

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

**MINUTES
MARCH 31, 2008
10:00 A.M. - 2:00 P.M.**

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

MEMBERS PRESENT:

Livingston Sutro, Chair
Ian Alexander
Stephen Arend
R. Rene Baca
Patrice Buzan
Charles Counts
Mike Faust
Brenda Flynn
Henry Meraz
Jim Meyer

Steve Nesky
Alan Palomino
John Ryder
David F. Sanders
Saul Schoon
David Sherman
Mark Smalley
Dan Tomlinson
Mary Walensa

MEMBERS ABSENT:

Leslie Anderson
Lester James

Marty Krizay, Vice Chair

GUESTS:

Marie Holck
Lance Nickell

Barbara Ortolano
Fred Santesteban

STAFF:

Kevin Jeffries

Lorraine Lerma

CALL TO ORDER

Livingston Sutro called the meeting to order at 10:00 a.m., welcomed the committee members and guests, and asked everyone to introduce themselves. (There are new members to SSAC: Ian Alexander, Lead Probation Officer, Pima County Adult Probation, replaced Rick Hornback; Stephen Arend, Adult Safety Officer, Mohave County Adult Probation, replaced Robert Tinnell; Rene Baca, Chief Probation Officer, Graham County Adult/Juvenile Probation, replaced David DeSpain; Mark Smalley, Sr. Probation Officer, Maricopa County Adult Probation, replaced Jim Buzard; and Alan Palomino, Deputy Chief Probation Officer, Mohave County Adult Probation.)

I. APPROVAL OF THE MARCH 7, 2007, MINUTES

MOTION: David Sanders made a motion to approve the March 7, 2007, meeting minutes. Rene Baca seconded the motion. Motion passed unanimously. SSAC 08-01

II. TASER STUDY UPDATE

David Sanders gave an update on Pima and Maricopa counties pilot program (handouts attached). Both studies have proven to be favorable. Pima started their pilot program in the spring of 2006 and Maricopa in the fall of 2006 in their respective warrants units. David gave a brief history on incidents where they had deployed the taser. There have been numerous incidents where just the word TASER will make the probationer comply. They had one minor injury, as did Maricopa, but nothing that dissuaded any of the staff from wanting to continue to participate in the program. After reading the report from Maricopa, he sees similar experiences from both counties.

Mary Walensa said Maricopa has had the same experiences as Pima that typically it is simply the display of the taser or saying the word taser has been effective in getting compliance. The reason they pushed for their warrants unit initially was because they were finding that the officers were going with the police to the homes of absconders and probation violators, that the police were asking the officers to be lethal force and the police would be less than lethal. Maricopa was not comfortable with that situation from the start. It has proven now to shift a little in a less than lethal role in that same situation. They do not see deploying the taser to officers in general, standard or intensive capacities.

Lance Nickell echoed what David Sanders and Mary Walensa had said. They have had approximately five deployments with the actual dart and then one with an actual drive stun. They know they have heard on the streets where the taser rides on the continuum of control and the officers will generally use them.

Alan Palomino said they had one deployment on an aggressive dog while serving a warrant. They have also displayed it several times.

Additional discussion ensued as to the carrying of tasers in the rural counties that do not

have warrants teams. At this time, the mindset is to use the taser as an offensive mechanism. When there is a planned office arrest, Kevin Jeffries would like to see a taser available at the office in the rural counties where it could deter any violence.

MOTION: Henry Meraz made a motion that SSAC recommend to COP to move forward from a pilot program to implementing it statewide and for Kevin Jeffries and Barbara Ortolano to revise the code and place the taser on the continuum that it be on the same level as empty hands or OC spray. The motion was not seconded.

After additional discussion, Henry amended his motion.

MOTION: Henry Meraz motioned that SSAC recommends to COP that the pilot program be considered a success and to include both adult and juvenile departments when revising the code. David Sanders seconded the motion. Motion approved unanimously. SSAC 08-02

III. USE OF FORCE CODE REVISIONS

Kevin Jeffries did some research and has found six areas he would recommend to COP he would like changed on the code (handout attached).

1. Change the "Title" from "Use of Force" to "Officers Response to Threats, Resistance, and Assaults (ORTRA)". This change would make it from a use of force action to reactionary.
2. Remove the "Continuum of control" definition and the list on Appendix 1: It is rare that an agency would list this in their policy, which could be pulled into court in the event of a lawsuit. An officer's use of force merely has to be reasonable. These would still be mentioned as options.
3. List all the A.R.S. citations, but omit the language.
4. Section D.4. - ...ability and opportunity...immediate threat of harm to the officer or a third party..., remove and replace with the term capability, which says the same thing as ability, opportunity, jeopardy, and preclusion as taught by the DT Instructors.
5. Section E.4.b., add Electronic Control Device (ECD), which is the name that TASER gives for the taser implement. The word "reasonable" would have its own definition based on the reasonable officer standard from Graham vs. Connor.
6. Section F.4. - ...incident report, the chief probation officer..., also add director of juvenile court. These reports are not being turned in from many of the departments. Either this will have to be removed from this section, or the departments need to start complying.

