

FILED

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NOEL K. DESSAINT
CLERK SUPREME COURT

BY *[Signature]*

THE SUPREME COURT OF ARIZONA

ADMINISTRATIVE REQUIREMENTS FOR
REPORTING OF DRUG USE/TESTING
PROBATION AND PAROLE VIOLATION

ADMINISTRATIVE ORDER NO. 90 - 54

In order to provide a procedure by which the presiding judges file with the Chief Justice an accounting of the drug violations of drug offenders supervised by probation and parole officers pursuant to A.R.S. § 13-3405, 3406, 3407 and 3408 and in accordance with the administrative authority vested in the Supreme Court by Article VI of the Arizona Constitution,

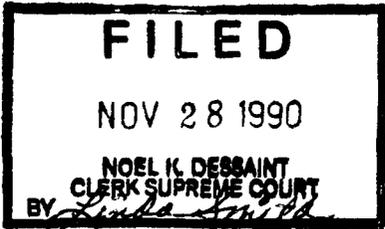
IT IS ORDERED THAT:

1. The attached administrative requirements related to the reporting of drug testing violations are adopted.
2. The attached administrative requirements shall become effective on the 28th day of November, 1990, as set forth herein; and,
3. A copy of the administrative requirements shall be distributed to the presiding judges of the Superior Court in all counties, to each chief adult probation officer, to the director of the Adult Parole Services and to the chairman of the Board of Pardons and Parole no later than seven days after the effective date of this order.

DATED AND ENTERED THIS 28th DAY OF November, 1990, at the State Capitol in Phoenix, Arizona.

For the Court:

FRANK X. GORDON, JR.
Chief Justice



THE SUPREME COURT OF ARIZONA

IN THE MATTER OF: REPORTING OF)
DRUG USE/TESTING PROBATION AND)
PAROLE VIOLATION)

ADMINISTRATIVE
ORDER NO. 90- 54

Pursuant to A.R.S. §§ 13-3405, 13-3406, 13-3407 and 3408, it is ordered that the following shall govern the procedures for reporting of drug use/testing probation and parole violations.

A. General Administration

Procedures for the reporting of drug use/testing probation and parole violations shall be administered by the Supreme Court's Administrative Office of the Courts (AOC). The Administrative Director of the Courts, or designee, is authorized and directed to adopt procedures, practices, and forms as required by this order.

The Administrative Director of the Courts may adopt or implement other administrative practices and procedures not inconsistent with this Order, as may be necessary and expedient for the administration of this procedure.

B. Local Reporting Procedures

The presiding judge in each county shall establish policies and procedures for this reporting by probation and parole officers of drug use/testing violations under A.R.S. §§ 13-3405(E)(I), 13-3406(D)(F), 13-3407(F)(H) and 3408(F)(G) that includes:

- 1. A statement that conduct which violates a condition of the statutes quoted above shall include;
a. failure to submit to drug testing as expressly directed by the probation officer, or
b. admission by a probationer of use of any prohibited or illicit substance, or
c. use of any prohibited or illicit substance confirmed by drug testing.
2. Reporting requirements that include:
a. requirement to report violative conduct directly to the sentencing judge as appropriate.
b. procedural requirements for reporting, tracking and timely transfer of notice to the presiding judge of all violations, including the number of probation revocations rendered in designated time periods.

C. Reporting Procedures to Supreme Court

Twice yearly each presiding judge shall submit to the AOC a report on forms provided by the AOC which includes:

1. The number of reports received during the year of conduct which violates a condition of the respective subsections and which could result in revocation of probation and parole or parole; and
2. The number of revocations rendered.
3. Additional information to include alternatives to revocation as requested by the AOC.

For purposes of research and analysis of any activities related to drug supervision by probation and parole officers, the presiding judge or his designee shall maintain an accounting of these violations and the ensuing actions by the supervising agent and the court or Board of Pardons and Parole; and shall submit this data to the AOC by June 1, and December 1 of each year. The AOC shall in turn submit by January 1 each year a cumulative report prepared for the Chief Justice as required by law.

APPROVED FOR IMPLEMENTATION BY ADMINISTRATIVE ORDER.

For the Court:

FRANK X. GORDON, JR.
Chief Justice