

COMMITTEE ON PROBATION

ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
1501 WEST WASHINGTON STREET
CONFERENCE ROOMS 345 A & B
PHOENIX, ARIZONA

NOVEMBER 6, 2009
9:00 A.M. – 12:00 P.M.

Chair:

Tim Hardy

Attending Members:

Rene Baca
Carol L. Boone
Margie Brakefield
Barbara Broderick
Chad Campbell
Marilee Dal Pra
Ray Garcia
Billie Grobe
Arno Hall
Steve Hardy
Scott Mabery
Diane McGinnis
Chuck Moter
Doug Pilcher

Tivo Romero
David F. Sanders
Rik Schmidt
Delcy Scull*
Sharon Sikora
Don Stokes*
Livingston Sutro
Rich Tozer
Susan(Sue) Von Borstel
Friend Walker
Kathy Waters
Cindy Winn
Jerold Wolf
Todd Zweig

With Regrets:

John Armstrong
Frank Begay
Mike Branham
Kenneth Brown
Vincent Craig
Carl Fox
Hon. Warren Granville
Mario Moreno
Robert Seymour
Susan Stodola

Proxies:

Joseph LiPuma for
Bryon Matsuda

Guests:

Dave Byers
Denise Caraballo
Amy Champeau
Laura Freer
Melinda Hardman
Evita Holmes
Chad Kewish

Tim Orona
Katy Proctor
Jodi Rudd
Fred Santesteban
Jeff Schrade
Brett Watson
David Withey

AOC Committee Staff:

JL Doyle
Geoff Kudel
Lorraine Lerma

*Members present for part of meeting

I. WELCOME

Tim Hardy called the meeting to order at 9:08 a.m. This is Carol Boone's last COP meeting before her retirement and she was asked to lead the group to recite the Pledge of Allegiance. Tim reminded the committee that one of the rules of COP is that they are allowed one proxy per year. He also mentioned seats at the table are reserved for committee members or proxies only. Introductions were made around the room and he welcomed everyone. Tim introduced Geoff Kudel as the new staff person; Don Stokes and Sue Von Borstel representing line staff; Tim thanked Sharon Sikora for the refreshments.

It was established that there was a quorum present as defined in the business rules for the committee. Twenty-eight committee members and one proxy were identified. (Note: A total of 28 committee members attended the meeting; 2/3rds of the members present (19) would be needed for a motion to pass).

II. LEGISLATIVE PROPOSALS

Katy Proctor gave an update:

- No formal proposals from the AJC
- Budget package is the number one priority and in the final drafting phases
- State General Fund
 - Over \$8 billion in the fund
 - FY2010 - \$2 billion deficit
 - FY2011 - \$4.5 billion deficit (if FY2010 not rectified)
- 3-day special session on November 17, 2009, to make corrections from the last budget
- The budget was not enacted in July in totality
 - Some BRB bills did not get passed by the legislature until September 2009; one bill was vetoed by the Governor
 - \$160 million in savings in the current fiscal year by reinstating most of what were in the bills
- Cuts
 - Cuts to K-12 to bring spending down to the federal maintenance of effort requirements under the federal stimulus package
 - \$140 million in DES
 - Total of over \$560 million in cuts
 - After all cuts, still \$1.5 billion FY2010 and only \$300 million later this month is permanent in nature and carries forward in helping deficit next year

III. FIREARM LEGISLATION

David Withey gave a PowerPoint presentation on SB1168. The legislation is currently in effect, enacted last session, and is an amendment to A.R.S. § 12-271. A copy of the bill was provided (handout attached). The primary purpose as

indicated in the legislative history was to allow people to have a firearm in their vehicle when they are going to work.

IV. APROVAL OF MINUTES

MOTION: Sharon Sikora made a motion to approve the minutes of September 4, 2009. Chuck Moter seconded the motion. Motion passed unanimously. COP 09-22.

VI. BUDGET UPDATES

Agenda item taken out of order.

Chad Campbell provided the following update for juvenile probation.

