

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-204.01: Interstate Compact Probation Evidence-Based Practices

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

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

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

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

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

“Court” means the superior court.

“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 interstate compact probation case files in the probation department, conducted independently from any automated system.

“Receiving state” means a state party to the compact who is requested to assume supervision of the probationer.

“Sending state” means the state in which the conviction was had.

B. Applicability. Pursuant to Az. Const. Art. 6, § 3 and A.R.S. §§ 12-254(A) and 31-467 the following requirements are adopted to govern the administration and operation of interstate compact probation. The AOC shall administer interstate compact probation on behalf of the supreme court.

C. Purpose. Interstate compact probation establishes standards and procedures for the interstate transfer and effective community based supervision of adult probationers.

D. General Administration.

1. The AOC shall:

- a. Administer and direct interstate compact probation on behalf of the supreme court;
- b. Monitor interstate compact probation;

- c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the management of interstate compact probation and distribute this material to judges and probation personnel;
 - d. Inspect, audit, or have audited the records of any court receiving interstate compact probation funds;
 - e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration and management of interstate compact probation;
 - f. Conduct seminars and educational sessions regarding the purpose and management of interstate compact probation;
 - g. Establish performance measures and expectations in consultation with the court for determining compliance with each court's program plan and budget request;
 - h. Assist courts in developing their program plans and budget requests;
 - i. Provide general assistance to courts on the administration and management of interstate compact probation services; and
 - j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of interstate compact probation.
2. To promote uniform administration, each adult probation department receiving state interstate compact probation funds or supervising interstate compact probationers shall comply with this section.
 3. The deputy compact administrator shall administer interstate compact probation on behalf of the AOC. The deputy compact administrator shall promote public safety in performing the following duties:
 - a. Execute and interpret all applicable compact laws, rules, policies and procedures;
 - b. Communicate with other compact or deputy compact administrators, and the interstate commission for adult offender supervision as needed;
 - c. Coordinate and resolve state compact issues or concerns; and
 - d. Manage and maintain the interstate compact probation statistical information and reports.
 4. The adult probation departments shall utilize the Interstate Compact Offender Tracking System (ICOTS) authorized by the Interstate Commission to investigate, supervise, report violations, respond to violations and submit case closures in accordance with ICAOS

Rules. Departments shall contact the deputy compact administrator to request access to ICOTS for staff and all approved staff shall adhere to the ICOTS operating procedures.

E. Budget Request Preparation.

1. The presiding judge wishing to operate an interstate compact probation program and receive state interstate compact probation funds shall submit a proposed plan and budget request for the subsequent fiscal years to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
2. The administrative director shall review each request, and may modify the request based upon 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 for interstate compact probation programs 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 interstate compact probation funds shall support the budget request with written justification and explanation as required by the administrative director.

F. Program Plan and Financial Management.

1. Each court requesting state interstate compact probation funds shall submit an expenditure plan to the administrative director. The expenditure plan shall outline how the requested state funds shall be used in operating an interstate compact probation program consistent with the average case supervision requirements prescribed in A.R.S. § 12-251(A), this code, the supreme court's budget request and with available monies appropriated by the legislature for interstate compact probation programs. 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. In the event 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.
4. On approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting court for the distribution of funds. 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 code.

5. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
6. 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.
7. A.R.S. § 31-467.06 provides:
 - A. A person being supervised in this state pursuant to this article shall pay, as a condition of probation, community supervision or parole, a monthly supervision fee of not less than sixty-five dollars if the person is on probation, parole or community supervision or not less than seventy-five dollars if the person is on intensive probation, unless, after determining the inability of the person to pay the fee, the supervising agency requires payment of a lesser amount. The supervising parole, community supervision or probation officer shall monitor the collection of the fee.
 - B. Seventy per cent of the monies collected pursuant to subsection A of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the victim compensation and assistance fund established by section 41-2407 and thirty per cent shall be deposited in the adult probation services fund established by section 12-267 or, if the person is supervised by the state department of corrections, in the community corrections enhancement fund established by section 31-418.
 - C. In addition to any other fees, a person who is being supervised in this state pursuant to this article may be required to pay as a condition of parole or community supervision the reasonable costs associated with the person's participation in a drug testing program. The person's costs shall not exceed the state department of corrections' cost for the program. The monies collected pursuant to this subsection by the department may only be used to offset the costs of the drug testing program.
8. Pursuant to A.R.S. § 12-267(B), the county's chief fiscal officer shall deposit funds received by the court for interstate compact probation into a separate account within the adult probation services fund.
9. The court receiving state interstate compact probation funds shall use allocated funds and interest only for interstate compact probation.

