

New Mexico Problem Solving Court Coordinators Summit



April 10, 2018
Albuquerque

Surveillance Issues

NM PSC Coordinator Summit

April 10, 2018

State Bar Association

Albuquerque, NM

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**In the Missouri Court of Appeals
Western District**

**MISSOURI PUBLIC ENTITY RISK)
MANAGEMENT FUNDS (MOPERM),)
Respondent,)**

**v.)
)**

WD78286

**S.M., K.W., C.A. f/k/a C.H., JANE POE,)
K.S., and L.M.,)
Appellants.)**

FILED: August 18, 2015

**APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY
THE HONORABLE DANIEL R. GREEN, JUDGE**

**BEFORE DIVISION THREE: LISA WHITE HARDWICK, PRESIDING JUDGE,
ALOK AHUJA AND ANTHONY REX GABBERT, JUDGES**

FACTUAL AND PROCEDURAL HISTORY

The facts underlying this appeal are undisputed. Scott Edwards, a lieutenant with the Lincoln County Sheriff's Department, served as a tracker for Lincoln County's drug court. As a tracker, Edwards supervised drug court participants. Claimants are all young, female drug court participants who were under Edwards's supervision.

In 2012, Edwards pled guilty to three felony counts and two misdemeanor counts of violations under federal law, including aggravated sexual abuse and kidnapping, for acts that occurred while he was acting as a drug court tracker. Claimants subsequently filed a petition for damages under 42 U.S.C. § 1983 against Edwards² in the United States District Court for the Eastern District of Missouri. In the suit, Claimants alleged that Edwards misused his position as a drug court tracker to coerce them into sexual acts and that, by doing so, he violated their constitutional rights.

After Claimants filed their 42 U.S.C. § 1983 case, MOPERM filed this suit seeking a declaration that it has no duty to defend or indemnify Edwards for the claims asserted in the federal case because he is not a covered party under the memorandum of coverage. MOPERM then filed a motion for summary judgment. In its motion, MOPERM asserted that Edwards is not a covered party because he was not acting within the course and scope of his employment when he committed the acts of sexual misconduct alleged in Claimants' federal case. MOPERM further argued that, even if Edwards were a covered party, his acts would be excluded from coverage because they were criminal. Claimants filed a competing motion for summary judgment in which they asserted that MOPERM's memorandum of coverage is ambiguous and should be construed in favor of coverage.

The court determined that Edwards is not a covered party under MOPERM's memorandum of coverage and that the memorandum of coverage is not ambiguous. Therefore, the court granted MOPERM's summary judgment motion

A Missouri Cop Allegedly Forced People In Drug Treatment To Work As Informants

When the treatment center asked the officer to stop, he conspired to have its contract severed, a lawsuit claims.



Jason Grellner, of the Franklin County Sheriff's Department, in 2009, displaying packages of cold medicine while discussing methamphetamine production. Photo by J.B. Forbes, jforbes@post-dispatch.com

Lawsuit: Former probation officer allegedly took advantage of client



By KRQE News 13

Published: June 22, 2017, 10:13 pm



Former Probation Officer Sued

ALBUQUERQUE, N.M. (KRQE) – A former probation officer has been slapped with a lawsuit claiming she used her power to get what she wanted.



Albuquerque Division

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Former New Mexico Probation Officer Pleads Guilty to Sexual Assault and False Statement Charges

U.S. Attorney's Office

September 03, 2013

District of New Mexico

(505) 346-7274

ALBUQUERQUE—Gordon Chavez, 35, a former probation officer with the New Mexico Department of Corrections Division of Probation and Parole, pleaded guilty today in federal court in Albuquerque, New Mexico, to charges related to the sexual assault of a probationer whom he supervised. Chavez pleaded guilty to one count of violating the victim's right to bodily integrity when he touched her against her will. Chavez also pleaded guilty to one count of making material false statements to the FBI when he denied both inappropriately touching females whom he supervised and asking for naked photos of them.

Pressing Issues Overview

- Technical Legal Issues
- Safety Issues and Best Practices
- Operational Practices
- Liability Issues

This presentation does not constitute legal advice. Please use this information to prompt conversations with your team and attorneys to ensure appropriate policies, procedures, and protections are in place.

Technical & Legal Issues

- Confidentiality and Waivers
- Acknowledgement Forms
- Court Orders
- Other Forms
- Search and Seizure

Safety Questionnaire – Personal Style and Orientation

1. How do you see your role (enforcer, helper, both)?
2. How do you want clients to perceive you?
3. How do you see clients (all the same, different, worthy, unworthy)?
4. How do you use your authority (constructively or destructively)?
5. Do you carry weapons for your protection?
6. What is your preferred method for dealing with offender resistance (force, talking)?
7. Should clients be treated the same or differently?

Safety Questionnaire – Preparation to Deal With Hazardous Situations

1. Have you had unarmed self-defense training? When?
2. Have you been properly trained in procedures to diffuse situations? When? Which training?
3. Have you developed a plan for dealing with threatening events should they occur? Is the plan in writing ?
4. Have you developed a procedure identifying ways to avoid potentially hazardous situations?
5. Have you identified pre-event documentation and active communication strategies to deal with hazardous situations?

Safety Questionnaire – Knowledge of Cases

1. What is your eligibility criteria related to violent offenders?
2. Has the client victimized probation officers or others in the past?
3. How well do you know your case?
4. Have you established case goals and objectives? Are these specific to the individual or general to every participant?
5. Have you established a predictable working relationship with your client? Are goals, objectives, and supervision strategies clearly communicated to clients?

