

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

AUTHORIZING RELEASE OF	)	Administrative Order
INFORMATION MAINTAINED	)	No. 2019 - <u>117</u>
IN THE ADULT PROBATION	)	
ENTERPRISE TRACKING	)	
SYSTEM TO PEW AND ASU	)	

The Administrative Office of the Courts (AOC) maintains the Adult Probation Enterprise Tracking System (APETS). APETS is the statewide adult probation case management system and repository for records kept during the time an offender is on probation. All Arizona Probation Departments use and provide data and information to APETS. These records are the work product of probation officers and are closed from public inspection. [See Rule 123(d)(2)(A), Rules of the Supreme Court]

Rule 123 “govern[s] public access to the records of all courts and administrative offices of the judicial department of the State of Arizona.” [See Rule 123(a)] This rule also contains specific authorization for employees of government agencies and private organizations serving a public purpose to be granted “such access to court records as required to serve that purpose according to this rule or as provided by any supplemental supreme court policies or court order.” [See Rule 123(c)(6)]

The Arizona Code of Judicial Administration (ACJA) provides that custodians of court or probation records may provide case records or data to federal, state, tribal and local government agencies and private organizations, the objective of which is to serve a public purpose, such as criminal justice, child welfare, licensing, mental health treatment, or research for scholarly or governmental purposes. [See *ACJA § 1-606: Providing Case Record Access to Public Agencies or to Serve a Public Purpose*]

The AOC has requested, and will receive, technical assistance from the Public Safety Performance Project of the Pew Charitable Trusts (“Pew”), as part of a small cohort of states undertaking a focused, evidence-based review of their probation systems. Pew provides nonpartisan reporting and research, technical assistance, and data analysis to help states deliver better results and achieve long-term fiscal health by investing in programs that provide the strongest returns.

Arizona State University (“ASU”) has received a grant from the Laura and John Arnold Foundation (Arnold Ventures) to the ASU Foundation for a New American University to be used by the ASU Center for Correctional Solutions for the purpose of conducting quantitative analysis to obtain a comprehensive understanding of the dynamics of Arizona’s community supervision

system, as part of technical assistance being provided to Arizona policymakers by the Pew Charitable Trusts Public Safety Performance Project.

THEREFORE, pursuant to Article VI, Section 3, of the Arizona Constitution and Rule 123, Rules of the Supreme Court,

IT IS ORDERED that the data identified in Appendix A may be provided to Pew and ASU for purposes of conducting the aforementioned analysis and in accordance with the terms of the party's Agreement with the AOC. The data described in Appendix A will be provided from 2009-2011, 2012-2016, and 2016 to the current date.

IT IS FURTHER ORDERED that the confidential information provided by this order shall be maintained by Pew and ASU as confidential in compliance with all applicable confidentiality requirements of Supreme Court Rule 123, as well as the Agreement of the parties.

Dated this 25th day of September, 2019.

ROBERT BRUTINEL
Chief Justice

EXHIBIT

A¹

¹ This document containing data variables for the Research and Data Sharing Agreement with Pew and ASU is marked as Exhibit B in that Agreement.

Exhibit B:**Data Elements**

for the

Public Safety Performance Project of The Pew Charitable Trusts Technical Assistance Project

VARIABLE REQUESTED	Name	Type	Explanation
Unique Offender Identifier	CLIENT RSN	Numeric	APETS unique identifier
Race/Ethnicity	ETHNICITY	String	ethnicity
Gender	GENDER	String	gender
Date of Birth	DATE OF BIRTH	Date	date of birth
Court/sentence case number	CASE NUM	String	case number
N/A	COUNTY OF ORIGIN	String	county where event originated
County/area in which offender is supervised	PRIMARY COUNTY	String	supervising county
Most serious offense for which serving current probation sentence	CHARGE	String	Arizona Revised Statute and Offense Charge
N/A	OFFENSE TYPE	String	offense type
N/A	OFFENSE CLASS	Numeric	offense class
Sentence date (most serious offense)	SENTENCE DATE	Date	date of sentencing
Sentence start date (most serious offense)	PROBATION START DATE	Date	date probation started
Actual end date supervision	PROBATION ACTUAL EXPIRE DATE	Date	date probation expired
N/A	SUPERVISION TYPE	String	type of supervision
Supervision level	SUPERVISION LEVEL	String	supervision level
Supervision sentence length	PROBATION TERM YEARS	Numeric	probation term years
Supervision sentence length	PROBATION TERM MONTHS	Numeric	probation term months
Supervision sentence length	PROBATION TERM WEEKS	Numeric	probation term weeks
Supervision sentence length	PROBATION TERM DAYS	Numeric	probation term days
Termination Date	TERMINATION DATE	Date	date probation was terminated

Termination Type	TERMINATION TYPE	String	reason for probation termination
Split sentence indicator (one of)			Sentenced to prison on one count which is served immediately, followed by another sentence of probation on another count
Split sentence indicator (one of)	PROBATION TAIL STATUS	String	was in prison during study period, reentry offender
N/A	WAS IN PRISON	String	sex offender status
N/A	SEX OFFENDER STATUS	String	domestic violence offender status
N/A	DOMESTIC VIOLENCE STATUS	String	dui offender status
N/A	DUI OFFENDER STATUS	String	petition to revoke for new crime & technical violation
Type of violation	NEW CRIME TECH	String	petition to revoke for new crime only
Type of violation	NEW CRIME ONLY	String	petition to revoke for technical violation only
Type of violation	TECH ONLY	String	date a petition for revocation was filed
Type of violation	INITIATE DATE	Date	date new revocation was signed by judge
Type of violation	JUDGE SIGN DATE	Date	outcome of petition
Type of violation	PETITION OUTCOME	String	OST or FROST
Other (top needs)	ASSESSMENT TYPE	String	Date of assessment
Other (top needs)	ASSESSMENT DATE	Date	Overall Risk Score
Other (top needs)	ASSESSMENT RISK SCORE	Numeric	Risk level classification
Other (top needs)	ASSESSMENT RISK LEVEL	String	Risk Health Domain
Other (top needs)	ASSESSMENT HEALTH SCORE	Numeric	Risk Vocational Domain
Other (top needs)	ASSESSMENT VOCATIONAL SCORE	Numeric	Risk Education Domain
Other (top needs)	ASSESSMENT EDUCATION SCORE	Numeric	Risk Family/Social Domain
Other (top needs)	ASSESSMENT FAMILY SOCIAL SCORE	Numeric	Risk Residence Domain
Other (top needs)	ASSESSMENT RESIDENCE SCORE	Numeric	Risk Alcohol Domain
Other (top needs)	ASSESSMENT ALCOHOL SCORE	Numeric	Risk Drug Domain
Other (top needs)	ASSESSMENT DRUG SCORE	Numeric	Risk Mental Health Domain
Other (top needs)	ASSESSMENT MENTAL HEALTH SCORE	Numeric	Risk Attitude Domain
Other (top needs)	ASSESSMENT ATTITUDE SCORE	Numeric	Risk Criminal Behavior Domain
Other (top needs)	ASSESSMENT CRIMINAL BEHAVIOR SCORE	Numeric	

Date prepared: July 24, 2019