

**ARIZONA JUDICIAL COUNCIL**  
**Administrative Order Codification Proposal**

**Section 6-114: Committee on Probation**

1. Effect of the proposal: Replaces and amends Administrative Order No. 90-52. Codifies membership of the Committee on Probation.
2. Significant new or changed provisions: The following positions were added as new members to the committee:
  1. Two judges, one juvenile and one adult.
  2. Director or designee of Federal Probation, Arizona District
  3. Director or designee of the Arizona Department of Corrections
  4. Director or designee of the Arizona Department of Juvenile Corrections
  5. Two line officers; one juvenile and one adult.
3. Committee and group action and comments: This code section was circulated for review and comment to the Committee on Juvenile Courts, Presiding Superior Court Judges, Presiding Juvenile Court Judges, Juvenile Court Directors, Adult Chiefs of Probation, Committee on Probation, Staff Safety Advisory Committee (SSAC) and other interested parties. Comments are attached.
4. Controversial issues: Inclusion of the following members: “Two line probation officers, one juvenile and one adult; one representing a rural county and one representing an urban county.” Language added by AOC administration, Both Chief Probation Officers and the Directors of Juvenile Court object to adding line officers as members.
5. Recommendation: Approve code section as written.

**Comments and Responses to  
ACJA Section 6-114: Committee on Probation**

PARAGRAPH	COMMENT	RESPONSE
	I have reviewed the document and do not have any comments at this time	N/A
C.	“...add a training coordinator as part of the membership roster. [O]n occasion it would be wise to gather information on how certain trainings are going to effect the training coordinators ability to track or facilitate changes to training sessions, specially in a rural communities.	Not incorporated. Many members of COP also sit on the Committee on Probation Education (COPE). All training must be approved by COPE and is evaluated in the sub committee process prior to forwarding to COP.
C.3	... at least one of the Judge members should be on the Juvenile Bench. The perspective from the Juvenile Bench is, in many respects, very different than that of the Criminal Court Bench. I don't mean to imply that there need to be more than two Judges, but you may want to look at more than two if you want to keep a rural/metro breakdown.	Incorporated. Added language to ensure both Adult and Juvenile bench representation.
C.3	...consider expanding section C-3 to include the Presiding Judges of Maricopa and Pima Counties or their designees as well as two rural county Presiding Judges or designees.	Not incorporated. See comment above.
C.3.	I suggest one of the judges be from the juvenile bench.	Incorporated. See comment above
C.5.	How will this member be selected, and from what level of authority or representation? I do not see this representation as contrary to the purpose (A), but am not sure they need voting powers for "recommendations to the COSC, AJC and the supreme court".	Follows current AJC committee appointment process: <ul style="list-style-type: none"> <li>• Committee Chairperson solicits nominations from current members and other committee stake holders.</li> <li>• Nominations reviewed by Committee Chair and appropriate AOC Division Director(s).</li> <li>• Two names per vacant committee position forwarded to Chief Justice for appointment.</li> <li>• Chief Justice appoints individual by Administrative Order.</li> </ul>

C.5.	If adopted, recommend the member be specified, such as Chief Probation Officer or Chief Deputy Probation Officer, for example.	Incorporated. Revised language for C.5, C.6 and C.7.
C.6. & 7.	I question why both DOC and ADJC are members. I'm not sure of the relevance, given their responsibilities versus probation services.	See response below.
C.6. DOC C.7. ADJC	<p>How are DOC and ADJC representation consistent with the purpose? Their membership is consistent perhaps, with "community corrections" overall, or in the scope of global community justice practices, but not directly germane to "current probation practices". Will Arizona State probation be represented on DOC/ADJC rules, policies and procedures committees and if so, in what capacity? If adopted, how will these members be selected and from what level of authority? With DOC/ADJC representation as a "back end" service, perhaps law enforcement should also have representation as a "front end" service? County attorneys are also stakeholders in probation practices and maybe they should be included.</p> <p>Recommend this not be adopted.</p>	<p>No change.</p> <p>The benefit of having both agencies represented is consistent with Section B. General Policy as "COP shall promote...programs that improve the quality of effectiveness of probation services". An integral part of probation is community supervision and DOC and ADJC are key role players and partners of probation in providing effective community supervision.</p>
C.8. Line officers	<p>"I believe there is no need for the representation by two line officers – that is the role of the Chief Probation Officer/Court Director.</p> <p>However, if they are members, one should be from juvenile probation services."</p>	<p>No change.</p> <p>Incorporated. Language added to ensure both adult and juvenile officers are represented.</p>

