

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 2: Adult Services**  
**Section 6-201.01: Standard Probation Evidence Based Practice**

**A. Definitions.** In this section, the following definitions apply:

“Absconder” as provided in A.R.S. § 13-105(1) “means a probationer who has moved from the probationer’s primary residence without permission of the probation officer, who cannot be located within ninety days of the previous contact and against whom a petition to revoke has been filed in the superior court alleging that the probationer’s whereabouts are unknown. A probationer is no longer deemed an absconder when the probationer is voluntarily or involuntarily returned to probation service.”

“Administrative director” means both the administrative director of the Administrative Office of the Courts and the director’s designee.

“Alcohol and drug testing” means any validated or verified method of determining the level of identifiable substances in the body including, but not limited to, breath, blood, oral fluid, urine, hair, and sweat testing.

“AOC” means Arizona Supreme Court, Administrative Office of the Courts.

“Arrest notification” means a notice, by any means, that the probationer has been arrested, cited or had official contact with law enforcement officer.

“Average caseload” means the departmental total of direct cases divided by total number of supervising probation officers.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer, in collaboration with the juvenile and family or adult probationer, which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

“Case record” means any record pertaining to a particular probationer maintained by the probation department in electronic or paper medium.

“Collateral” means any individual or agency that has a relationship to a particular probationer that serves as a source of information or point of contact, including but not limited to friends, family members, law enforcement, victims, community members, neighbors, treatment providers or other associates.

“Community restitution” means unpaid labor or services provided to a not-for-profit private or governmental agency.

“Court” means the superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment and lack of education.

“Direct case” means probationers actively supervised.

“Employment verification” means face-to-face communication, telephone contact, obtaining pay stubs, or other electronic means as approved by the department.

“Evidence-based practice” means strategies that have been shown through current, scientific research to lead to a reduction in recidivism.

“Hand counts” means the manual tabulation of all standard probation case files in the probation department, conducted independently from any automated system.

“Residing temporarily” means living at a location for 30 days or less.

“Residential treatment” means any type of licensed treatment or counseling where the probationer resides at the facility. “Short term residential treatment” is 30 days or less. “Long term residential treatment” is 31 days or more. Halfway houses are not considered residential treatment.

“Specialized caseload” means a group of probationers with similar presenting problems or needs who are supervised by a probation officer focusing on addressing the problem or need.

“Standardized assessment” means the state-approved tool to determine the offender’s needs related to criminal behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in the offender’s needs related to criminal behavior and propensity to re-offend.

“Tracking system” means the AOC approved automated case management system which contains adult probation staff work product created and used by adult probation to manage and access cases for purposes of supervision.

“Visual contacts” means face-to-face communication or visual contacts conducted via AOC approved policy and department approved technology with the probationer at any place, including but not limited to the probation department, the probationer’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters. Contacts with probationers are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the offender, assessing the offender’s criminogenic factors and triggers, developing and, when needed, modifying a case plan, and using both subtle and overt incentives and sanctions to guide the offender toward positive change.

**B. Applicability.** AZ. Const. Art. 6, § 3 and A.R.S. § 12-261 authorize the supreme court to administer state funding to aid probation services. The AOC shall administer state aid funding for adult standard probation on behalf of the supreme court. The following requirements are adopted to govern the administration and operation of standard probation supervision. A.R.S. § 13-805(A)(B)(C) provides:

A. The trial court shall retain jurisdiction of the case as follows:

1. Subject to paragraph 2 of this subsection, for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.

2. For all restitution orders in favor of a victim, including liens and criminal restitution orders, for purposes of ordering, modifying and enforcing the manner in which payments are made until paid in full.

B. At the time the defendant is ordered to pay restitution by the court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant's period of probation or the defendant's sentence or the defendant absconds from probation or the defendant's sentence, the court shall enter both:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

The provisions of this code section requiring a probation officer to request a criminal restitution order apply to a probationer who moved from the probationer's primary residence on or after July 20, 2011 without permission of the probation officer.

**C. Purpose.** The purpose of standard probation supervision in Arizona is to provide the highest quality service to the court, community and offenders. This is accomplished by promoting public safety through effective community based supervision and enforcement of court orders, offering accurate and reliable information and affording offenders opportunities to be accountable and initiate positive changes.

