

**STAFF SAFETY ADVISORY COMMITTEE (SSAC)  
SUBCOMMITTEE OF THE COMMITTEE ON PROBATION (COP)**

**MINUTES  
JANUARY 5, 2006  
10:00 A.M. - 2:00 P.M.**

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)  
1501 WEST WASHINGTON  
CONFERENCE ROOMS 345A&B  
PHOENIX, ARIZONA**

**MEMBERS PRESENT:**

Jim Buzard, Chair	Marty Krizay – Called In
Rod Marquardt, Vice Chair	Henry Meraz
Leslie Anderson	Ted Ryersbach
Frank Delamater in for Scott Mabery	David F. Sanders
Mike Faust	Saul Schoon
Brenda Flynn	David Sherman
Rick Hornback	Robert Tinnell
Lester James	Mary Walensa

**MEMBERS ABSENT:**

Bob Bradbury	Jim Meyer
John Daniels	Steve Nesky
Scott Mabery	Livingston Sutro

**GUESTS:**

David Chaison	Lance Nickell
Kevin Jeffries	Fred Santesteban

**STAFF:**

Lorraine Lerma

## CALL TO ORDER

Jim Buzard called the meeting to order at 10:00 a.m. Jim was a prior member of SSAC and volunteered to resign after his term had expired. Jim was reappointed and is the new Chair of SSAC after Cherie Townsend left. Introductions were made around the room. There is a new member to SSAC: Leslie Anderson, Safety Officer, Maricopa County Juvenile Probation, replaced Cherie Townsend.

### I. APPROVAL OF THE MAY 4, 2005, MINUTES

Ted Ryersbach recommended a change on page 3, second paragraph to read as follows, "The goal for the FAI is to teach the officers to shoot well...". David Sanders recommended a change on page 3, fourth paragraph to read as follows, "For those officers who are not proficient, to move up the score to 225 points."

**MOTION: Ted Ryersbach made a motion to approve the May 4, 2005, meeting minutes with those two modifications. Lester James seconded the motion. Motion passed unanimously. SAAC 06-01**

### II. TASER PRESENTATION

Steve Hadley, retired Sergeant with the Glendale Police Department, has been an instructor with TASER since 1995. He gave a Power Point presentation (which is attached). Steve entertained questions during the presentation.

TASER is a trademark name. TASER is the only company that produces an electronic control device where the probes can extend and introduce an electric charge into a person up to 35 feet away.

It was asked if there are any restrictions on citizens purchasing TASERs. Steve Hadley replied that it depends on the state. The State of Arizona has no restrictions. The State of Illinois, specifically in the city of Chicago, you must have a license to carry. There are seven states within the U.S. it is illegal for citizens to possess TASERs. The majority are in the New England states area and includes New York, Hawaii, and Alabama. It was also asked if there are age restrictions or a criminal history check. Steve said criminal history checks are not required by the law, but TASER requires that individuals pass a background check before they sell the weapon.

David Chaison asked if the citizen version of TASER has the same effectiveness as law enforcement or is it at a lower level. Steve Hadley replied that it is a slightly lower level, and the biggest change is the distance. Law enforcement can go anywhere from 21 feet to 35 feet, whereas the citizen TASER can only go 15 feet.

Jim Buzard asked if both probes need to impact. Steve Hadley said the probes need to be close within two inches of a person's body for it to work. There can be one probe on their body and one on the ground, depending on where one stands. It will not transmit on dry carpet, but

will work extremely well on grass. The probes can attach to and go through clothing, go through bulletproof vests, and it does not actually have to puncture the skin for it to work.

Lester James asked if there was a policy that you should always have a lethal back-up option to the TASER. Steve responded yes; that TASER recommends it.

David Sanders wanted to know if he could tase a person for 30 seconds while his partner cuffs the offender. Steve Hadley replied absolutely.

Saul Schoon wanted to know if in a shooting crisis situation, if there are any studies that show how many times people shooting a TASER have hit their target? Steve said there is about a 72% success rate on the actual hits, and the last studies he saw from the Department of Justice was about 56% with the firearms.

