

**TENNESSEE
PRIVATE PROBATION SERVICES COUNCIL
MINUTES**

DATE: June 1, 2012

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, Vice-Chairman
Judge Hugh Harvey
Judge John Hudson
Dena McCollough

ABSENT: Judge John Hudson
Sidney Chism
Veronica Thornton

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

GUEST: Don Thornton

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

Ms. Hancock called the roll. Four (4) council members were present and three (3) were absent (Judge Hudson, Ms. Thornton and Mr. Chism).

Agenda – The agenda was adopted without revisions.

Minutes – Judge Harvey made a motion to approve the minutes of March 2, 2012 as amended, seconded by Ms. McCollough. **MOTION CARRIED.**

LEGAL REPORT – BENTON MCDONOUGH, ASSISTANT GENERAL COUNCIL

Mr. McDonough presented the following Legal Report for the Council's consideration:

1) 2012009341

Complaint:

- On April 17, 2012, a complaint was filed with the Private Probation Services Council against the Respondent.
- The Complainant stated that after checking with the General Sessions Court Administrator and all of the courts
- , they were unable to locate any application provided by the Respondent to the courts.
- Respondent has submitted three (3) quarterly reports, and none of them contain all of the information required by 1177-01-05(1)(b).
- Furthermore, there is no evidence of a performance bond from March 21, 2009, through March 15, 2011.

Response:

- The company began in 1993, and an application was filed in Criminal Court in 1999.
- All future reports will contain contact hours with offenders, services provided, financial statements with administrative and service costs, and contributions, if any, to the criminal injuries compensation fund.
- As for the lack of a bond, it appears an incorrect copy of the bond was faxed to the criminal court. A copy of the proper bond was included by the Respondent.
- As for the period of time where no bond was in place, one of the Respondent co-owners (#1) locked the other co-owner (#2) out of the business.
- Upon being locked out, the co-owner (#2) initiated a civil court proceeding against co-owner (#1) that resulted in co-owner (#1) relinquishing all interests in the company to co-owner (#2).
- When co-owner (#1) left the business, he took several boxes of documents with him, including information pertaining to renewal of the bond.
- This lapse of a bond was discovered by a new employee later hired by co-owner #2, and a new bond was quickly applied for.

History:

- No prior complaints.

Recommendation:

- Letter of Warning.

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

Fees – Council's Authority to Regulate – Mr. McDonough reminded the Council they requested him to research their authority to regulate fees private probation entities charge their probationers at the last meeting. He reported his conclusion after his research and discussions with Deputy Chief Counsel Wayne Pugh that the Council does not have the statutory authority to regulate such fees.

ADMINISTRATIVE REPORT - DONNA HANCOCK, DIRECTOR

Public Chapter 652 – Ms. Hancock presented a copy of Public Chapter 652 regarding the supervision of Class E felons by private probation entities. After some discussion, the Council requested Mr. McDonough to ask for an Attorney General's Opinion regarding the Council's

authority and role as a result of this new law. The Council discussed preparing an application and establishing fees for the extra level of administrative duties placed upon staff for the registration of private probation companies who will supervise felons pursuant to this law. Ms. Hancock stated she would work with Mr. McDonough and report to the Council at the next meeting, if not before via email, on what the Attorney General's Office advises and what she finds after speaking with representatives of the Dept. of Corrections. Chairman Craft stated that with the Council's consent he would draft a personal letter to the circuit court judges making them aware of this Chapter. Attorney McDonough advised Chairman Craft to send the letter as a matter of personal concern but refrain from sending the letter on behalf of the Council.

Public Chapter 986 – Ms. Hancock advised the Council that this law, signed by Governor Haslam on May 10, 2012 amends the current statutory requirement to meet every quarter, and effective July 1, 2012, will allow the council to meet at such times and places as necessary and convenient.” Judge Lauderback made a motion for the Council to continue to schedule quarterly meetings, which may be postponed or canceled by the Chairman upon agreement of the Executive Director due to lack of business or necessity, and recognizing additional meetings may be scheduled as needed as long as they meet the public notification requirements. The motion was seconded by Judge Harvey. **MOTION CARRIED.**

Letters to Entities & Court Clerks – Ms. Hancock presented copies of the letters forwarded to the private probation entities and court clerks per the Council's previous instructions. She advised thirty-nine (39) letters were mailed to entities and seventy-two (72) letters were mailed to the court clerks.

Responses from Court Clerks – Ms. Hancock advised she received ten (10) responses to the letters sent to the court clerks noting six (6) of them referred to private probation entities not properly reporting quarterly to the clerks as mandated. Ms. McDonough advised the nature of violations in these letters are similar to the complaint he presented in the Legal Report and suggested the Council issue letter of warnings as initial discipline. The Council requested staff to open complaints regarding the information received in the six (6) letters Ms. Hancock referred to and asked Mr. McDonough to present them at the next meeting for their consideration with his recommendation for letters of warning.

Reports to Courts – Discussion – Ms. Hancock asked the Council how they would like the reports to the courts to be monitored in the future. After some discussion, the Council advised it is the responsibility of the clerks to notify the Council if the private probation entities in their jurisdictions are not reporting properly.

Email Addresses for Entities – Ms. Hancock advised field for email addresses was added to the application form for private probation entities as requested by the Council at the last meeting.

UNFINISHED / NEW BUSINESS –

Quarterly Provider Fees – Discussion – Ms. Hancock presented a copy of the report of revenue and expenditure history and projections previously reviewed by the Council. Judge Craft requested the Council table this discussion until the closing reports for the current fiscal year are available and the impact of the Class E felony probation provider registrants to staff's current workload can be determined. The Council accepted Judge Craft's recommendation.

Ms. Hancock asked members to review the contact information sheet provided and requested they notify staff of any changes or corrections.

ADJOURN -

Being no further business, the meeting adjourned at 11:55 a.m.

Judge Chris Craft, Chairman

J. Klyne Lauderback, Vice Chairman