**D. General Administration.**

1. The AOC shall:

a. Administer and direct standard probation services on behalf of the supreme court;

b. Monitor standard probation services;

- c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the management of standard probation services and distribute this material to superior court judges and probation personnel;
  - d. Inspect, audit or have audited the records of any court receiving state aid for probation services;
  - e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration and management of standard probation services;
  - f. Conduct seminars and educational sessions regarding the purpose and management of standard probation services;
  - g. Establish performance measures and expectations in consultation with the court for determining compliance with each court's program plan and budget requests;
  - h. Assist courts in developing their program plans and budget requests;
  - i. Provide general assistance to courts on the administration and management of standard probation services; and
  - j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of standard probation services.
2. To promote uniform administration, each adult probation department providing standard probation services shall comply with this section.

**E. Budget Request Preparation.**

1. A.R.S. § 12-262 provides:
  - A. The presiding judge of the superior court in each county desiring to improve, maintain or expand juvenile probation services, or to achieve or maintain the average adult probation case supervision requirement prescribed in § 12-251, may prepare a plan in accordance with guidelines issued by the supreme court. The plan shall be submitted to the state supreme court. The supreme court guidelines shall require that the plan include:
    1. That funds received under this article shall be used primarily for payment of salaries of probation officers supervising adults or juveniles on probation to the superior, justice or municipal court.
    2. That the funds provided by the state for this purpose will be used to supplement county funds provided for probation services.

3. The proposed budget necessary to implement the plan, including the amount currently budgeted for that county's probation program.
2. The administrative director shall review each request and may modify the request based on appropriate statewide considerations. The AOC shall include the court's request or the modified request in the supreme court's annual budget request. The administrative director shall allocate to the court the monies appropriated by the legislature to aid probation services based on the proposed plan, availability of funds, caseload population, past year use, county support and program effectiveness.
3. If a court does not agree with the allocations and requests further review, the chief justice shall make the final determination.
4. Each court requesting state aid for standard probation services shall support the budget request with written justification and explanation as required by the administrative director.
5. A.R.S. § 12-269(A) provides:

The administrative office of the courts shall not disburse any direct state aid for probation services monies, including motor pool costs, that are appropriated for juvenile intensive probation services pursuant to section 8-353, state aid for probation services pursuant to section 12-262, adult intensive probation pursuant to title 13, chapter 9 and community punishment programs pursuant to article 11 of this chapter to a county with a population of two million or more persons.

**F. Program Plan and Financial Management.**

1. Each court requesting state aid for standard probation services shall submit an expenditure plan to the administrative director. The expenditure plan shall outline how the requested state funds shall be used in achieving or maintaining the average case supervision requirements prescribed in A.R.S. § 12-251(A). The court shall submit the plan within the prescribed time frame and on forms required by the administrative director.
2. Each presiding judge shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. Each program plan shall explicitly document:
  - a. That a minimum of 80 percent of the state aid for probation services allocated to a court shall be used for the payment of salaries and employee related benefits of probation officers involved in the case management, field supervision and enforcement of court orders of persons placed on standard probation to the court who reside in the county; and

- b. That not more than twenty percent of the allocated state aid for probation services are used to otherwise maintain, improve or enhance adult probation services.
4. On request, the administrative director may approve a plan permitting an expenditure of allocated funds of more than twenty percent on support, operating and ancillary services. The participating court shall file the request with the AOC on a form prescribed by the administrative director.
5. In the event that the administrative director disapproves a plan or plan modification submitted by a court, the presiding judge of the court may request that the administrative director submit the plan to the chief justice for consideration and final determination.
6. Pursuant to A.R.S. § 12-263, "...Upon approval of a plan submitted, the supreme court shall enter into a funding agreement with the county and shall make payments to the county as necessary to carry out the agreement." The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or the court's failure to comply with applicable statutes, the approved plan, funding agreement or this section.
7. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
8. A.R.S. § 12-262(A)(2) provides that state aid for probation services shall "...supplement county funds provided for probation services." A.R.S. § 12-265(C) provides: "...No state funds may be used to increase any salaries funded under current county probation programs."
  - a. A.R.S. § 12-267(D) provides: "State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department." State funds shall not be used by the county for administrative overhead or to reduce the level of county funding available for adult probation services.
  - b. In accordance with the general appropriations act, probation department receipt of state probation monies is contingent on the county maintenance of expenditure levels for each probation program the previous fiscal year.
9. A.R.S. § 12-267(B) provides:

The chief fiscal officer shall establish and maintain separate accounts in the fund showing receipts and expenditures of monies from each source listed in subsection A of this section. The presiding judge of the superior court shall annually present to the board of supervisors for approval a detailed expenditure plan for the adult probation services fund accounts. Any modifications to the expenditure plan affecting state appropriations shall be made in accordance with the rules and procedures established by

the supreme court. Any modifications to the expenditure plan affecting county appropriated funds shall be made in accordance with the policies established by the county. The chief fiscal officer shall disburse monies from the fund accounts only at the direction of the presiding judge of the superior court. The chief fiscal officer of each county shall, on or before August 31 of each year for the preceding fiscal year, submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund.

