

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

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

**PINAL COUNTY SUPERIOR COURT
JUSTICE COMPLEX
JURY ASSEMBLY ROOM
971 JASON LOPEZ CIRCLE
FLORENCE, ARIZONA**

MEMBERS PRESENT:

Jim Buzard, Chair
Marty Krizay, Vice Chair
Leslie Anderson
Bob Bradbury
John Daniels
Mike Faust
Brenda Flynn
Rick Hornback
Lester James

Scott Mabery
Henry Meraz
Ted Ryersbach
David F. Sanders
Saul Schoon
David Sherman
Livingston Sutro
Mary Walensa

MEMBERS ABSENT:

Jim Meyer
Steve Nesky

Robert Tinnell

GUESTS:

David Chaison
Kevin Jeffries

Lance Nickell
Fred Santesteban

STAFF:

Lorraine Lerma

CALL TO ORDER

Marty Krizay filled in for Jim Buzard just until Jim arrived at the meeting. Marty called the meeting to order at 10:00 AM, welcomed the committee members and guests, and asked everyone to introduce themselves. Marty was a prior member of SSAC and served as Chair. He resigned when he was appointed Chair of COP back in 2002. Marty was reappointed by the newly appointed Chair of COP, David Sanders, to serve as the Vice Chair of SSAC.

I. APPROVAL OF THE JANUARY 5, 2006, MINUTES

MOTION: Ted Ryersbach made a motion to approve the January 5, 2006, meeting minutes. David Sanders seconded the motion. Motion passed unanimously. SSAC O6-02

II. TASER TEST PILOT PROJECT UPDATE

David Sanders presented on behalf of Pima County Adult Probation. Pima sent four officers to the TASER Instructor Training School: two represented their absconder unit and two represented their probation and surveillance officers, part of a domestic violence arrest team which are now grant funded. These four officers have more proactive authority to use weapons, to track people down, and to arrest them. These four have been armed with TASERS of which they view as an offensive weapon and can be used in a defensive circumstance to shoot a person in the back, and most of their other weapons are not. Most of their other officers do not use their weapons as something that is viewed with an offensive mindset.

In addition to the four officers from Pima County, a number of officers from Maricopa County, Kevin Jeffries, and David Chaison had attended the training as well. Pima ordered and has received the inert TASER cartridges so they cannot only practice but demonstrate this when they have a need to, and a number of actual cartridges. The four officers went out with the Executive Branch Law Enforcement where several people were tased, but they have not tased anybody yet. When David gave these four officers their new TASERS, he also gave them the offense section of a presentence report where the TASER was used on a guy pulled over for a traffic infraction. David reminded his officers, as Kevin and David have said, that no weapon is perfect on everybody and always be ready to work through the continuum of force and if something is not working, try something else. The officers thought the training was excellent. Pima is grateful that the AOC sponsored this pilot in Pima County financially and otherwise. David provided to SSAC their Pilot Project Policy (copy attached) that is now in place. Pima looked at policies from around the country: North Carolina Federal Probation (David believes they are the only federal probation office that has one) and Las Vegas Metropolitan Police Department (located on the internet).

Lance Nickell presented on behalf of Maricopa County. Their policy is in its final stages with the executive team. They have also developed a training lesson plan. Maricopa has three certified TASER Instructors that went to the training school and will actually be teaching 12 members of their fugitive apprehension team. They are working on the final stages of the PowerPoint presentation for the actual users. They modified the supervisory use report to be

filled out by the warrants level supervisor every time the TASER is used, and made it specific to probation and added some additional items. They also came up with a cartridge log to keep track of all the different cartridges:

- TASER cartridges physically issued to which officers
- When one gets used
- Reissuance of additional cartridges
- Cost analysis

Maricopa and Pima counties are limiting to those officers whose primary duties are making arrests. The officers that are carrying the TASERS may encounter things that have not been thought of as the general application, a more broad application of a TASER might be deemed appropriate after a year of experimentation.

