

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2018 - <u>02</u>
§ 6-105.01: POWERS AND DUTIES)	(Replacing Administrative
OF OFFICERS EVIDENCE-BASED)	Order No. 2016-23)
PRACTICES)	
<hr/>)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-105.01 is amended as indicated on the attached document. All other provisions of § 6-105.01 remain unchanged and in effect.

Dated this 10th day of January, 2018.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices

Courts shall be governed by section 6-105, except and until approved by the Administrative Director to be governed by section 6-105.01.

A. – D. [No changes]

E. Duties of Probation Officers.

1. [No changes]

2. Adult probation officers shall also:

a. As provided by A.R.S. § 12-253(1), “Make and file a complete record of persons placed under suspended sentence by the court, and of all reports made to the officer in writing or in person, in accordance with the conditions imposed by the court”;

(1) Adult probation officers shall immediately contact the law enforcement officer or agency involved on receipt of an arrest notification to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation.

(2) The supervising probation officer shall document in the case record all contacts and information received pertaining to the incident, as well as the actions taken as a result of the incident.

b. As provided by A.R.S. § 12-253(2), “Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court”;

(1) Adult probation officers shall:

(a) Administer the standardized assessment within 30 days of a probationer’s placement on probation or initial release from custody if an assessment was not completed prior to sentencing;

(b) Re-evaluate the adequacy and applicability of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;

(c) Utilize the results of the standardized assessment to establish a level of supervision and address needs for behavioral changes and monitor probationer behavior and compliance with the conditions of standard or intensive probation and, when appropriate, increase or decrease the probationer’s level of supervision;

(d) Develop a case plan for all probationers that assess as medium or high risk on the standardized assessment within 60 days of a probationer’s placement on standard probation or initial release from custody and within 30 days of a probationer’s placement on intensive probation or initial release from custody.

The officer shall ensure the case plan includes signatures of the officer and probationer and objectives in the case plan are measurable;

- (e) Develop and implement supervision strategies that are matched by standardized assessment results and criminogenic factors with the probationer's risks, needs and strengths that promote supervision goals and to provide effective supervision that is individualized, proportional and purposeful;
- (f) Target interventions to higher-risk cases to promote public safety;
- (g) Administer the first standardized reassessment ~~every 180 days~~ twelve months after the initial assessment and every twelve months thereafter for probationers on intensive probation and for standard probationers that assess as medium or high risk to measure behavior changes until later assessments indicate a decrease in risk factors which assess the probationer as low risk.
- (h) Review the assessment and the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;
- (i) Reassess low risk standard probationers ~~that assess as low risk~~ upon the discovery of significant changes in criminogenic risk and needs or ~~involvement in~~ new criminal conduct, ~~if the current assessment is more than 180 days old~~;
- (j) Complete a case plan if a standard probationer assessed as low risk has criminogenic risks and needs that require intervention beyond those required as basic compliance with conditions of probation;
- (k) Document in the case record that a case plan is not needed for an assessed low risk standard probationer if no ~~intervention case plan~~ is required;
- (l) Conduct case file reviews for standard probationers assessed as low risk ~~every year 365 days~~. Case file reviews shall include, but are not limited to, case notes, collateral information and investigation of any arrest notification. Actions shall be taken in response to indicators of changes in criminogenic risk and needs or involvement in criminal conduct. Standard probationers that are eligible and in compliance with court-ordered conditions of probation may be recommended for early termination. The officer shall recommend that any outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution are not eligible for early termination;
- (m) Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;
- (n) Reduce the level of supervision, up to and including recommendation for early termination of supervision, as risk issues are addressed and probationers meet their objectives;
- (o) Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes; and
- (p) Consider the suitability of early termination for all eligible cases.

- (2) Adult probation officers shall provide a written directive to the probationer referring the standard probationer to an appropriate service provider within 60 days, within 30 days for an intensive probationer, of sentencing, release from custody, or identification of the need if a need for treatment, education or counseling is identified through the use of a statewide standardized assessment or is ordered by the court. If more than one area of treatment or counseling is identified, the supervising probation officer shall prioritize the needs and address the one with highest priority within the prescribed time frame. The supervising probation officer shall then address the remaining treatment or counseling areas in descending order.
- (3) The supervising officer shall administer alcohol and drug tests on a variable schedule, if appropriate. The frequency of testing shall be dependent upon the probationer's substance abuse history, unless otherwise directed by the court, and shall be documented in the case record.
- (4) Adult probation officers shall ensure the collection of monies owed as a condition of probation and immediately address any arrearage. The probation officer shall also encourage the probationer's payment of other assessments, such as child support or traffic fines, ordered by any court.
- (5) Adult probation officers shall monitor and enforce probationer compliance with court-ordered community restitution requirements. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court.

c. – h. [No changes]

3. [No changes]

F. [No changes]