10. The court receiving state funding for standard probation services shall use allocated funds and interest only to aid standard probation services.
11. On agreement with a participating court, the administrative director may withhold funds allocated to the court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
12. The presiding judge of each participating court shall submit to the AOC, by January 31 of each year, a closing financial and program activity report related to the court's plan through December 31. Failure to submit the report in a timely manner may result in financial sanctions.
13. The presiding judge of each participating court shall submit to the AOC, August 31 of each year, a closing financial and program activity report related to the court's plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
14. The presiding judge of each participating court shall return to the AOC, by August 31 of each year, all state aid for probation services funds distributed to the court which are unencumbered as of June 30 and unexpended as of July 31. Failure to revert the unencumbered funds in a timely manner may result in financial sanctions.
15. The administrative director shall determine how the funds are used in the event that a court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for state aid for probation services.
16. Each court and its probation department providing standard probation services shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer standard probation services.
17. On request of the AOC, the chief probation officer shall conduct hand counts of the department's standard probation population. The chief probation officer shall submit the results of the hand counts to the AOC.
18. Each court and its probation department providing standard probation services shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year.

**G. Allocation and Management of State Aided Personnel Placements.** The administrative director shall allocate state funded adult standard probation personnel placements approved for standard probation among courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among courts.

**H. Standard Probation Caseload Limit.** A.R.S. § 12-251(A) provides: "...probation officers engaged in case supervision shall supervise no more than an average of sixty-five adults who reside in the county on probation to the court." Only those probationers on the probation officer's direct caseload are included in determining the average caseload of 65 adults. Pursuant to A.R.S. § 12-269(B):

A county with a population of two million or more persons shall maintain probation standards that are otherwise prescribed by law, except that the probation ratios and team compositions that are listed in §§ 8-203, 8-353, 12-251 and 13-916 do not apply. The county shall maintain appropriate ratios of officers to probationers consistent with evidence based practices in differentiated case management...

**I. Direct Case.**

1. The standard probation officer's direct caseload shall include:

a. Probationers within 90 calendar days of their discharge from the Arizona Department of Corrections (ADC). Departments, at a minimum, shall complete a pre-release contact with the probationer, via telephone or in person, to assist the probationer to develop a plan to secure the following as needed:

- (1) Valid state driver license or identification card;
- (2) Housing;
- (3) Health care;
- (4) Prescribed medications;
- (5) Transportation;
- (6) Potential interstate compact or intercounty transfer;
- (7) Social Security card;
- (8) Birth certificate.

b. Probationers residing in the officer's county and receiving direct supervision services, regardless of supervision level;

c. Probationers in jail in the officer's county who are participating in work furlough, work release or job search or pending probation revocation proceedings, regardless of the length of incarceration;

d. Probationers in residential treatment in the officer's county;

- e. Probationers in short or long term residential treatment in another county unless transferred pursuant to ACJA 6-211;
  - f. Probationers placed on probation after January 1, 1999, in a limited jurisdiction court, for aggravated domestic violence;
  - g. Probationers residing temporarily out of the officer's county or state through the issuance of a travel permit;
  - h. Probationers in the officer's county on behalf of another state in accordance with the Interstate Compact for Adult Offender Supervision; and
  - i. Probationers on warrant status for less than 90 days.
2. The standard probation officer's direct caseload shall not include:
- a. Inmates imprisoned in the ADC who will be released to community supervision with the ADC;
  - b. Probationers residing in another state through the Interstate Compact for Adult Offender Supervision;
  - c. Probationers considered absconders with an active warrant for 90 days or more;
  - d. Probationers deported to another country and the officer has received a copy of the deportation notice;
  - e. Inmates serving concurrent or consecutive prison commitments who are not within 90 calendar days of their discharge from ADC;
  - f. Probationers transferred to another county;
  - g. An offender not yet convicted who is participating in a diversion program;
  - h. Probationers in jail as a condition of probation, regardless of the length of incarceration, who are not participating in work furlough, work release, or job search program.
  - i. Offenders supervised as a part of pretrial services; or
  - j. Unsupervised or summary probation cases.