Marty Krizay's concern is they only have one person who does apprehensions, but he works very closely in partnership with the U.S. Marshall's office. Marty was somewhat dismayed that the U.S. Marshall's in Yuma County do not carry TASERS and if they were to equip that person with a TASER, Marty's officer would be the lead guy, which he hoped there would be more of a partnership there.

Mary Walensa commented that the Phoenix Police Departments (PPD) were carrying a TASER and Maricopa were carrying a gun, PPD were giving them the instructions that they would be the lethal force in the situation and PPD would be the less than lethal force. Maricopa does not want to be lethal force when the police were not. Maricopa is also having some discussion about reviewing the policy when it comes to age, and may have to be more specific especially when it comes to younger teenagers.

Kevin Jeffries commented that he understands a departments concern over public image if a "younger teenager" was shot with a TASER. However, policy and philosophy should be more concerned with the level of threat presented to the officer not the age of the threat.

David Sanders agrees but you have to ask yourself, where does this belong in the continuum? It all boils down to a public image issue, but what is going to look worse, pepper spraying a youth, using a baton on a youth, or using the TASER on a youth. Whatever method, the image is going to be negative no matter what you do.

III. FIREARMS TRANSITION SUBCOMMITTEE REPORT

David Sanders distributed (handouts attached) the minutes from three meetings of the Firearms Transition Committee (FTC), a subcommittee of SSAC, which he chaired. They met:

- January 5, 2006
- February 3, 2006
- March 27, 2006

Highlights of the January meeting:

- 50/50 split on transitioning exclusively to the .40/transitioning to the .40 with the option to carry the 9mm.;
- Consensus reached in favor of transitioning to the .40;
- Keep an open mind about those options and get opinions from others more with more experience and report back in February.

Highlights of the February meeting:

- Transition to the .40 with three models: small, medium, and large.
- Implementation plan with three phases to spread the financial impact:
 - Phase One: one-third of the weapons converted to .40's at the end of FY2006 (June).
 - Phase Two: second-third of the weapons to be transitioned at the beginning of FY2007 (July)
 - Phase Three: last of the weapons to be transitioned at the end of FY2007 or the beginning of FY2008.
- Fred Santesteban took on the assignment of projecting the costs. There was a favorable trade-in estimate on the 9mm. It looked to the AOC as if they would be able to do the entire transition this fiscal year, by June 30, 2006. Fred worked on a request for quotes.
- Lance made a recommendation as to the ammunition. The Firearms Instructors (FAI) felt the recommended ammo was inappropriate and they thought another duty round would be more appropriate.
- Fred made some additional inquiries regarding ammunition procurement and Kevin and David Chaison have also given that some time and energy.

Highlights of the March meeting:

- There was no meeting, but a series of e-mails and telephone calls.

The FTC are now recommending a complete transition this fiscal year from the 9mm to the .40 with the AOC to absorb the cost and to coordinate the transition, which would mean local FAIs are going to have to be reserving range time in June to get this done. They are also hoping the vendor will allow them to retain their 9mm until after they get the .40 calibers for classroom/training purposes. The old weapons will be turned in along with their magazines, speed loader, cleaning equipment, lock, and box to the vendor.

Lance Nickell did some research on what the law enforcement community is currently using with the .40 caliber and he concluded that the 180 grain bullet is a good choice for both police and probation nationally, which seems to be performing well not only in the scientific community, but in actual shootings.

Fred clarified that the bid closes on April 18, 2006, for the 180 Speer Gold Dot and are asking for up to 45 days to return the 9mm's to give the departments an opportunity to get their officers trained and transitioned. He also mentioned that it would fall to the departments in

terms of ordering, training, and returning the weapons to help expedite the transition before the end of FY2006.

John Daniels asked if AOC will cover the cost of the large frame holsters. Kevin replied that it will be left to the departments. Fred did say the current vendor will provide the holsters for the large frame at the same price as he is charging for current holsters and will make them available even though they are not directly on the contract.

