

**TENNESSEE
PRIVATE PROBATION SERVICES COUNCIL
MINUTES**

DATE: September 3, 2010

PLACE: 2nd Floor Conference Room- Andrew Johnson Tower
710 James Robertson Parkway
Nashville, Tennessee

PRESENT: Board Members:
Judge Chris Craft, Chairman
Judge J. Klyne Lauderback
Judge Hugh Harvey
Judge John Hudson
Sidney Chism

PRESENT: Staff Members:
Donna Hancock, Interim Director
Adrian Chick, Staff Attorney
Susan Lockhart, Executive Administrative Assistant

CALL TO ORDER:

Chairman Craft called the meeting to order at 10:07 a.m. and the following business was transacted:

Roll Call - Ms. Hancock called the roll. All five (5) Council members were present.

Announcements – Chairman Craft advised Dena McCollough’s term as a council member expired and she is seeking reappointment so she was in attendance to observe the meeting but would not participate in any votes. Ms. Hancock advised Judy Harvey’s term had also expired and had advised that she was not seeking reappointment.

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

Minutes - Judge Lauderback made a motion to approve the minutes of June 4, 2010 as amended, seconded by Mr. Chism. **MOTION CARRIED.**

LEGAL REPORT - ADRIAN CHICK, STAFF ATTORNEY

Mr. Chick presented the following Legal Report for consideration:

1. L10-PSC-RBS-2010025201

Complaint: This complaint was filed by the mother of a defendant in a criminal case. The Respondent is a probation officer employed by a private probation entity. According to the Complainant, the Respondent testified falsely under oath regarding her son's case and is a dishonest man. Furthermore, the Complainant states there is a conspiracy against her son.

Response: The Respondent denies the allegations and states that the probation violation was sustained due to repeated positive drug screens and failure to show proof of all community service. The ADA that handled the hearing also provided a written statement and confirmed Respondent's statement, adding that the hearing was conducted fairly and that there is no conspiracy against the defendant.

Complaint History: None.

Recommendation: This complaint should be dismissed because the council lacks jurisdiction over the Respondent probation officer. Furthermore, even if the complaint had been filed against the private probation entity, the facts do not support any violation of statutes or rules relating to private probation entities.

MOTION: Judge Harvey made a motion to accept Legal's recommendation, seconded by Judge Lauderback. **MOTION CARRIED.**

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. She advised that there are two (2) open complaints – one (1) is over one hundred eighty (180) days old and is pending a formal hearing and one was determined here today. There were two (2) complaints open and pending in September 2009.

2011 Meeting Schedule – Ms. Hancock presented a proposed meeting schedule for 2011 based on the Council's current meeting rotation. The Council approved the schedule as written.

2011 Legislative Proposals – Ms. Hancock advised any legislative proposals to be submitted to the Commissioner must be submitted by September 10, 2010. After some discussion, the Council requested that Mr. Chick submit a proposal on their behalf to change 16-3-908 regarding meetings. *The Council recessed for approximately five (5) minutes at 10:30 a.m. to allow Mr. Chick the opportunity to draft the proposal for approval.* The following language was approved by the Council:

16-3-908. Meetings. The council shall meet at least once each quarter, unless the chairman determines there is not business to be conducted, and at such other times and places as necessary to conduct the council's business.

NEW BUSINESS / UNFINISHED BUSINESS:

Ms. McCollough advised that someone had expressed concerns to her that some probation officers may report violations to the courts to simply extend probations. Chairman Craft recommended that anyone with such concerns should file a complaint with the Council. After further discussion, the Council advised it would be beneficial to educate the judges and clerks during their respective conferences of the reports required to be filed with the courts by Rule 1177-1-.05(b).

ADJOURN:

Being no further business, the meeting adjourned at 10:50 a.m.

Judge Chris Craft, Chairman

J. Klyne Lauderback, Vice Chairman