<p>C. 8. Membership; line officers</p>	<p>What is the process for the Chief Justice’s selection of members? Who makes recommendations or are recommendations asked for? The code does not include a process for recommendations for any of the potential members (with the exception of individuals holding specific offices, e.g., chief probation officers, directors of juvenile courts, directors at AOC, listed under Membership). For instance, how is a member from the Arizona Department of Corrections selected? Or, how is a member from the substance abuse or mental health profession selected? Recently, a member of the substance abuse/mental health profession was selected from my community. It was curious that no one advised, contacted, or consulted YCAPD about this potential appointment. For the record, we would have approved it, but I think it’s very appropriate to consult other members of the COP who are familiar with the candidate.</p>	<p>No change. See answer to C.5. for process.</p>
<p>C.8.</p>	<p>What is the precedent for line officer representation? These proposed members are represented by their Chief Probation Officer/Juvenile Court Director, and perhaps more consistently and equally than two line officers at large. If line officers are members, should detention officers and support staff be excluded?</p> <p>Should not DCSD and CASA be represented also because of the complexities of dual-adjudicated youth as well as adult clients with dependent children? It is not uncommon (and often a good practice) that line officers are members as necessary of ad hoc working groups, taskforces and advisory committees, but not to the committee as a whole.</p> <p>What is the obligation of the department to fund the line officer's membership? What are the issues when committee membership is impacting the line officer's duty performance?</p>	<p>Currently there is no precedent for line officers serving on a standing committee. Notably, line officers were key members in the Ad Hoc Safety committee for Officer Safety and other Task Forces.</p> <p>DCSD and CASA may be called to participate as a public member if appointed by the Chief Justice. As COP is a public meeting, and member of DCSD and CASA may request agenda items and be recognized at meetings to provide comments and suggestions.</p> <p>As a member appointed by the Chief Justice, pursuant to Administrative Order, the line officer attending meetings would be on official court business.</p>

C.8.	Though selected by the chief justice, what is the process for nomination and selection, and is there a process for Chief or Director veto for justifiable cause?  Recommend this not be adopted	See response to C.5.
C.8. Line officers	“I believe there is no need for the representation by two line officers – that is the role of the Chief Probation Officer/Court Director. However, if they are members, one should be from juvenile probation services.”	Incorporated. Language added to ensure both adult and juvenile officers are represented.
C.8. Membership; line officers	What is the goal or purpose of membership in COP? Is it to represent a certain body (e.g., the ADOC, Federal Probation, etc.)? And, if it is to represent a certain body, then the Chief represents their department and county. How can 2 line officer members represent such a diverse body as rural and urban line officers?	No change. See response above.
C.9	“I question moving from two to four public members, only from a “size of the committee” perspective. We already are quite a large group.”	No change. Increase of minimum public members developed to ensure diversity of public members. NOTE, currently there are 7 active public members on COP. Current AO and revised Code Section do not set maximum number of public members.
C.9	Why only the listed public members? There are many other public agencies that could be an asset to the committee.	Incorporated. Sentence amended to read, “ <u>A minimum of four public members with demonstrated interest or knowledge in criminal justice or juvenile justice matters, including but not limited to:</u> ”
E. Responsibilities of Members	“Members unable to attend a meeting <u>shall</u> send a representative.” While this might work for a member attached to a public agency (e.g., ADOC or USPO), it might be a difficulty for a public member. Does this mean that public members <u>shall</u> send a representative? Do you mean to require a public member to send a representative? Recommend it be changed to “ <u>may</u> send a representative”.	Incorporated. Language stating member must send a representative removed.

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**Deleted:** The public members shall include, but are not limited to:

<p>E. Responsibilities</p>	<p>What form or scope of "representative" shall attend on behalf of the member? Does the public member send his/her neighbor or friend? If the chairperson is unable to attend, does that representative then act as chair? Does the representative hold voting power on behalf of the designated member? Though I think I understand the intent of this paragraph, it requires careful thought and consideration of the potential impact. What is the authority of the committee, the COSC or the chief justice to enforce attendance and representation of agencies and individuals outside of the judicial branch?</p> <p><i>It is recommended that if members are not attending on a regular basis, or not participating, they should be brought to the attention of the chief justice, with a method in place for removal as necessary. Otherwise, it is recommended that if representatives are required, each member should have a declared designated representative on file, consistent with the appointed member's role, function and purpose.</i></p>	<p>No change. See response above.</p>
<p>G. Meetings</p>	<p>Meetings are noticed and open to the public. This allows for DOC/ADJC, line staff, and any others with any particular interest or concern in probation practices, to attend and be heard.</p>	<p>No change. See comment above.</p>

Following sheet provides additional comments received after the 1/22/07 due date for public comments.