- Budget remains steady
- Submitted proposal for the 15% cuts and recommended reducing commitments to ADJC by about 3% (30 kids) for approximately \$1 million savings to the state
- Avoided eliminating all of the JIPS programs, part of diversion, and some of the treatment dollars
- Diversion is being cut at \$170,000 for the first year and additional \$520,000 for a total of \$690,000 annualized across the board, but then diversion fees would be raised if that passes and moves forward, which should offset the two of those

Kathy Waters provided the following update for adult probation.

- Funding stays the same
- Committed to continue to reduce probation revocations to the DOC by an additional 5%, a 12% (995 people) reduction was achieved in FY2009
- Numbers are down on petitions to revoke, revocations to jail, and revocations to the DOC. Cost avoidance was somewhere between \$10 million up to \$18 million
- The Safe Communities Act states that if revocations are reduced by the implementation of all of these things that in FY2010-FY2011, a percentage of money that is saved should be returned back to local communities to be used for certain purposes: additional treatment, probation

Friend Walker has concerns with the state shifting some of the costs of the judges' salaries to the counties as a measure to save some cuts from probation. Mohave County is looking of passing those cuts on to the probation departments and several other departments. It does not really generate any savings at the probation department level; they will still be facing cuts for FY2010.

Tim Hardy commended the AOC for coming up with alternative plans to the automatic sweep of IPS, JIPS, and diversion.

Kathy mentioned that Katy Proctor is working on a Criminal Justice Recovery Fee, which will not only encompass presentence investigations, but assessments that may be done prior to with an expedited case if there was not a presentence report done.

ACTION ITEM: Kathy Waters will have Katy Proctor send out the draft of the Criminal Justice Recovery Fee for review.

VII. ACJA WEB FORUM

AOC's legal department asked ITD to create an online web message board forum to collect comments for code proposals. Laura Freer gave a demonstration. The web address is AZDNN.DNNMAX.COM/FORUMACJA.

JL Doyle commented that all future probation codes will be posted on the web board forum for public comment.

ACTION ITEM: ITD will add a link to access all of the current administrative codes.

VIII. COMMITTEE UPDATES

SSAC (Staff Safety Advisory Committee)

No updates since the last COP meeting. Livingston Sutro mentioned there is a meeting scheduled for December 10, 2009, (open to the public) to review all the codes that pertain to officer safety. The codes have been distributed to SSAC for their review and to bring their ideas. Livingston will report back at the next COP meeting in January 2010 as to suggestions for changes.

Scott Mabery brought up the subject of the Taser pilot program (for juvenile probation in Mohave and Yuma Counties). Tim Hardy mentioned that once the officer safety codes are completed, that Taser pilot program will be revisited.

COPE (Committee on Probation Education)

Chad Kewish provided an update. COPE met on September 15, 2009, and reviewed and approved:

- Two new Train-the-Trainer (TTT) Lesson Plans for Defensive Tactics (DT) and Firearms (FA)
- Three curriculum revisions to existing classes (Kevin Jeffries and Barbara Ortolano, Officer Safety Specialists, are rolling out to the counties training current DT Instructors)
 - Drawing, holstering, and carry systems
 - Prone and self-defense
 - Handcuffing

COPE will be reviewing and working on a policy for probation officer certification practicum component, similar to the steps that are used in officer

safety for officers who need remediation work on specific skills that are identified.

The Detention Subcommittee has formed a workgroup drafting curriculum for a Detention Officer Safety Skills Training. The workgroup consists of Officer Safety Specialists (Barbara and Kevin), Detention Administrators, and Handle with Care, and DT Instructors. The goal is to develop curriculum and will be presented back to COPE for review. The subcommittee is also working on implementation of moving the Detention Officer Academy from where it currently is held three times a year: Phoenix, northern counties, and in the southern region to permanently move it to COTA (Correction Officers Training Academy) in Tucson. The goal is to extend the program half a day within the first 6 months, adding a practical component for the detention officers.

