

**TENNESSEE
PRIVATE PROBATION SERVICES COUNCIL
MINUTES**

DATE: April 5, 2013

PLACE: Conference Room 1-B, Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee

PRESENT: Board Members –
Judge J. Klyne Lauderback, Vice-Chairman
Judge John Hudson
Sidney Chism
Dena McCollough
Veronica Thornton

ABSENT: Judge Chris Craft, Chairman
Judge Hugh Harvey

PRESENT: Staff Members -
Donna Hancock, Executive Director
Susan Lockhart, Executive Assistant
Benton McDonough, Assistant General Counsel

Call to Order – Vice-Chairman Lauderback called the meeting to order at 10:15 a.m. and the following business was transacted:

Roll Call - Ms. Hancock called the roll. Five (5) council members were present and two (2) were absent.

Notice Given – Ms. Hancock then read the following notice for the record:

“This meeting’s date, time and location have been noticed on the Tennessee Private Probation Services Council’s website, included as part of this year’s meeting calendar, since November 11, 2012. Today’s meeting was rescheduled from March 1, 2013 and the update was made to the Council’s website on February 15, 2013. The agenda for this month’s meeting has been posted on the Council’s website since March 25, 2013. Also, this meeting has been noticed on the tn.gov website since March 28, 2013.

Agenda – Judge Hudson made a motion to adopt the agenda, seconded by Mr. Chism.
MOTION CARRIED.

Minutes – Mr. Chism made a motion to approve the minutes of November 9, 2012, seconded by Judge Hudson. **MOTION CARRIED.**

LEGAL REPORT – BENTON MCDONOUGH, ASSISTANT GENERAL COUNCIL

Mr. McDonough presented the following Legal Report for consideration:

1) 2012022391 Probation Company**Complaint:**

- On September 25, 2012, the Council received a complaint from a local circuit court clerk regarding the quarterly reports of the Respondent.
- Complainant stated that the last quarterly report was received in the last quarter of 2011.
- The Complainant also believes the quarterly reports are inaccurate as they received the following information:

<u>Quarterly Report</u>	<u>Respondent's Data</u>	<u>Complainant's Data</u>
Oct-Dec 2010	94 violations filed	215 violations filed
Apr-Jun 2011	108 violations filed	171 violations filed
Jul-Sep 2011	97 violations filed	258 violations filed
Oct-Dec 2011	82 violations filed	171 violations filed

Response:

- Respondent states that the clerk's office complained about the number of violations filed by probation officers at one time, so the Respondent started to hold back on the number of violations filed at one time.
- Furthermore, Respondent states that the clerk lists the date when the judge signs the warrants as the filing date and not the date that the Respondent actually turned in the warrants to be processed, which may account for the variation in violations filed.

Response from Judge:

- The judge responded on behalf of the Respondent in this case.
- The judge stated that the Respondent has always been on time with their quarterly reports and filed their most recent quarterly report on October 10, 2012 (this response was provided October 25, 2012).
- The judge points out that the rule requires the Respondent to submit the report in a form and manner specified by the clerk under the supervision of the judge.
- The judge has since met with the Respondent and the clerk to develop the form and manner in which the report is to be submitted.
- Finally, the judge pointed out that it would not surprise him if the clerk's office misplaced the quarterly reports, as the clerk is a fan of neither the judge nor the Respondent.

History:

- No prior complaints.

Recommendation:

- Dismiss.

The Council accepted Mr. McDonough's recommendation and the report as presented.

Judge Lauderback asked if a quarterly report form could be developed for the court clerks to help ensure the information being submitted by private probation entities is uniform. After some discussion, it was determined that although the Rules require the clerks to provide the form that Mr. McDonough would draft a form for the Council's approval to offer to the clerks for their use.

ADMINISTRATIVE REPORT - DONNA HANCOCK, DIRECTOR

Complaint Statistics & Comparison Report – Ms. Hancock presented a report of the complaints open at this time last year compared to the ones currently open.

Ms. Thornton expressed concerns with companies being registered by judicial district versus performance bonds being filed for the counties services are provided in and not the judicial district. After some discussion, Mr. McDonough advised he would review how this information is reported to the Council to determine if any changes would be warranted.

Budget Report – Ms. Hancock presented a comparison of the expenditures and revenues for the last three (3) fiscal years to the year-to-date figures for the current fiscal year.

UNFINISHED / NEW BUSINESS –

Ms. Hancock reminded the Council of House Bill 2830 that passed into law in 2012 allowing private probation entities to supervise Class E felony offenders. At the last meeting Ms. Hancock reported that the Department of Corrections, Debbie Inglis, had informed her that they would “not move forward on implementing the act without including the Board in the process.” Today, Ms. Hancock stated that she spoke with Ms. Debbie Inglis on 4/4/13 and that Ms. Inglis advised her that her department still has yet to review or move forward with a process for implementing the act and that she will inform Ms. Hancock when they are ready to do so.

Ms. Thornton inquired as to the possibility of the Council providing training for private probation officers. After some discussion, it was determined that it is not the purpose of the Council to provide such training and is the responsibility of each private probation entity to provide or acquire training for their employees that meets the criteria detailed in the Rules.

ADJOURN -

Being no further business, the meeting adjourned at 11:05 a.m.



Judge Chris Craft, Chairman

J. Klyne Lauderback, Vice Chairman