

IN THE SUPREME COURT OF THE STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

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In the Matter of:	)	
	)	
AUTHORIZING A WAIVER TO	)	Administrative Directive
UTILIZE ONE-PERSON TEAMS	)	No. 2022 - <u>16</u>
FOR INTENSIVE PROBATION	)	
SUPERVISION IN PIMA COUNTY	)	
	)	

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Arizona Revised Statute § 13-916, provides:

- A. The chief adult probation officer in each county, with approval of the presiding judge of the superior court, shall appoint intensive probation teams consisting of one adult probation officer and one surveillance officer, two adult probation officers or one adult probation officer and two surveillance officers.
- B. A two person intensive probation team shall supervise no more than twenty-five persons at one time, and a three person intensive probation team shall supervise no more than forty persons at one time.

Arizona Revised Statute § 13-919 provides:

The requirements of 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.

Administrative Code § 6-202.01(O)(2) and (3) provide:

- 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 makeup 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. If a waiver is granted, it will be in force until such time as the presiding judge notifies the AOC in writing that the use of the waiver is no longer necessary or when the AOC notifies the presiding judge that the waiver is no longer authorized.

The Honorable Jeffery T. Bergin, the Presiding Judge of the Superior Court in Pima County, requested the Administrative Office of the Courts to grant a waiver to allow the Pima County Adult Probation Department to utilize one-person Intensive Probation Supervision teams. The Administrative Director has given due consideration to this request and finds that it is in compliance with statutory requirements for a waiver.

Therefore, pursuant to Administrative Code § 6-202.01(O)(2) and (3),

IT IS DIRECTED that the Superior Court in Pima County is granted a waiver exempting the probation department from the requirements of A.R.S. § 13-916(A)(B) and (F)(2) for every IPS officer who provides supervision of not more than fifteen persons and has visual contact with each probationer at least one time per week. All other IPS officers in the county shall supervise probationers as required by A.R.S. § 13-916.

IT IS FURTHER DIRECTED that this waiver is effective upon the execution of this directive.

Dated this 9th day of December, 2022.

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DAVID K. BYERS  
Administrative Director of the Courts