**J. Program Operations.**

1. Each probation department shall develop:

- a. Policies and procedures that aim to reduce offender risk and the likelihood of future criminal behavior that are consistent with the principles of evidence-based practices;
- b. Policies and procedures which require probation officers providing standard supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan. Case plans are dynamic and therefore shall be updated as goals are completed and supervision strategies change based on criminogenic risk and needs of the offender. Case plans shall reference the most recent completed assessment.
- c. Policies and procedures which require probation officers to utilize graduated responses of consequences and incentives to address violation behavior and promote positive behavioral change.
- d. Policies and procedures that identify the criteria for the recommendation of early termination for eligible probationers. This policy shall include requirements for officers to review case file to determine eligibility.
- e. Policies and procedures regarding the alcohol and drug testing of persons on standard probation. The procedure shall address the methods used to select probationers for testing, the frequency of testing, and the type of test to be administered.
- f. Policies and procedures concerning the monitoring of probationers' compliance with court-ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include requirements to ensure routine and timely communication between the supervising probation officer and physician regarding the probationer's compliance with dosage requirements.
- g. Policies and procedures which require officers to maintain accurate and timely records of the completion of statutorily required or court ordered community restitution hours for each probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court.
- h. Protocols to work with the office of the clerk of court to establish policies and procedures by which supervising probation officers are provided with accurate and timely information concerning collections.
- i. Policies and procedures to ensure the collection of monies owed as a condition of probation. Each probation department and supervising probation officer shall address any arrearage per departmental policy. Each probation department and supervising officer shall also encourage the probationer's payment of other assessment, such as child support or traffic fines as ordered by any court. Modification of monthly payments as income changes during the supervision period is permitted, based upon the probationer's ability to pay. Responses to delinquencies shall consider the

probationer's ability to pay. Probation officers shall not recommend incarceration solely for non-payment of court-ordered financial obligations.

- j. Policies and procedures which require an officer to administer a standardized reassessment twelve months after the initial assessment and every twelve months thereafter for probationers that assess as medium or high risk.
  - k. Policies and procedures which require an officer to administer standardized reassessments upon the discovery of significant changes in criminogenic risk and needs or continued criminal conduct, for example an arrest for a new felony offense or a pattern of on-going substance abuse for probationers that assess as low risk on the initial standardized assessment if an assessment has not been completed in the last twelve months.
  - l. Policies and procedures which require an officer to develop a case plan for probationers who assess as medium or high risk a minimum of once every twelve months from the completion of the last case plan. Case plans shall reference the most recent completed assessment and shall be completed more frequently if there are goals that need to be completed by the probationer; and
  - m. Policies and procedures which require the supervising officer to develop a new case plan for probationers that assess as low risk on the standardized assessment or reassessment if a referral for services is required as a targeted intervention to criminogenic risk or needs area is required and a case plan has not been completed in the last twelve months. Case plans for low risk probationers are not required if referrals are made simply as a requirement of probation and not as a targeted intervention for behavior modification. The officer shall document in the file that no case plan was completed if no case plan is required. Referrals for low risk probationers shall be no more restrictive or intrusive than required to meet supervision goals. Low risk probationers shall not be referred to programming that exposes them to higher risk probationers.
  - n. Policies and procedures to ensure the securing, transmission, verification and confirmation of deoxyribonucleic acid (DNA) samples on record with the department of public safety (DPS).
2. A.R.S. § 12-253(4) provides that adult probation officers shall:

Investigate cases referred to the officer for investigation by the court in which the officer is serving and report to the court. In an investigation for a presentence report, the adult probation officer shall promptly inquire into the circumstances of the offense, the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, including the ability to contribute to reimbursement for the costs of the person's legal defense pursuant to § 11-

584, education and personal habits. The presentence report shall contain a recommendation by the officer regarding contribution by the convicted person toward the cost of legal defense pursuant to § 11-584. The officer shall also promptly inquire into the physical, emotional and financial impact of the offense on the victim and the emotional and financial impact of the offense on the immediate family of the victim and shall notify the victim or the immediate family of the victim of the right to appear personally or by counsel at any aggravation or mitigation proceeding.