MOTION: David Sanders motioned to move forward with the draft code revisions as proposed by Kevin Jeffries and reconvene to review those recommended changes at the next SSACE meeting. Patrice Buzan seconded the motion.

After additional discussion, David amended his motion.

MOTION: David Sanders motioned to move forward with the draft code revisions as proposed by Kevin Jeffries and to allow Kevin Jeffries a smaller work group as he may determine the authority to move in that direction for SSAC's further review. Patrice Buzan seconded the motion. Motion approved unanimously. SSAC 08-03

IV. OFFICE SECURITY

John Ryder reported on his research of office security (handouts attached). Yavapai County Adult are on their second remodel based on what is stated in the New Approaches to Staff Safety handout. The second handout is a draft on Safe Office Design he envisioned might be helpful to departments. These should be considered as recommendations in the ideal situation.

ACTION ITEM: John Ryder to send via electronically the draft Safe Office Design for feedback from SSAC.

V. DRIVER TRAINING

Fred Santesteban reported on behalf of Brett Watson information on Arizona Probation State Vehicles for FY05 and FY06 regarding preventable and non preventable accidents (handout attached). Brett sits on a statewide committee, Vehicle Incident Review Committee (VIRC) that reviews almost all the vehicle incidents that come in statewide to determine primarily if they were preventable or non preventable accidents. Brett wanted Fred to stress that the highest category preventable accidents happen when people are backing up. The only training that is readily available is what is already required through code which is the defensive driving training for everyone that drives a state vehicle.

Livingston Sutro asked how the AOC vehicles, the probation vehicles, and the track record stacked up against the other state departments.

ACTION ITEM: Fred Santesteban and Brett Watson will report back on Livingston Sutro's question at the next SSAC meeting.

It was suggested that when attending these defensive driving classes, to make the instructor aware they might want to put a little more emphasis on any comments they have about backing up. It was also suggested that the Certification Academy have an instructor teach a class on driver safety, as they had in the past.

ACTION ITEM: Barbara Ortolano will make a suggestion, on behalf of SSAC, to the Education Services Division of having a driving instructor at the Certification Academy.

VI. SEARCH AND SEIZURE

David Sanders mentioned that Pima County will have training for search team coordinators and they have designated 18 people in the department. The bulk of this training that they envision for the search team coordinators is leadership training. The training will be one day and is scheduled for May, 2008. Training will consist of:

Running a meeting	Select number of participants
Proper briefing	Anticipate what might go wrong
Assign roles	Elements of a proper search
Anatomy of a search from start to finish	Tactical training
Simunition	

They will also refresh themselves with the Fourth Amendment and case law that governs search and seizure.

Pima County will invite the other counties that are interested in doing something similar to either train with them or to borrow their package and modify it to suit the county's needs. They will also invite the safety staff of AOC to either observe or at least review their manual for content.

ACTION ITEM: David Sanders will report back on how their training went at the next SSAC meeting.

VII. SAFETY TRAINING REVIEW

Marie Holck reported on the probation activities for 2007:

- 20 Defensive Tactics (DT) Academies
 - 313 Officers
- 12 Firearms (FA) Academies
 - 149 Officers
- Train the Trainer for both DT and FA
 - 101 DT Instructors
 - 78 FA Instructors
 - 310 Officers passed the exam
 - Officers rated the training at 100% applicability to their job in DT and FA
 - Officers rated the instructors at 100% of excellent or very good knowledge in DT and FA

Livingston thanked Marie and her staff for an excellent product and helping keep the officers safe in the field.

VIII. FIREARMS SUMMIT

Arizona has had armed officers for over five years. At the suggestion of Barbara Broderick, Livingston Sutro asked the committee of getting a group of FA instructors or armed officers to evaluate where they are at and what the progress has been and perhaps make a

recommendation for where they might go if there is any necessity to do anything different.

After some discussion, it was decided to move forward with some suggestions from the members:

- Include armed and non armed officers, line officers, instructors, and one or two lead officers.
- Education to prevent incidents.
- Simulations training.
- Requalifications.
- Quarterly trainings.
- Get officers concerns, perspectives, what benefits they see from the program as it exists now, and what is the future of the program as to stress inoculated type of training.

ACTION ITEM: Livingston Sutro will work on structuring an agenda on a statewide summit and will send the agenda electronically to the SSAC members for their input before proposing it to COP.

IX. NON AGENDA ITEMS

Fred Santesteban gave a heads up on an email he received from Keith Brunson, Pima County Juvenile, who is looking for Model 22's and Model 27's to possibly swap for Model 23's. Keith will be contacting the safety coordinators throughout the state to make those exchanges.

Kevin Jeffries informed the committee that the AOC is working on acquiring a new space for DT training off of Elliott Road.

X. ADJOURNMENT

Livingston Sutro asked for comments or questions and a motion to adjourn.

MOTION: David Sanders moved to adjourn the meeting. Charles Counts seconded the motion. Motion passed unanimously. SSAC 08-04

Livingston thanked everyone for their attendance, attention, and to stay safe!

Meeting adjourned at 12:40 PM.