



PRIVATE PROBATION SERVICE COUNCIL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1166
615-741-1831

Meeting Minutes
February 1st, 2019
First Floor Conference Room (1-B)
Davy Crockett Tower

The Private Probation Services Council met on February 1, 2019 in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room 1-B. Director Kopchak called the meeting to order at 10:00 a.m. and the following business was transacted:

COUNCIL MEMBERS PRESENT

Judge Lynn E. Alexander
Judge Larry Logan (via teleconference)
Judge Gary Starnes (via teleconference)
Judge Brody Kane
David Nimmo

COUNCIL MEMBERS ABSENT

Stancil Ford

STAFF MEMBERS PRESENT

Glenn Kopchak, Roxana Gumucio, Cherrelle Hooper, Ashley Geno

NOTICE OF MEETING

Director Kopchak confirmed that notice of the meeting had been posted to the Private Probation Service Council website on January 25, 2019.

STATEMENT OF NECESSITY

Recognizing the absence of a physical quorum, Director Kopchak read the Statement of Necessity into the record. Judge Kane put forward a motion to accept as written, which Mr. Nimmo seconded. The motion passed unanimously by roll call vote.

ROLL CALL

Director Kopchak took roll call and noted quorum.

ADOPT AGENDA

Judge Alexander made a motion to adopt the agenda as written, which Judge Kane seconded. The motion passed unanimously by roll call vote.

MINUTES

Upon review of the minutes from the previous meeting, Judge Logan put forward a motion to accept as written, which Judge Starnes seconded. The motion passed unanimously by roll call vote.

DIRECTORS REPORT

Audit Update

Director Kopchak provided an overview of the audit findings regarding the audit of the Private Probation Services Council for the period of July 1, 2013 through October 31, 2018. During the discussion of the observations/findings with the board members, it was noted that there were audit highlights of concern regarding the oversight of private probation entities, along with clarity needed between the courts and council concerning oversight responsibilities. Director Kopchak stated that there is two years from the date of the last sunset hearing to address the observations/findings noted in the audit. Judge Logan proposed that the board meet in work groups to develop courses of action to address the items identified. Director Kopchak related that he would look at dates and send those out to the board members to begin this process.

Roberts Rule of Order

Judge Alexander made a motion to agree and adhere to Roberts Rule of Order. This was seconded by Mr. Nimmo, and the motion passed by roll call vote.

Budget

Director Kochak provided a detailed accounting of revenue and expenditures for fiscal year 2018. Director Kopchak explained that there were bigger than normal costbacks in the month of November due to the audit and the legal costs required to conduct the audit. Additionally, Director Kopchak noted the admin costbacks, which consists of the program share of total budget, complaints and the number of licensees. Overall, the PPS budget is in good fiscal health and is projected to remain that way.

LEGAL REPORT

1) **PPSC-2018091071**

History:

- None

This is a consumer complaint alleging misconduct from the Respondent regarding a probation violation. Specifically, the Complainant alleges issues with a drug test, which she believes was incorrect. In response to these allegations, the Respondent indicated the Complainant screened positive for an illegal substance and admitted to using Suboxone (which she claimed she had a prescription for, but did not supply to the Respondent) and refused to stay to give a necessary amount of urine to be sent to the lab.

The Respondent additionally indicated she is employed by a non-profit human resource agency. Such agency is governed by the Tennessee Human Resource Agency Act of 1973, which, in pertinent part, provides:

- (a) It is hereby declared that the agencies created pursuant to this chapter shall be a body, politic and corporate, and shall be public and governmental

bodies acting as agencies and instrumentalities of the creating and participating counties and cities, and such agencies are declared to be for a public and governmental purpose and a matter of public necessity.

Tenn. Code Ann. § 13-26-105. Because of this, this Council does not have jurisdiction over this complaint.

Recommendation: Close.

Decision: Approved.

RE-PRESENT

2) **2016056271**

This case was previously presented to the Council at its meeting February 3, 2017 and was re-presented at its November 2, 2018 meeting as follows:

This case was received as a consumer complaint from a county employee. The complaint alleges that the Respondent is providing unlicensed probation services. Subject to an investigation, the investigative report reveals that the Respondent is providing private probation services without registering with the Private Probation Council.

History: None

Recommendation: Authorize for formal hearing. Authorize settlement by consent order with \$1,000 civil penalty.

Decision: Approved

Update: Upon further consideration and analysis, Respondent does not appear to be providing private probation services. According to the owner of the company, Respondent is an electronic monitoring firm which provides active monitoring 24/7, 365 days per year. Respondent predominately provides alcohol monitoring. Respondent also has provided GPS monitoring for defendants who are on court order to be unsupervised, but monitored electronically (such as for sex offender registry violations that are not eligible for a bracelet, but the Court wants them on GPS for a period of time). As part of its monitoring, Respondent gathers information and reports that information to the supervising authorities, prosecutors, and/or the Court. Respondent indicated it does not supervise probation. Respondent also indicated it does not have (nor has it had) any clients who are receiving court-ordered counseling through it.

An investigation was conducted, which revealed a majority of Respondent's clients are pre-trial statutory-mandated bond release offenders that have a 2nd or 3rd offense DUI. However, Respondent also has clients that are post-conviction and on probation with court-ordered alcohol-use constraints, but it only provides the electronic monitoring with

respect to these clients. As such, it does not appear Respondent is providing private probation services and, therefore, this complaint should be closed.

Updated Recommendation: Close.

Decision: Tabled until next meeting.

Decision: Approved.

Legislative Update

House Bill 203 was introduced which is an amendment to TCA 40-35-302, relative to audits of private probation service providers. It essentially allows for the comptroller of the treasury to conduct an independent fiscal and performance audit of the private probation service providers.

NEW BUSINESS / ADJOURNMENT

There being no new business, Judge Kane made a motion to adjourn the meeting, which Judge Alexander seconded. The motion passed unanimously by roll call vote. Director Kopchak adjourned the meeting at 11:15 a.m.