ACTION ITEM: Jim Buzard will update COP at their May, 2006, meeting of the decisions made by the FTC.

IV. AOC COURSE OF FIRE DATA

David Chaison has been collecting data from all of the departments on both practice AOC qualification courses and actual AOC qualification courses, but it is possible those numbers are a mute point at this stage due to the transition of moving to the .40 caliber gun from the 9mm: The data will actually be valuable in comparison at how they will be affected by the transition to the .40 caliber and the fear of more recoil and possibly reduced accuracy at the AOC qualification course.

Henry Meraz wanted to know the reason why they were originally looking at changing the course of fire.

Both Kevin Jeffries and David Chaison responded that it had to do with the legislature. They had expressed some interest in what AOCs qualification was. They wanted to look at incorporating probation officers along with one of their law enforcement bills and did AOCs training meet the certain standard they had for their officers to include them on that bill.

V. MEDICAL STANDARDS AND ACCOMMODATIONS

Jim Buzard wanted to have some discussion of addressing future physical standards for new hires.

David Sanders mentioned that he had a half a dozen officers last year request waivers from attending the Defensive Tactics (DT) refresher course due to various injuries. He does not have a problem waiving them from attending as long as it is a temporary condition. He has staff that does not ask for waivers, they attend the training, and they do the best they can. He also has a receptionist who is confined to a wheelchair that has expressed an interest in writing presentence reports and asked if he could be a probation officer. Dave could not find anything in code that says you can make exceptions for probation officer positions, and one must attend DT training.

Jim mentioned that there are reasons why police officers have physical standards, there are reasons why they have to go out once every six months and do push-ups and sit-ups and pull-ups. One reason has to do with carrying a firearm; you would need to be able to physically get out of a bad situation. He also mentioned that if looking and acting and becoming more involved

in law enforcement techniques, then there should be some physical standards.

Kevin Jeffries mentioned that the officers do have to pass DT. Referring to Chief Sanders handicapped employee, the employee would not be able to pass the DT Academy, but if he was hired for a Presentence Investigation position, he would not need to take the class anyway.

Mary Walensa commented that they have an aging work force of officers who now have physical limitations who cannot pass DT. This is going to be Maricopa's biggest challenge over the next couple of years.

Rick Hornback commented that the streets are a lot tougher and probably do need to look at some standards.

David Chaison clarified that he does not think non sworn officer status would need to be considered, but he thinks the differentiation for them right now would be non safety sensitive positions, and he does not see how they could not hire someone who is handicapped if they are in a non safety sensitive position. There may be some departments that may mandate all probation officers to participate in the DT course because the more officers they get through the course will make them aware and fine tune some skills, the better off they are going to be. The reality is there are many departments that have presentence writers and they do not do any field work, they are non safety sensitive positions, and they are not required to pass DT.

David Sanders thanked David for the clarification.

John Daniels commented that instead of hiring for quality physical fitness you may need to hire for quality writing skills.

Scott Mabery commented that in order to carry, you would need to have some physical standards. He believes weapon retention is another issue and would be in favor of having any type of standards set.

David Chaison had one more clarification. If someone is applying and wants to carry a firearm and their chief/director approves them, one of the requirements is that they have previously successfully completed DT. Anyone that was not able to successfully complete DT would not be eligible to carry a firearm.

Kevin added that on the practical exam form, the DT Instructors have been instructed to comment if a person needed a lot of remediation to get through. He recommends the chiefs/directors look at those practical exam forms when they are looking for people who are requesting authorization because if there is someone who had trouble getting through DT, he would not recommend they go to the firearms academy.

VI. NON AGENDA ITEMS

There were no agenda items.

Lorraine Lerma will check the schedules of the conference rooms at the AOC to hold the next SSAC meeting in August, 2006. Lorraine will send out an announcement to the committee once the reservation has been made.

Jim Buzard thanked everyone very much for accommodating the change in meeting locations.

VII. ADJOURNMENT

Meeting adjourned at 11:30 AM.