



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

**Meeting Minutes
November 2nd, 2018
First Floor Conference Room (1-B)
Davy Crockett Tower**

The Private Probation Services Council met on November 2, 2018 in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room 1-B. Director Kopchak called the meeting to order at 10:15 a.m. and the following business was transacted:

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Linda Byford
Stancil Ford
David Nimmo

STAFF MEMBERS PRESENT

Glenn Kopchak, Cherrelle Hooper (via teleconference), Ashley Geno (via teleconference)

ROLL CALL

Director Kopchak took a roll call and noted quorum. Director Kopchak confirmed that notice of the meeting had been posted to the Private Probation Service Council website on October 19, 2018.

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 Judge Starnes seconded. The motion passed unanimously by roll call vote.

ADOPT AGENDA

Judge Logan made a motion to adopt the agenda as written, which Judge Alexander 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.

LEGAL REPORT

Ashley Geno, Disciplinary Attorney, presented the following cases for review:

- 1) **PPSC-2018041801**

History:

- 2006004661 – closed by Consent Order and payment of \$750.00 civil penalty

2) **PPSC-2018041841**History:

- None

Complainant alleged Respondent's probation offer (Respondent # 2) falsely imprisoned and discriminated against him because he has a child with the officer's sister. Complainant also alleges he was incorrectly violated due to his paperwork expiring and due to the judge signing a warrant to reinstate the charge until he is off state probation.

In response to these allegations, Respondents indicate:

1. Complainant's probation with Respondent was supposed to run concurrently with his state probation. Case Status Order for relevant county entered on July 9, 2018 amended the judgment to reflect a concurrent sentence with Complainant's sentence in another county. The Order also provided Complainant "owes \$1144 in court costs and \$540 in probation fees. Probation will terminate upon pymt in full."
2. Complainant's violation in October 2017 had nothing to do with anything other than his 11/29 probation term expiring without all conditions being met.
3. Complainant did not complete the conditions of his probation.

Respondent # 2 also indicated that prior to a court appearance in July 2018, his only contact with Complainant since his sentencing in October 2016, was a phone call he received from Complainant on June 21, 2018 to question his arrest on the violation of probation, at which time Respondent # 2 explained that the violation of probation had nothing to do with anything other than the fact that Complainant's case was about to expire and he had not heard from him since his sentencing and Complainant had not completed the conditions of his probation.

Recommendation: Close.

Decision: Approved.

3) **PPSC-2018037721**History:

- 2014013981 – closed with no further action

Complainant alleged her son was incorrectly placed on probation and charged probation fees. In response to this allegation, Respondent explained on July 21, 2017, Complainant's son was arrested and charged with a D.U.I., speeding, and violation of the Open Container law in city # 1. A court date was set for November 14, 2017. While free on bond, Complainant's son was again arrested for D.U.I. in city # 2. He was in jail on that charge when his court date for the first charge came on November 14, 2017. At that time, Complainant's son pled guilty to the first D.U.I. and speeding charges. In the Order on that guilty plea, the Court ordered the defendant be

placed on probation with Respondent. Complainant's son was represented by a public defender at the time he entered the plea and the Order was entered.

On November 22, 2017, a private attorney filed a motion on Complainant's son's behalf to set aside the guilty plea. On June 21, 2018, the motion was set for hearing on August 16, 2018. Respondent spoke with the attorney for Complainant's son, who indicated he would tell his client to attend probation until the hearing date in compliance with the existing judgment and plea. Respondent indicated that if the motion to set aside the plea was successful, it would return the probation fees paid until that time and that it would abide by further Orders of the Court.

Recommendation: Close.

Decision: Approved.

4) **PPSC-2018048121**

History:

- None

An audit of the Private Probation Services Program revealed Respondent had been submitting quarterly reports to the council with the signature page copied from one quarter to the next. In response, Respondent did not deny the allegation, but explained it investigated into this issue and found it arose from human error on its part and lack of sufficient oversight. Respondent indicated after its internal investigation, extensive training was been provided to all employees charged with the future responsibility of procuring notarized statements.

Recommendation: Letter of warning.

Decision: Approved.

RE-PRESENT

5) **2016056271**

This case was previously presented to the Council at its February 3, 2017 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.

NEW BUSINESS

There being no new business, Judge Logan made a motion to adjourn the meeting, which Judge Kane seconded. The motion passed unanimously by roll call vote. Director Kopchak adjourned the meeting at 10:50 a.m.