The weapon operates when you flip the safety up or arm it; the actual laser sight comes on and is on consistently. When the trigger is pulled one time and you let it go, it is an automatic time cycle for 5-seconds. You can either pull the trigger again and do another 5-second cycle or you can hold the trigger down and keep it constant throughout the whole hit and within the data port it is going to record if it was a 7-second hit or if it was two 5-second hits.

The visual and audio recording device is stored on the computer chip and is retrievable by the Agency and cannot be shown to the public.

The weapon can also be used in a drive stun mode where you can drive it straight into the body physically without taking the cartridge out. The standard street cartridge is 25 feet.

TASER recommends for certain staff to get trained as instructors. The instructor course is a 2-day, 16 hour course to become a certified instructor (CI) within TASER. The CI can then train the users. TASER also recommends anywhere from about 4 to 8 hours of training to be done on an annual or bi-annual basis for the users.

The cost of the weapon is \$800 per unit, the enhancement for the VDPM is \$400, which introduces a rechargeable system as opposed to just a standard battery system along with the recordable system. The batteries have a 10 year shelf life. TASER recommends before each shift that the officer do a half second, quarter second, arc of the weapon to make sure it is up and operational, then the batteries will last about 3.5-4 years. The cartridges have an expiration date of 5 years from the date of manufacture. The cartridges run anywhere from about \$20 to \$25 per unit.

On behalf of SSAC, Jim Buzard thanked Steve Hadley for his presentation.

Maricopa County Adult Probation is interested in piloting the use of the TASER specifically in the warrants unit. Mary Walensa suggests working it into the formal continuum of control.

Kevin Jeffries opinion is it would need COP approval for a pilot program before going to

COPE. The committee should also have an idea of where exactly the TASER should fall in the use of force continuum.

Lester James strongly suggests that if it does go to COP, that the presentation be made by TASER with the same presenter.

Ted Ryersbach suggests Saul Schoon, Kevin Jeffries, David Chaison, and Lance Nickell work with COPE on what modifications may be needed before taking it to COP.

Rod Marquardt would like the actual motion from the May 4, 2005, meeting minutes made by Mary Walensa to stand, which reads, **“Mary Walensa made a motion to add the taser to the use of force options, thereby allowing departments the option to use this type of equipment. Saul Schoon seconded the motion. Motion passed unanimously. SSAC 05-05”**.

David Sanders and Mike Faust would like the committee to work out the details as to who will and who will not carry.

Pima County Adult Probation would be willing to participate in the pilot project with some financial assistance from the AOC.

Ted Ryersbach suggests doing a presentation to the Arizona Chief Probation Officers Association (AZCPOA) meeting in Rio Rico, January 25-27, 2006, in preparation of having questions at COP. Jim Buzard asked Ted to put that on the agenda. Kevin Jeffries mentioned of possibly asking Steve Hadley to give a presentation at the AZCPOA meeting, but Kevin would leave that up to the members of the AZCPOA.

Based on the information provided today, SSAC will move forward recommending to COP that Maricopa County Adult Probation and Pima County Adult Probation to do the test pilot.

### **III. DT INSTRUCTOR SHORTAGE**

Coconino County Adult Probation, Jim Buzard has noticed that his employees are not volunteering to be Defensive Tactics Instructors (DTI) and Certified Firearms Instructors (CFI). The instructors that he does have are wanting to resign. The morale amongst some of his DTI and CFI are declining. He is concerned of what will happen in the next five years.

Mohave County Adult/Juvenile Probation, Rod Marquardt has also seen the interest decline.

David Chaison, Officer Safety Specialist with the AOC, has never been contacted regarding these issues. He has been asked to schedule Train the Trainer classes, but has had very little responses from the departments to propose for consideration instructors that want to be DTI, which could be why no one is volunteering. The issue of supplementing training officers has been breached at COPE, which did not have too much resistance, but was never discussed again. He is aware a great deal is asked of the DTI and CFI with little or no recognition.

Rod Marquardt stated there are two issues to consider not only in Mohave County, but possibly in the other counties are: 1) training is intermittent and 2) there are no volunteers.