Safety Questionnaire – Caseload Management and Planning

1. Do you conduct a risk assessment of the residence?
2. Do you plan your field work and case contacts?
3. Do you develop a written work-plan that can be given to your supervisor?
4. Do you prepare for the specific focus of the contact?
5. To what extent do you consider whether others should be involved in the event?
6. Do you have back up assistance?
7. Do you have the proper equipment for the event (body armor, etc.)?
8. Do you have regularly scheduled conferences with your supervisor to discuss cases, etc.?
9. Do you generally make surprise visits or do you schedule visits?

Safety Questionnaire – Caseload Management and Planning

1. Have you developed working relationships with the local police?
2. Have you developed contacts with social service providers?
3. Are there written guidelines or established protocols for addressing urgent or critical incidents in the field?
4. Is contact information readily available?

Safety Best Practices

“...community corrections personnel work in and potentially dangerous environment which requires individuals and their agencies take every precaution to protect staff in the office and in the field.”

- APPA Position Statement on Staff Safety

- There is always risk.
 - Who is the greatest risk when visiting someone's home?
 - What are the known risks?
 - What are *unknown* risks?
 - Where is the greatest risk – at the participant's place of employment, at the office, or in the field?

Safety Best Practices

- Be proactive in protecting your safety - OFFICE
 - Mentally prepare prior to each meeting
 - Consider the office environment (ex) sterile rooms
 - Escort the probationer
 - Pay attention to appearance
 - Concealed weapons
 - Gang attire
 - Keep windows clear and/or door open
 - Schedule appointments when co-workers are around and establish a code word for help
 - Electronic devices – pictures (confidentiality) and recordings

Safety Best Practices

- Be proactive in protecting your safety - FIELD
 - Mentally prepare
 - Review the case file and purpose for the visit
 - Do not assume...
 - Announced visits carry less risk than unannounced contacts
 - Daytime contacts are safer than night
 - Conduct home visits in pairs
 - Alert someone to the fact that you will be in the field, where you will be, how long you will be gone, expected contact time for check-ins, etc. and how you will be checked on

Safety Best Practices

- Be proactive in protecting your safety - FIELD
 - Keep your vehicle prepared for an emergency
 - Pay careful attention to your surroundings – public places, concealment and cover if needed
 - Stay conscious of your surroundings and focused on the places and people
 - Avoid distractions such as cell phones and other electronic devices
 - Alert to hiding places
 - Aware people may be watching and of cameras, chemicals, dogs, and other hazards
 - Use your senses (sight, smell and sound) and make note of unfamiliar cars or people

Safety Best Practices

APPA and CCI online training course

<http://appa.cequick.com/Exercising-Caution-in-Probation-and-Parole-Strategies-to-Enhance-Officer-Safety.aspx>



FYI:
Officer Safety App

*Sample
forms
reports,
etc.*

Operational Practices

- A special incident report documents unusual activity
- Visits are based on assessment level and standard of supervision
- Each contact note must contain a statement that the offender acknowledges all information provided is truthful and accurate
- Documentation of field contact within 24 hours, including name of the officer's partner as the "secondary interviewer"
- Contact entry includes date, location, type of contact, description of offender's case plan progress, address updates, family / cohabitants and vehicles, or other significant information

Liability Issues

- Supervision
- Identifying and documenting appropriate accountability measures
- Drug testing
- Transporting participants
- Training

Expect:

- Written policy and procedures governing field work and other duties of the surveillance officer (such as drug testing, office visits, etc.) as well as appropriate references in the contract regarding compliance with the policies and procedures
- Safety measures, such as a safety evaluation of the residence, pre-field planning and approvals, in-field communication and/or documentation, and post-field reporting.
- Administrative processes that track field work approvals, contact and attempt-to- contact documentation, training, insurance coverage, etc.
- Training: Court Officer Basic Training, continuing education, etc.

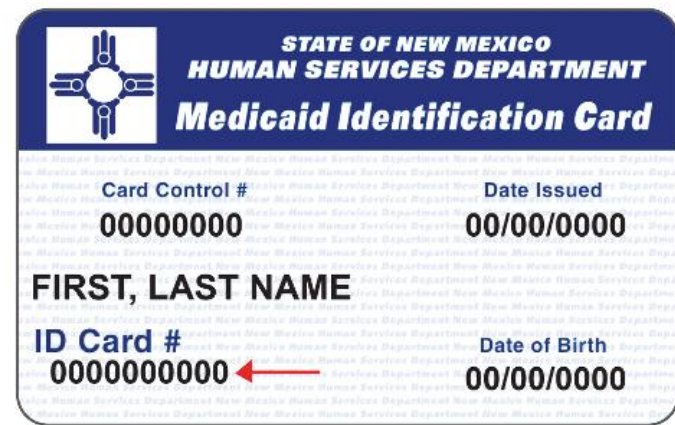
New Mexico Problem Solving Court Coordinators Summit



April 10, 2018
Albuquerque

LFC

Recommendations Related to Medicaid



NMADCP Conference registration

- Early Bird Registration is May 8 – August 17, 2018 (\$150 per person for groups of four or more and \$175 early bird for single registrants)
- Regular registration is August 18 – September 14, 2018 (\$200 per person)
- Late registration is September 15, 2018 – October 5, 2018
- No substitutions, add-on registrations or refunds after October 5, 2018