The 2010 training calendar has been sent to all training coordinators and safety coordinators. Upcoming trainings:

- Detention Officer Academy, November 30-December 3, 2009, in Phoenix
- FA Training, November 30-December 3, 2009, in Sedona
- Faculty Skills Development, December 8-10, 2009.
- DT, January 11-14, 2010 at OSTC
- Certification Academy, January 25-February 5, 2010

ACTION ITEM: Chad Kewish will send emails to the Chief Probation Officers and Juvenile Court Directors asking for volunteers for the Certification Academy to serve as Deans.

Rich Tozer volunteered for the Certification Academy, January 2010.

PACC (Probation Automation Coordinating Committee)

Rik Schmidt mentioned the last meeting was cancelled. No updates presented.

IX. NON-AGENDA ITEMS

JL Doyle mentioned that the IPS Evidence Based Practice (EBP) code was passed by AJC. Once the AO is posted, the announcement will be sent out. The counties who will be applying for governance under the EBP codes will be able to do all the codes at once. Pima and Pinal Counties who are on EBP for standard, interstate compact, and powers and duties, there will be no separate application for Pinal, but for Pima they will require a separate application after training is completed. All the EBP codes have now been adopted. For the IPS EBP code, technical amendments will be submitted based on some of the BRBs that have passed that changed the definition of an IPS team and to increase probation service fees to \$75. The statute is effective November 24, 2009. AOC will provide training on the codes.

Katy Proctor mentioned that the Chief Justice and Dave Byers are working with the National Center for State Courts (NCSC). The federal intercept could potentially bring in \$40-\$80 million to Arizona. The state tax intercept program will intercept any amount over \$41 that someone owes to a court in the state tax refund. This works through the FARE program, which also includes victim restitution, with the Department of Revenue. The Criminal Justice Recovery Fee still in the draft stage; the distribution is going back to the county general fund as an offset for picking up the state's portion of judicial salaries. Dave Byers mentioned that the budget is not on the agenda for special session.

Scott Mabery asked if there are any concerns regarding the H1NI in any departments, such as Detention Centers? He mentioned that in Yavapai County it has not been an issue.

- Carol Boone - Maricopa Juvenile have not had any official case of H1NI in their detention centers. One of Carol's staff member has contacted OSHA that there is not sufficient protection from them contracting it because of the ventilation system. OSHA will look into their concern
- Rick Schmidt – Pima Juvenile had a number of kids (12%-15% of population) in detention that had flu like systems, but it was not diagnosed specifically as that strain. They also had two staff with H1N1

Chad Campbell sent an email to detention, courts, and directors and the response was only three counties had any significant amount of kids, over 21 total, with flu like symptoms and that they were taking the precautions from that perspective.

V. ACJA UPDATES

Agenda item taken out of order.

Melinda Hardman, Court Services Division, reported on Code Sections 1-604, 1-605, and 1-606 that do not have any impact on probation's budget. These three code sections all stem from work done on a Supreme Court Rule 123, which is access to judicial records of the State of Arizona. (handouts attached). Comments on all three codes are being accepted and must be posted by November 12, 2009, and will go to AJC in December 2009. Attorneys of record and parties in a case will receive remote electronic access to their records for free, members of the public will be assessed a charge, which has not been determined, in Rule 123 that the purpose of the fee is only to cover the cost of providing this service. Everything is available for free at the courthouse.

MOTION: David Sanders moved to support draft code Sections 1-604, 1-605, and 1-606. Chuck Moter seconded the motion. Motion passed unanimously. COP 09-23.

X. CALL TO THE PUBLIC

Sharon Sikora congratulated Carol Boone on her retirement and wished everyone a safe and happy holiday season!

XI. ADJOURNMENT

MOTION: Barbara Broderick made a motion to adjourn the meeting. Friend Walker seconded the motion. Motion passed unanimously. COP 09-24.

Meeting adjourned at 11:20 pm. Next meeting – Friday, January 29, 2010.