Kevin Jeffries and David Chaison have looked at the number of instructors at all 22 departments and proportionately, they seem appropriate with the exception of maybe Mohave County Adult losing a couple of people. Santa Cruz never actually got involved in the program, but they do have two FAI, which is appropriate for the size of their department, and soon they will, again, have two DTI that will be appropriate for their size. Kevin is still confident in the volunteer program.

Pima County Juvenile Probation, Brenda Flynn mentioned the only concerns they have is the training class. The Faculty Skills Development (FSD) class is offered so infrequently, they have officers who would like to participate, but do not qualify because they do not have the minimal requirements to enroll in the class.

David Chaison and Kevin Jeffries have talked with Marie Holck concerning this issue. In order for the officers to get into a FSD class will involve: preplanning on departments to know what needs to be done; the officer will need to know what needs to be done to be an instructor; and the officer needs to take the initiative. Original notifications were sent and were offered six times in 2005. Officers that had expressed an interest did not participate.

Fred Santesteban mentioned that there is a FSD scheduled for March 20-22, 2006. David Chaison clarified the FSD is being offered by the Distant Learning Division and there will be a charge. David will address the issue of getting additional FSD classes. Fred offered to find a way to pay for new instructors to attend FSD. If anyone is having any problems, to contact the AOC.

#### **IV. OFFICE SAFETY**

Mike Faust from Pinal County Juvenile Probation is considering purchasing wands for their departments and asked for input from the other counties. After hearing what the other counties are doing, Mike will relay the information to Diane McGinnis, Pinal County Juvenile Court Director.

Maricopa County Adult Probation had access to wands and looked at trying to implement them and decided not to. Saul Schoon said to consider the possibility if a weapon is found on a probationer and you do not have armed personnel to deal with that, the situation may be escalated.

Bob Tinnell, Mohave County Juvenile Probation, does not recall anybody ever using their wands in all three of their satellite offices.

Coconino County Adult Probation bought two wands and are available for anyone to use.

Cochise County Adult Probation, Sierra Vista office, their officers have made a

committed effort to use their wands. The officers will never ask a probationer to empty their own pockets for fear of a weapon the probationer could be carrying and used against the officers. The officers use the wand to search for metal and will empty the pockets themselves.

Pima County Adult Probation has a metal detector and is the first thing a probationer will see when entering the offices. If an alert is sounded, the officer will get their partner or supervisor and they will both wand the probationer.

Yuma County Juvenile Probation has court security which are assigned to adult and juvenile probation departments. They have the walk through booths, they have wands, they are armed, and they have TASERS.

## **V. 40 CALIBER FIREARMS TRANSITION PLAN**

At the September 9, 2005, COP meeting, a motion was passed based on SSAC's motion from the May 4, 2005, meeting to give the departments the option to purchase the .40 caliber and 9mm firearms. At the November 10, 2005, COP meeting, it was discussed that "SSAC will research the development of a transition plan..." based upon the code stating the caliber of weapon will be approved by the AOC. It was suggested that SSAC form a subcommittee to look into the implementation of the .40 caliber weapon. David Sanders accepted the position of chairing the subcommittee. Other volunteers of the subcommittee are: Kevin Jeffries, David Chaison, Fred Santesteban, Lester James, Ted Ryersbach, Lance Nickell, and couple of officers from Cochise County Adult Probation. The subcommittee held their first meeting after SSAC. Fred will assist in getting a statewide contract.

Jim Buzard commented that Dave Byers point of view is, if, in fact, the .40 caliber is going to be the weapon and is far superior to the 9mm, then how do we get by with allowing the option, which the subcommittee will need to look into allowing that as an option.

Kevin Jeffries asked the subcommittee to recommend ammunition for practice and duty rounds, as well as outline any training needs. Kevin would like to see the option of 9mm and .40 caliber; however, if the .40 caliber is a superior choice, it would seem prudent to use the .40 caliber exclusively.

The results will be presented at the next SSAC meeting in April, 2006.

Ted Ryersbach asked for clarification purposes if the current vests the departments have are at the quality to stop a .40 caliber. The answer is yes.