3. For all probation eligible cases, presentence reports shall also contain case information related to criminogenic risk and needs as documented by the standardized risk assessment and other file and collateral information. The report shall also contain the officer's recommendation for supervision and treatment services based upon the convicted person's documented criminogenic risk and needs when authorized.
4. A.R.S. § 12-253(1) provides that adult probation officers shall "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." Adult probation officers shall immediately contact the law enforcement officer or agencies 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. The supervising probation officer shall document in the case record and tracking system all contacts, information received pertaining to the incident, and actions taken as a result of the incident. Probations officers shall also document information, including but not limited to, violation behavior, positive progress and behavioral changes.
5. A.R.S. § 12-253(2) provides that adult probation officers shall "Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court."
  - a. Adult probation officers shall:
    - (1) 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;
    - (2) 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;
    - (3) Utilize the results of the standardized assessment to establish a level of supervision and address needs for behavioral changes;
    - (4) 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 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;

- (5) 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;
  - (6) Target interventions to higher-risk cases to promote public safety;
  - (7) Administer the first standardized reassessment twelve months from the initial assessment or release from custody for probationers that assess as medium or high risk to measure behavior changes. Subsequent reassessments shall be completed every twelve months until later assessments indicate a decrease in risk factors which assess the probationer as low risk;
  - (8) 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;
  - (9) Reassess low risk probationer upon the discovery of significant changes in criminogenic risk and needs or new criminal conduct;
  - (10) Complete a case plan if a probationer assessed as low risk has criminogenic risks and needs that require intervention beyond those required as basic compliance with conditions of probation;
  - (11) Document in the case record and tracking system that a case plan is not needed for an assessed low risk probationer if no case plan is required;
  - (12) Conduct documented case file reviews for probationers assessed as low risk every year. Case file reviews shall include, but are not limited to, case notes, collateral information and investigation of any arrest notification.
    - (a) Actions shall be taken in response to indicators of changes in criminogenic risk and needs or involvement in criminal conduct.
    - (b) Probationers that are eligible and in compliance with court-ordered conditions of probation shall be recommended for early termination. The officer shall recommend that any outstanding financial obligations be reduced to a criminal restitution order.
    - (c) Probationers with outstanding restitution are not eligible for early termination;
  - (13) Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;
  - (14) 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;
  - (15) 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
  - (16) Consider the suitability of early termination for all eligible cases.
- b. Adult probation officers shall provide a written directive to the probationer referring the probationer to an appropriate service provider within 60 days of sentencing, release from custody as a condition of probation, or when a need for treatment, education or counseling is identified through the use of a statewide standardized

- assessment, ordered by the court, or otherwise identified. 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.
- c. The supervising probation officer shall administer or cause to have administered alcohol and drug tests on a variable schedule, when 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 and tracking system.
6. A.R.S. § 12-253(3) provides that adult probation officers shall "Serve warrants, make arrests and bring persons before the court who are under suspended sentences. The officer has the authority of a peace officer in the performance of the officer's duties."
  7. A.R.S. § 12-253(5) provides that adult probation officers shall "Secure and keep a complete identification record of every person released under a suspended sentence and a written statement of the conditions of the suspension." Each standard probation officer shall maintain the tracking system and verifiable case records for each probationer supervised, including, but not limited to:
    - a. A written statement of the ordered conditions of probation;
    - b. An individual case plan setting forth behavioral expectations for probationers that assess as medium or high risk on the standardized assessment;
    - c. Contact logs detailing the time, nature and location of each contact made with each person on standard probation.
  8. A.R.S. § 12-253(6) provides that adult probation officers shall "Obtain and assemble information concerning the conduct of persons placed under suspended sentence and report the information to the court." Reports shall contain case information, including but not limited to, violation behavior, positive progress and behavioral changes while under supervision. Adult probation officers shall petition the court to terminate the period of probation based on the use of standardized assessments and an evaluation of the probationer's compliance with the conditions of probation.
  9. A.R.S. § 12-253(7) provides that adult probation officers shall "Bring defaulting probationers into court when in the probation officer's judgment the conduct of the probationer justifies the court to revoke suspension of the sentence."
    - a. Adult probation officers shall make a documented effort to locate a defaulting probationer. If the probationer is not located within 90 days, the supervising probation officers shall file a petition to revoke probation for a probationer who is an absconder as defined in A.R.S. § 13-105(1), request a criminal restitution order

