendation to delete the concealable guideline pertain to all armed officers or are there exceptions for warrants or specialized units?
 - It was envisioned the thigh holster to be a discretionary holster worn by warrants officers; we are working with other warrants officers similarly equipped

Mr. Hardy suggested that COP take action on this item at the next meeting as it was not foreseen to be an action item at this meeting. Mr. Sanders agreed.

- Suggestion of the need to use both a thigh and a hip holster; at times an FAU officer will be working undercover and will not want to be fully disclosed
 - The majority of SACC agree on the use of one holster only
 - No code change would be required if using two holsters were decided upon
 - Officer can readily conceal the weapon by changing holsters
- Using only one holster is necessary for familiarity, especially for newer officers or those who are newly carrying
- Special teams tend to have a lot more longevity and know where to reach for their weapon

Proposal to Provide .223 Caliber Rifles to the Adult Probation Warrant Teams

- Proposal from Pima County warrants team; members participate in a multi-agency taskforce in temporary assignments run by the U.S. Marshall's service
- Task force members are equipped with a .223 caliber rifle; PO's are not
- Does not penetrate like a 9mm or a 40 caliber and is an extremely offensive weapon
- Controversy lies in having PO's handle a weapon they are not familiar with; may end up in a disadvantaged situation
- Currently, taskforce can back up the PO, but the PO cannot back up the taskforce member
- Recommendation to COP for further action was voted down at SACC

Robert Thornton Report

- Report was requested from the AOC on the advice of the AG to ensure standards were met

- Defensive Tactics Academy, as now offered in the state of Arizona, meets the national standards
- Those who participate in offensive tactical units, such as fugitive units, should undergo more training than what is currently offered*

*Mr. Sanders commented that as a general practice, these units do receive more training; particularly with the units they work with.

- Within industry standards to allow officer up to one year to attend and complete academy; even with assuming duties during that time
- Should attend the academy at the earliest opportunity

Concentra Report

- Breaks down minimum physical requirements needed by someone in order to complete the Defensive Tactics Academy
- One controversial requirement is to drag 200 lbs of dead weight for 10 feet; simulating a fallen partner
- Although the weight of 200 lbs seems appropriate, more examples of scenarios are needed to understand the requirement, i.e. what type of flooring, shoes, indoors or outdoors, etc.
- The recommended exercises seem to be within the capabilities of current officers and what is required in future hires
- AOC legal department is waiting for a response from the AG's office on the recommendations

Summary of Discussion –

- During the Association meeting, Mr. Dave Byers, AOC Director, asked that SACC be reconvened
- Safety codes, personnel codes, officer safety training (including clarification of a medical waiver for the training) need to be reviewed*

*Ms. Waters requested a committee recommendation to move forward as soon as possible to address these issues as well as, many of the ones discussed earlier.

- Issue of aging employees and when accommodations are made for them may also need to be addressed in this process
- There are some instances of placing aging employees in non-safety sensitive positions; such as at a desk
- Other issues pertain to retirement and ADA(Americans with Disabilities Act); one part leads into another and all parts then need to be addressed
- Large undertaking to get these issues sorted out; decisions need to be made first then adjusting the codes if necessary

Ms. Grobe noted that the Thornton Report mentions reassignment of an employee (Page 11, paragraph 3); however she has been advised by the AG's office in the past that she should not reassign. The AG's office would need to be included in these discussions going forward.

- Although SACC is a good representation from most places, there are a couple of rural counties that are not represented*

*Mr. Chuck Moter stated that although Apache County is not currently represented, he feels okay with the way things are unless SACC really needs the additional membership.

Mr. Sanders' sense is that there is enough experience and diversity on the committee now to take on the tasks and make recommended changes and updates to the codes.

- Is there an issue of groupthink due to the same membership of SACC being involved for a period of time?
 - Point well taken; COP does serve as the filter for SACC
 - Although anyone who wants to join the committee is welcome, preference is to keep membership close to the current number (23; 25 would be the limit)

- Too large of a group can sometimes inhibit decision making

Discussion ended.

Ms. Sikora commented that it is National Crimes Victims Week and thanked everyone and their staffs for the roles they play in the justice system.

Mr. Stokes commented that everyone should check their vests for either the soft or hard trauma shields; and to be aware that a shot from a glancing blow can come off of the hard shields and cause injuries or a fatality.

VIII. CALL TO THE PUBLIC

None.

Meeting was adjourned at 12:15pm.