Saul Schoon asked if the subcommittee could consider the larger frame Glock in the .40 caliber or would they be confined to the language from the original motion? Jim Buzard referred to David Sanders. David Sanders responded yes.

Lance Nickell brought a sample red plastic compact Glock inert training gun to show the difference in size to the committee, which is like Glock's mid size. They also use the subcompact Glock 26. They consider the mid size model (the compact) what the majority of

probation officers in the state are carrying. Glock also makes a full size model, which is one-half inch longer in the grip and in the barrel for those officers with larger hands.

The next SSAC meeting is tentatively scheduled for April 20, 2006, depending on room availability. A report from the subcommittee regarding the .40 caliber transition plan will be an agenda item.

## **VI. AOC COURSE OF FIRE**

At the May 4, 2005, SSAC meeting, it was suggested appointing a work group to do research and make recommendations to COPE. The work group consisted of Jim Buzard, Diane McGinnis, Saul Schoon, Lance Nickell, David Chaison, and Kevin Jeffries. Kevin reported on their findings and it was decided to leave it as is for the time being. The work group had looked at a variety of courses throughout the state, throughout the country, and course philosophies. There are reasons to going back to the 25 yard line mostly having to do with marksmanship. The instructors are encouraged to take their students back to the 25 yard line or even back to the 50 yard line to let them practice to enhance their marksmanship, but the reality is the shootings that do happen are much closer than 25 yards. David Chaison has requested data on the AOC Course of Fire to get an idea of how the officers are shooting throughout the state.

**ACTION ITEM:** Once David Chaison has collected and analyzed the data, the work group will meet again and present their recommendations at the next SSAC meeting in April, 2006. The work group will meet again if new information is provided.

Marty Krizay asked how does the AOC Course of Fire compare to the AZPOST Course of Fire and why is AOC different? The purpose of bringing this up is there has been talk about trying to advocate for either a 20 or 25 year retirement system and having a different training standards than those who are already in that retirement system, Marty asked if they are creating a roadblock from getting where they want to be by not having the same training standards.

Kevin Jeffries responded that back in 2002 the COPE Curriculum Subcommittee created the Firearms work group and felt that AOC did not need to go back to the 25 yard line because they were using guns for defensive purposes only. Now, AOC goes back to the 15 yard line and AZPOST goes to the 25 yard line.

Lester James mentioned that this course of fire is the AZPOST course for night shoots and are using it for their daytime qualification. He also thinks there is state law that prohibits them from coming under the public safety retirement system, which means they would probably have to create their own 20 year retirement system. As long as they are showing standards in training equal to or in excess of AZPOST, there should be no roadblocks.

Kevin Jeffries believes that shooting from the 25 yard line or the 15 yard line, code section requires probation officers to train more hours per year in defensive tactics (DT) and firearms than AZPOST requires for police officers would have no bearing on whether probation officers received 20 year retirement. However, what could have bearing on is the fact that the

officers are expected to function and attend DT classes, and, therefore, maintain a level of health 10 years longer than the peace officers in order to continue to function as a probation officer.

Rod Marquardt would like to revisit this with the chiefs and directors in terms of what the differences are and that it is just as rigorous.

## **VII. NON AGENDA ITEMS**

Mary Walensa wanted to know if there was any other county who reissues the ir vests. Maricopa County Adult Probation has some concerns about liability; how do they insure they are issuing vests to officers that will protect them; how do they in a non threatening way give their officer permission to inform them if they have misused the vest; and costs.

Pima County Adult Probation does not reissue vests and are form fitted to the officers. The only exception might be if an officer was issued a vest for a few months and is now leaving.

Lester James commented that vests should not be reissued. He is not certain if the agency would be or would not be liable for not issuing proper fitted vests in case of something were to happen.

Coconino County Adult Probation do reissue their vests and one of their training officer has been trained to fit vests making sure it fits properly, it is comfortable, and there are some standards of how it should fit when sitting down.

Mohave County Adult/Juvenile Probation uses the original issue date on the vest and try to match similar body types.

## **VIII. ADJOURNMENT**

Meeting adjourned at 12:55 p.m.