

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2013 – <u>90</u>
§ 6-202.01: ADULT INTENSIVE)	(Affecting Administrative
PROBATION EVIDENCE-BASED)	Order No. 2013-26)
PRACTICES)	
_____)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 17, 2013, and having been approved and recommended for adoption,

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-202.01 is amended as indicated on the attached document. All other provisions of § 6-202.01, as originally adopted, remain unchanged and in effect.

Dated this 6th day of November, 2013.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-202.01: Adult Intensive Probation Evidence-Based Practices

A. Definitions. In this section the following definitions apply:

“Absconder” as provided in A.R.S. § 13-105(1) “means a probationer who has moved from the probationer’s primary residence without permission of the probation officer, who cannot be located within ninety days of the previous contact and against whom a petition to revoke has been filed in the superior court alleging that the probationer’s whereabouts are unknown. A probationer is no longer deemed an absconder when the probationer is voluntarily or involuntarily returned to probation service.”

“ACJIS” means Arizona Criminal Justice Information System.

“Actuarial risk” means measurable factors that have been correlated to the probability of offender recidivism that are gathered informally through routine interactions and observations with offenders and by formal assessment guided by instruments.

“Administrative director” means both the administrative director of the Administrative Office of the Courts and the director’s designee.

“Alcohol and drug testing” means any validated or verified method of determining the level of identifiable substances in the body including, but not limited to, breathalyzer tests, blood, oral fluid tests and urine, hair, and sweat testing samples.

“AOC” means Arizona Supreme Court, Administrative Office of the Courts.

“Arrest notification” means notice, by any means, that the probationer has been arrested, cited or had official contact with a law enforcement officer.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer, in collaboration with the juvenile and family or adult probationer, which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

“Case record” means any record pertaining to a particular probationer maintained by the probation department in an electronic or paper medium.

“Collateral” means any individual or agency that has a relationship to a particular probationer that serves as a source of information or point of contact, including but not limited to friends, family members, law enforcement, victims, community members, neighbors, treatment providers or other associates.

“Community restitution” means unpaid labor or services provided to a not-for-profit private or governmental agency.

“Court” means the superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment and lack of education.

“Direct case” means probationers actively supervised.

“Evidence-based practice” means strategies that have been shown through current, scientific research to lead to a reduction in recidivism.

“Hand counts” means the manual tabulation of all intensive probation case files in the probation department, conducted independently from any automated system.

“Intensive probation team” means one probation officer and one surveillance officer, two adult probation officers, or one probation officer and two surveillance officers, or one probation officer if a waiver of standards is granted.

“Pro-social activity” means any action or event that promotes sobriety and/or provides an opportunity for building a social support system that encourages a crime free lifestyle and improved community bonds.

“Residential treatment” means any type of licensed treatment or counseling where the probationer resides at the facility. “Short term residential treatment” is 30 days or less. “Long term residential treatment” is 31 days or more. Halfway houses are not considered residential treatment.

“Schedule” means documentation of the hours the probationer is to be at the probationer’s residence or other approved locations pursuant to A.R.S. §13-914(E)(4).

“Standardized assessment” means the state-approved tool to determine the offender’s needs related to criminal behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in an offender’s needs related to criminal behavior and propensity to re-offend.

“Target interventions” means supervision related services determined by the probationer’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Visual contact” means face-to-face communication with the intensive probationer at any place including but not limited to the probation department, the intensive probationer’s residence, place of employment, treatment location or community restitution placement to confirm compliance with conditions of probation and discuss progress, issues of concern and other appropriate matters. Contacts with probationers are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the offender, assessing the offender’s criminogenic factors and triggers, developing and, when needed, modifying a supervision plan, and using both subtle and overt incentives and sanctions to guide the offender toward positive change.

B through K [No change]

L. Program Operations.

1. [No change]
2. Each intensive probation officer or team shall:
 - a. through t. [No change]
 - u. The probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(~~A~~ C)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1). The probation officer shall ensure any criminal restitution order is for monies not already ordered in a previous criminal restitution order.
3. through 9. [No change]

M. and N. [No change]

O. Waiver Provisions.

1. A.R.S. § 13-919 provides:

The requirements of § 13-916, subsection A, subsection B and subsection F, paragraph 2 may be waived for a county if the case load of adult probation officers supervising persons on intensive probation is not more than fifteen persons and the program requires visual contact with each probationer at least one time a week.
2. The presiding judge shall file a waiver request pursuant to A.R.S. §§ 13-916 and 13-919 with the AOC on a form prescribed by the administrative director. The administrative director shall consider the following when determining whether to grant the waiver:

- a. The number of offenders on intensive probation supervision in the requesting county;
 - b. The geographical make up of the requesting county and the communities that would be served under the waiver; and
 - c. The impact to the program and the implementation of evidence-based supervision by utilizing one-person teams.
3. ~~Waiver requests shall be renewed annually if the participating court expects to maintain caseloads of no more than fifteen persons on intensive probation supervision caseloads~~ If a waiver is granted, it will be in force until such time as the presiding juvenile court judge notifies the AOC in writing that use of the waiver is no longer necessary or when the AOC notifies the presiding judge that the waiver is no longer authorized.
4. [No change]
5. [No change]
6. A person placed on intensive probation and assigned to a waived officer shall be supervised by the intensive probation officer at supervision Contact Level 2 until the completion of the standardized assessment and initial case plan. The intensive probation officer shall utilize the results of the standardized assessment, along with the probationer's compliance with the conditions of intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision contact level. Pursuant to A.R.S. § 13-917, if reductions or increases in supervision level are warranted, such reductions or increases shall be made by the court upon recommendation of the probation officer, as further described in L(8)(k).
- a. Contact Level 2 (CL2) shall be recommended for probationers assessing as high risk on the standardized assessment or reassessment. Minimum contact standards shall include:
 - (1) Visual contacts: a minimum of two per week with the probationer, with at least one occurring ~~in~~ at the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - (3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.

- b. Contact Level 3 (CL3) may be recommended for probationers who have demonstrated positive behavioral change while under supervision contact level 2. Minimum contact standards shall include:
 - (1) Visual contacts: a minimum of one visual contact per week, with at least one contact occurring ~~in~~ at the probationer's residence every other week. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - (3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.

- c. Contact Level 4 (CL4) may be recommended for probationers assessing as medium or low risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change while under supervision contact level 3. Intensive probation officers shall not recommend supervision contact level 4 for probationers who assess as high risk. Minimum contact standards shall include:
 - (1) Visual contacts: a minimum of one visual contact every two weeks, occurring ~~in~~ at the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - (3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every four weeks, if applicable.

- d. Contact Level 5 (CL5) intensive probationers participating in residential treatment on release from residential treatment, the intensive probation officer shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation officer and

intensive probationer, and any other relevant factors to recommend to the court placement on an appropriate supervision contact level. Minimum contact standards shall include:

- (1) Visual contacts. The intensive probation officer shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
- (2) Treatment provider contacts. The intensive probation officer shall have a minimum of one face-to-face, telephonic or written contact every 30 days with the intensive probationer's treatment provider.
- (3) Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.

P. [No change]