- pursuant to A.R.S. § 13-805(C)(1)(2) on the 91<sup>st</sup> day, or at the earliest opportunity thereafter, but no later than the 120<sup>th</sup> day, and request that the court issue a warrant.
- b. The supervising probation officer may file the petition to revoke sooner based on the circumstances surrounding the case and the need for community protection. When a petition to revoke probation is filed for a probationer who is an absconder as defined in A.R.S. § 13-105(1) prior to the expiration of 90 days, the probation officer shall request a criminal restitution order, pursuant to A.R.S. § 13-805 (C)(1)(2) on the 91<sup>st</sup> day, or at the earliest opportunity thereafter, but no later than the 120<sup>th</sup> day. The probation officer shall ensure the criminal restitution order is not requested prior to the 91<sup>st</sup> day and that any criminal restitution order is for monies not already ordered in a previous criminal restitution order.
  - c. The probation department's efforts to locate the probationer shall continue until the probationer is apprehended.
10. Probation officers, surveillance officers and absconder or warrant officers shall follow the minimum requirements for probationers on warrant status as applicable:
- a. Physically check last known address and place of employment. Ask sources, such as neighbors, apartment managers and former employers, for information.
  - b. Contact collaterals who may know the probationer's whereabouts including former associates, relatives and friends.
  - c. Run a criminal history check.
  - d. Validate obtained information with agencies and companies such as law enforcement and utility companies.
  - e. Provide information that can be used for flyers and wanted posters for dissemination to local law enforcement that has jurisdiction.
  - f. Follow up on these requirements at least once every month and document efforts to locate and reengage the probationer until the probationer is apprehended; and
  - g. Maintain a complete record of activities in case notes.

11. Pursuant to A.R.S. § 13-4415(A):

On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:

1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of a person who is convicted of committing a criminal offense against the victim.

2. Any hearing on a proposed modification of the terms of probation or intensive probation.
3. The arrest of a person who is on supervised probation and who is arrested pursuant to a warrant issued for a probation violation.

12. Notify the court having jurisdiction upon finding that the probationer has become in arrears in an amount totaling two full court ordered monthly payments of restitution. This notification shall consist of a petition to modify, petition to revoke, or memorandum to the court outlining the reasons for the delinquencies and expected duration thereof. A copy of the memorandum shall be provided to the victim, if the victim has requested notice of restitution modifications.

13. A.R.S. § 13-610 (C) provides:

Within thirty days after a person is convicted and placed on probation without a term of incarceration or adjudicated delinquent and placed on probation, the county probation department shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of or adjudicated delinquent for an offense listed in this section. The county probation department shall transmit the sample to the department of public safety.

A.R.S. § 13-610 (D) provides:

Within thirty days after the arrival of a person who is accepted under the interstate compact for the supervision of parolees and probationers and who is under the supervision of a county probation department, the county probation department shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of an offense that was committed in another jurisdiction that if committed in this state would be a violation of any offense listed in this section and was sentenced to a term of probation. The county probation department shall transmit the sample to the department of public safety.

- a. The adult probation department shall document the date the DNA sample was secured and the date transmitted to DPS in the tracking system's DNA screen and case record.
- b. Within 60 days of transmission of the sample to DPS, the adult probation department shall verify that the sample was received and recorded by DPS by accessing the DPS link in the tracking system. The adult probation department shall document this verification in the tracking system's DNA screen and case record.
- c. If the 60-day verification does not indicate receipt and recording of the sample by DPS, the adult probation departments shall repeat the verification in J(13)(b) every

six months until determining that the sample was received and recorded by DPS. The adult probation department shall document each attempted verification in the case record. Once DPS has recorded the sample, the adult probation department shall enter the date in the tracking system's DNA screen and case record.

- d. If DNA was previously secured, transmitted and verified by an agency, other than a probation department, the adult probation department shall confirm DNA is recorded by DPS by accessing the DPS link in the tracking system within 30 days of a probationer's placement on probation, initial release from custody, or acceptance of incoming interstate compact.
- e. If DNA was previously secured, transmitted and verified by a probation department, the adult probation department shall confirm DNA is recorded by DPS by reviewing the DNA screen in the tracking system and document the confirmation in the case record.
- f. If the DNA screen in the tracking system is incomplete, the adult probation department shall complete the DNA process described herein.