PARAGRAPH	COMMENT	RESPONSE
C.	We would like to extend membership to the clerk, defense bar and prosecution. Besides their roles in virtually all court processes involving probation they are both key team players in all therapeutic courts.	No change. See response for C.6. 7. & 8.
C.8	We believe we will be setting a precedent if “line-officers” are allowed to serve as members of the committee. No other Supreme Court Committee has this requirement. Since meetings are open, all employees (not just line-officers) have an opportunity to voice their opinions. Additionally, there are many opportunities for rank-and-file to serve on various working groups and sub-committees that provide a forum to be heard.	Currently there is no precedent for line officers serving on a standing committee. Notably, line officers were key members in the Ad Hoc Safety committee for Officer Safety and other Task Forces.
C.3	We support having at least two criminal judges serving on the criminal bench. The criminal bench is a major stakeholder in probation and has hands on experience and knowledge of probation processes, practices and procedures. Our only suggestion is that there has to be a strong commitment from both the judges. As you are aware, in the past there was difficulty with participation from the bench. There has to be some sense of ownership and accountability from the committee chair and the Supreme Court to ensure that attendance and participation from the bench is consistent.	Added language to ensure both Adult and Juvenile bench representation.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**Part 6: Probation**

**Chapter 1: General Administration**

**Section 6-114: Committee on Probation**

- A. Purpose.** The Committee on Probation (COP) is established as a subcommittee of the Committee on Superior Court (COSC), a standing committee of the Arizona Judicial Council (AJC). COP shall examine current probation practices and develop rules, policies and procedures for recommendation to COSC, AJC and the supreme court. COP shall promote standardization, consistency and coordination of probation services statewide and recommend evidence-based practices and programs that improve the quality and effectiveness of probation services.
- B. Membership.** COP shall be composed of the following members:
1. All chief probation officers and directors of juvenile courts;
  2. Directors of the Administrative Office of the Courts (AOC) adult probation services division and juvenile justice services division;
  3. Two superior court judges, one serving on the criminal bench and one serving on the juvenile bench; one representing a rural county and one representing an urban county;
  4. One member who serves on the Committee on Limited Jurisdiction Courts;
  5. The director of the United States Probation Office, District of Arizona or designee;
  6. The director of the Arizona Department of Corrections or designee;
  7. The director of the Arizona Department of Juvenile Corrections or designee;
  8. Two line officers, one juvenile and one adult; one representing a rural county and one representing an urban county;
  9. A minimum of four public members with demonstrated interest or knowledge in criminal justice or juvenile justice matters, including but not limited to:
    - a. A representative from the tribal community;
    - b. A representative from the substance abuse or mental health profession; and
    - c. A crime victim or crime victim advocate.
  10. Other members appointed at the discretion of the chief justice.

- C. Terms of Members.** The chief justice shall appoint all members to two year terms and may re-appoint members for successive terms. Members appointed because of their position or designation shall not have a term. The chief justice shall appoint the chair to a two year term. The chair may serve a maximum of two terms as long as the membership criteria in subsection (C) are satisfied. If the chair is unable to complete the full term, the chief justice shall appoint an interim chair for the remainder of the term.
- D. Responsibilities of Members.** Members shall attend and actively participate in COP meetings, assist with the administration of COP affairs and serve on COP advisory committees as appointed by the chair.
- E. Organization.** The chief justice shall appoint the chair and other leadership as needed to organize committee affairs. The chair may appoint ad hoc advisory committees to help facilitate COP responsibilities.
- F. Meetings.** COP shall meet, at minimum, three times per calendar year. The chair may call additional meetings. All meetings shall be noticed and open to the public.
- G. Actions.** COP shall adopt rules for conducting COP business. These rules shall prescribe the quorum and the majority needed to constitute COP actions.
- H. Staff.** The AOC shall provide staff to assist and support COP under the direction of the chief justice.