

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

AUTHORIZING RELEASE OF)	Administrative Order
INFORMATION MAINTAINED)	No. 2022 - <u>33</u>
IN THE ADULT PROBATION)	
ENTERPRISE TRACKING)	
SYSTEM TO URBAN INSTITUTE)	
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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 Urban Institute (Urban) is a successful recipient of MacArthur Foundation’s investment in studying probation strategies for jail reduction by way of its Safety and Justice Challenge, a grant application titled Safety and Justice Challenge Research Consortium, RFWP 005: Examining the Impacts of Probation Violation Strategies on Jail Reduction Efforts of the CUNY Institute for State and Local Governance (ISLG), which was awarded to the parties entering into this Agreement. Urban, with data and information from the Administrative Office of the Courts (AOC) and Pima County, will conduct a mixed methods study (both qualitative and quantitative) to describe probation pathways to jail incarceration and examine the impacts of housing support for probationers to reduce the jail population in Pima County, AZ. This will be completed through a two-tiered research study: 1) Pima County Adult Probation Department policy review and administrative data collection from ISLG and AOC and 2) Pima County Adult Probation Department case file review and supportive housing data records.

The AOC will provide data to Urban by way of an extract consistent with the Data Elements set forth in Exhibit A. APETS is the primary source of the data provided, hence, the data is nonpublic information that the AOC does not disseminate without a court order and confidentiality assurances as it is considered “confidential” and “closed.”

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 Exhibit A may be provided to Urban for purposes of conducting the analysis described above and in accordance with the terms of the party’s Agreement with the AOC.

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

Dated this 28th day of March, 2022.

ROBERT BRUTINEL
Chief Justice

EXHIBIT

A

Data Provided from AOC:

Administrative records for all active probation clients in Pima County from FY16 to FY21 (start and end date captured in time frame)

- ▣ APETS RSN/Unique ID
 - Demographic information
 - Race/ethnicity
 - Date of birth
 - Gender

- ▣ Current charge offense
 - Offense type
 - Sentencing Date
 - County of sentencing
 - Probation tail indicator
 - Start date
 - Termination date
 - Termination type
 - County of supervision
 - Type of supervision (probation SPS/IPS/UNS)

- ▣ Violation Petition (technical and/or new crime)
 - Petition to Revoke
 - Date of violation/petition
 - Outcome type

- ▣ Assessment
 - Date of first OST assessment and Risk Level
 - Date of last FROST assessment and Risk Level