#### **K. Minimum Supervision Requirements.**

1. A.R.S. § 12-253(2) provides: "Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court." The following supervision requirements are established as minimum thresholds for probationers supervised in the community. Each probation department may establish more rigorous supervision requirements. Each chief probation officer shall ensure that all established minimum supervision requirements are provided in writing to each supervising probation officer, along with appropriate training on adherence to those requirements.
2. The probation department shall establish and document minimum supervision requirements for probationers incarcerated in jail. Each probation department shall provide in writing to supervising probation officers the minimum supervision requirements established for probationers incarcerated in jail and furnish appropriate training on adherence to those requirements.
3. The probation department shall establish supervision strategies that are directed toward achieving desired outcomes that include, but are not limited to, the reduction of offender recidivism and criminogenic factors. The probation department shall ensure the majority of supervision resources are dedicated to medium high and high risk probationers in order to successfully complete their term of probation and promote positive behavioral changes. Supervision strategies shall include the following considerations:
  - a. Tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment.

- b. Supervision monitoring and intervention strategies are to involve no greater deprivations of liberty or property than are reasonably necessary to address sentencing purposes. Supervision programs and strategies utilized shall be the least intrusive means necessary to promote supervision goals.
  - c. Initial and subsequent supervision planning shall develop specific goal - directed objectives to be accomplished by the probationer during the term of supervision and include strategies the officer will use to monitor compliance and promote the accomplishment of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the probationer's level and type of risk.
  - d. High risk cases shall require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the individual probationer, build on a probationer's strengths, and provide probationers with incentives to change.
  - e. Document changes in the probationer's circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and type of supervision. Officers shall independently assess a probationer's circumstances through field and collateral contacts at a level proportional to the issues in the individual case.
  - f. Responses to noncompliance shall be timely, realistic and escalating and shall include elements designed to both control and correct noncompliance.
  - g. The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers meeting supervision objectives.
4. The high risk probation supervision level shall include a monthly minimum of two of the following contacts per month, with at least one occurring with the probationer at the probationer's residence:
- a. Visual contact with the probationer. Visual contacts shall be varied, scheduled and unscheduled. The probation officer shall determine a schedule for visual contacts and supervision strategies that are proportionate to the level of risk and needs of the probationer based upon the results of the standardized assessment and other significant case information including the probationer's readiness to change.
  - b. Contact with collateral sources who have meaningful knowledge of the probationer, if applicable.
5. The high risk probation supervision level shall also include:
- a. An initial contact at the probationer's residence within 30 days of sentencing or release from incarceration;

- b. Employment verification or employment search verification as necessary;
  - c. Investigation of arrest notification including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations and bring defaulting probationers into court when the conduct of the probationer justifies the court to revoke suspension of the sentence;
  - d. Community restitution monitoring;
  - e. Alcohol and drug testing, as necessary;
  - f. Treatment, counseling, or both, to include evidence-based interventions as necessary;
  - g. Monitoring of court-ordered financial obligations;
  - h. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend;
  - i. The use of communication techniques that engage the probationer in his or her own case plan, motivation and goals;
  - j. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives;
  - k. Evaluation of ongoing supervision and strategies; and
  - l. Consideration for early termination for eligible probationers' meeting behavioral goals and in compliance with court-ordered conditions of probation. The probation officer shall recommend that outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution shall not be considered for early termination.
6. The medium risk probation supervision level shall include a monthly minimum of one of the following contacts per month, with at least one occurring with the probationer at the probationer's residence every three months:
- a. Visual contact with the probationer. Visual contacts shall be varied, scheduled and unscheduled. The probation officer shall determine a schedule for visual contacts and supervision strategies that are proportionate to the level of risk and needs of the probationer based upon the results of the standardized assessment and other significant case information including the probationer's readiness to change;
  - b. Contact with collateral sources who have meaningful knowledge of the probationer, if applicable.

