



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

**Meeting Minutes**  
**May 6, 2022**  
**Teams Meeting**  
**Davy Crockett Tower**

The Private Probation Services Council met on May 6, 2022 via a Teams Teleconference. The following business was transacted:

**COUNCIL MEMBERS PRESENT:** Judge Lynn Alexander, Judge Larry Logan, Judge Gary Starnes, Stacey Kelley and Michael Wright.

**COUNCIL MEMBERS ABSENT:** Judge Brody Kane.

**STAFF MEMBERS PRESENT:** Roxana Gumucio, John Murphy, and Katie Long.

**CALL TO ORDER/ROLL CALL**

Director Gumucio called the meeting to order at 10:09 a.m. and completed roll call.

**NOTICE OF MEETING**

Director Gumucio read the notice of meeting into the record as follows: "Notice of the May 6, 2022, meeting of the Private Probation Services Council was posted to the Private Probation Service Council website since August 12, 2021; additionally, this month's agenda has been posted on the website since Friday, April 29, 2022."

**STATEMENT OF NECESSITY**

Mr. John Murphy read the Statement of Necessity into the record. Judge Larry Logan motioned to accept it as written, which Judge Gary Starnes seconded. The motion passed unanimously by roll call vote.

**AGENDA**

Michael Wright motioned to adopt the agenda as adjusted, which Judge Gary Starnes seconded. The motion passed unanimously by roll call vote.

**FEBRUARY MINUTES**

Upon review of the minutes from the February meeting, Judge Lynn Alexander motioned to approve the minutes as written. This was seconded by Judge Gary Starnes. The motion passed unanimously by roll call vote.

## **DIRECTORS REPORT**

### ***Budget***

Director Gumucio presented the financial numbers as of the March 2022 reports. The final reserve is \$580,769.

## **LEGAL**

### ***Legal Report (presented by John Murphy)***

#### **1. PPSC-2021081121**

##### **DISCIPLINARY HISTORY:**

- NONE

##### **SUMMARY:**

This case arises from an anonymous complaint submitted in December 2021 alleging unlicensed activity and other violations of the Council's laws and rules. The complaint alleged that the licensed private probation company ("Respondent") and their unlicensed probation officers were signing warrants and violating probationers without proper training or knowledge. Furthermore, that they were violating probationers on closed cases and keeping them on probation. A valid license was found for the Respondent, but no license was found associated with the names of the probation officers provided by the Complainant. Counsel requested an investigation.

An investigator held interviews and obtained sworn statements with the company employees and Respondent. The investigator noted that all parties associated with the matter were extremely cooperative with the investigation. One of the probation officers was properly licensed but was married and legally changed her name. The probation officer admitted that she never notified the Program of her name change for licensing purposes but denied any intentional misconduct. The probation officer adamantly denied having ever violated probationers without just cause or violating any clients after their probation had closed by the Court.

The other probation officer was unlicensed, which is addressed in the below complaint. The Respondent provided a sworn statement concerning the hiring of the unlicensed probation officer and other reporting issues. The Respondent admitted that the "officer" wasn't yet registered or licensed. The Respondent explained that the "officer" was in the process of transferring credit hours from one university institution to another in the hopes of attaining the associates degree in order to meet the requirements. The Respondent stated that the "officer" was provided at least 40 hours of training through the office and conducting a TBI background check; however, Respondent admitted that the fingerprinting hadn't been submitted. The Respondent supplied documents and materials supporting this assertion.

The Respondent denied having ever violated a probationer on a closed case and warrants being taken out against probationers until after being reviewed and signed off by the presiding judge.

The Council's rules have several reporting requirements to ensure the vulnerable population served by private probation companies are protected. Reporting requirements include, but not limited to:

- All private probation officers are required to supply fingerprint sample and submit to a criminal history records check conducted by the TBI *prior to being employed* (emphasis added);
- Companies must provide the names of employees who will supervise probationers and described their credentials; and
- Companies must notify the Council within 30 days of a change in the information submitted in their approved license application.

Respondent hired the “officer” before obtaining a fingerprint sample, without proper educational or professional experience requirements, and failed to notify the Council of the change of information required by the rules.

**RECOMMENDATION: Authorize a civil penalty of \$5,000 for Violations of Unregistered Practice and a \$3,000 civil penalty for Violations of Noncompliance Reporting by Consent Order and formal charges thereof.**

**DECISION: Concur.**

## **2. PPSC-2021075501**

### **DISCIPLINARY HISTORY:**

- NONE

### **SUMMARY:**

This case arises out of the same initial complaint referenced in the above case.

An investigator interviewed and obtained a sworn statement from the Respondent. The Respondent stated that they were hired by the company to be a probation officer. The Respondent acknowledged that they attended a four-year university but did not complete the degree. It was the Respondent’s understanding that they would transfer their college credits to a local college to attain their associates degree, and that the company would help with the transfer and register them as a probation officer.

No fingerprinting was performed, but a TBI background check was ordered and returned with no results. The Respondent’s professional background contained neither criminal justice nor social services positions.

The Respondent stated that they had undergone extensive training provided by the company and job shadowed the licensed probation officers for approximately 3 months before taking job responsibilities on their own. The Respondent denied allegations that the Respondent or the company were violating probationers on closed cases and keeping them on probation. In response to this allegation, the Respondent states that the judge has sole discretion. A case cannot be held open unless the judge approves an extension and that violations are not done on a closed case. Additionally, to the best of the Respondent’s knowledge, they have only presented one violation before the judge.

According to sworn statement from the company, the Respondent is no longer employed by the company as of January 28, 2022.

Pursuant to the Council's rules, an employee who is responsible for providing probation supervision must have at least four years of experience in the criminal justice or social services field or have a bachelors or associates degree from an accredited college or university. Furthermore, the rules require the entity to provide the names of employees that will supervise probationers, describe their credentials, and their position within the entity.

According to the materials and statements from the investigation, the Respondent was not licensed or registered with the Council and did not meet the minimum requirements to obtain a license.

**RECOMMENDATION: Issue a Letter of Warning.**

**DECISION: Concur.**

***Judge Lynn Alexander motioned acceptance of both complaints which Judge Gary Starnes Seconded.***

#### **NEW BUSINESS**

Judge Lynn Alexander announced her retirement within her Court will be August 31, 2022. Her last meeting on the Council will be the August 5<sup>th</sup> Council meeting. She expressed her appreciation to everyone.

#### **ADJOURNMENT**

There being no new business, Judge Larry Logan motioned to adjourn the meeting, which Judge Gary Starnes seconded. Director Gumucio adjourned the meeting at 10:29 a.m.