7. The medium risk probation supervision level shall also include:
  - a. An initial contact at the probationer's residence within 30 days of sentencing or release from incarceration;
  - b. Investigation of arrest notification including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations and bring defaulting probationers into court when the conduct of the probationer justifies the court to revoke suspension of the sentence;
  - c. Employment verification or employment search verification as necessary;
  - d. Community restitution monitoring;
  - e. Alcohol and drug testing, as necessary;
  - f. Treatment, counseling, or both, to include evidence-based interventions as necessary;
  - g. Monitoring of court-ordered financial obligations;
  - h. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend;
  - i. The use of communication techniques that engage the probationer in his or her own case plan, motivation and goals;
  - j. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives;
  - k. Evaluation of ongoing supervision and strategies; and
  - l. Consideration for early termination for eligible probationers' meeting behavioral goals and in compliance with court-ordered conditions of probation. The probation officer shall recommend that outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution shall not be considered for early termination.
8. The low risk probation supervision level shall include:
  - a. A minimum of one visual contact with the probationer as an initial interview to provide instruction on the conditions of probation and behavioral expectations. The probation officer shall determine supervision strategies that are proportionate to the level of risk and needs of the probationer based upon the results of the standardized assessment and other significant case information.

- b. Subsequent visual contacts shall be varied, scheduled and unscheduled with at least one contact with the probationer at their residence within 60 days of sentencing or release from incarceration;
  - c. Employment verification as necessary;
  - d. Investigation of arrest notification, including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations and bring defaulting probationers into court when the conduct of the probationer justifies the court to revoke suspension of the sentence;
  - e. Community restitution monitoring;
  - f. Alcohol and drug testing, as necessary;
  - g. Treatment, counseling or both, as necessary, to include evidence-based interventions, as necessary;
  - h. Monitoring of court-ordered financial obligations;
  - i. Reviewing of probationer report letters and telephonic correspondence;
  - j. Contact with collateral sources, as necessary;
  - k. Annual review of case file;
  - l. Evaluation of ongoing supervision and strategies; and
  - m. Consideration for early termination for eligible probationers' meeting behavioral goals and in compliance with court-ordered conditions of probation. The probation officer shall recommend that outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution shall not be considered for early termination.
9. Waiver of Minimum Supervision Requirements.
- a. The chief probation officer may waive minimum supervision requirements, in writing, for a specified period of time only if exigent circumstances exist. The supervising probation officer shall place a copy of the written waiver of minimum supervision requirements in the case file of each probationer for whom a waiver has been granted.
  - b. The chief probation officers shall not grant a waiver for minimum supervision for probationers on high risk supervision level and convicted of a sex offense as defined

by A.R.S. § 13-1402 through 13-1412, 13-1417 through 13-1419, 13-3552 through 13-3556, a domestic violence offense under A.R.S. § 13-3601 or 3601.02, or an offense involving driving under the influence under A.R.S. § 28-1381 through 28-1383.

- c. The chief probation officer shall not waive minimum requirements when doing so would compromise public safety.

#### **L. Specialized Caseloads.**

1. Any court establishing or maintaining specialized caseloads shall have a written description of the specialized caseload, including objectives, goals, and caseload size. Caseload sizes may be less than or greater than 65:1, based upon criteria proposed by the probation department and approved by the AOC, as long as the department maintains an overall average of 65:1 for the standard probation supervision population and adequate supervision is provided.
2. Any court establishing or maintaining specialized caseloads shall have research-based written screening and assessment criteria for placement on the caseload, as well as standardized criteria for exiting or graduating from the caseload.
3. Any court establishing or maintaining specialized caseloads shall have research-based written minimum supervision requirements specific to the needs and goals of the caseload.
4. Probation officers assigned to supervise specialized caseloads shall participate in AOC approved continuing education/training on the specific needs of the specialized population.

*The Arizona Supreme Court, Administrative Office of the Courts acknowledges the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts, the Oklahoma Department of Corrections, Maryland Division of Parole and Probation, and the National Institute of Corrections for granting permission to pattern the Code section 6-201: Standard Probation after the “The Supervision of Federal Offenders”, Monograph 109, “Evidence- Based Offender Management Guidelines,” Operations Manual 07.01 of Maryland Division of Probation and Parole, and “Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention.” National Institute of Corrections & Crime and Justice Institute 2004, respectively.*

*Adopted by Administrative Order 2008-104, effective December 18, 2008. Amended by Administrative Order 2009-54, effective June 10, 2009. Amended by Administrative Order 2010-25, effective February 24, 2010. Amended by Administrative Order 2010-62, effective May 27, 2010. Amended by Administrative Order 2011-118, effective November 23, 2011. Amended by Administrative Order 2013-107, effective December 4, 2013. Amended by Administrative Order 2014-19, effective February 12, 2014. Amended by Administrative Order 2017-03, effective January 11, 2017. Amended by Administrative Order 2018-73,*

*effective August 8, 2018. Amended by Administrative Order 2020-19, effective January 15, 2020.*