10. 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.
11. The presiding judge of each participating court shall submit to the AOC, by January 31 of each year, a mid-year 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.
12. The presiding judge of each participating court shall submit to the AOC, by 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.
13. The presiding judge of each participating court shall return to the AOC, by August 31 of each year, all interstate compact probation 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.
14. 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 interstate compact probation.
15. Each court and its probation department providing interstate compact probation services shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer interstate compact probation.
16. On request of the AOC, the chief probation officer shall conduct hand counts of the department's interstate compact probation population. The chief probation officer shall submit the results of the hand counts to the AOC.
17. Each court and its probation department providing interstate compact 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 Interstate Compact Probation Personnel Placements.

The administrative director shall allocate state funded interstate compact probation personnel placements approved for interstate compact probation among courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among courts.

H. Interstate Compact Probation Caseload Limit. A.R.S. § 12-251(A) provides: "Those deputy adult 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 sixty-five adults. Probation officers funded by state interstate compact

monies and engaged in case supervision shall supervise no more than an average of 65 interstate compact probationers who reside in the county. 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 sections 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. The supervising probation officer or intensive probation team’s direct caseload shall comply with either ACJA § 6-201.01 or § 6-202.01 as applicable.

J. Program Operations.

1. Each probation department shall:

- a. Develop policies and procedures that comply with ACJA § 6-201.01 and § 6-202.01 and abide by standards set forth in A.R.S. § 12-253 and ACJA § 6-201.01 and § 6-202.01 as applicable;
- b. Develop policies and procedures to ensure the collection of monthly assessments imposed pursuant to A.R.S. § 31-467.06(A). Each probation department and supervising probation officer shall immediately address any arrearage. Each probation department and supervising officer shall also encourage the probationer’s payment of other assessments, such as child support or traffic fines, ordered by any court;

2. In accordance with A.R.S. § 31-467.06(B) “Seventy per cent of the monies collected pursuant to subsection A of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the victim compensation and assistance fund established by section 41-2407 and thirty per cent shall be deposited in the adult probation services fund established by section 12-267”

K. Eligibility and Acceptance Criteria.

- 1. Pursuant to A.R.S. § 31-467 and the Interstate Commission for Adult Offender Supervision Rules Arizona probation officials shall accept a person for interstate compact probation supervision if the person meets the acceptance criteria set forth in ICAOS Rules 3.101 or 3.101-1. Arizona probation officials may accept a person for interstate compact probation supervision under ICAOS Rule 3.101-2.
- 2. The deputy compact administrator shall forward to the appropriate Arizona probation department all eligible requests by other states for transfer of supervision via the interstate compact. Replies to the requests are due to the AOC within 30 days of receipt by the Arizona probation department.

L. Supervision Process, Length and Termination.

1. A probationer seeking interstate compact probation supervision in Arizona shall accept the sending state's terms and conditions of probation as a condition of acceptance for supervision in Arizona. The interstate compact probationer shall also accept the terms and conditions established by the Arizona adult probation department and court.
2. The Arizona probation department shall supervise an interstate compact probationer in accordance with all terms and conditions of probation and Arizona laws, rules, policies and procedures including the operational procedures developed by the supervising Arizona probation department. The supervising probation officer or intensive probation team shall maintain a written statement of the Arizona and sending state conditions of probation in the case record.
3. In accordance with Arizona State Council Policy 1.1 attached and incorporated as Appendix A:
 - a. The probation department shall supervise a parole case if the sending state submits a transfer request for an offender who has a parole and probation case and the probation case will terminate last.
 - b. The probation department shall supervise a parole case if the sending state submits a transfer request for a parole matter for an offender who is also under probation supervision for a probation term imposed by a court in the State of Arizona.
 - c. The probation department shall continue to supervise the probationer when the sending state submits a transfer request that requires lifetime supervision and the request is initially transmitted to AOC.
4. An Arizona court or probation department shall not modify, extend or terminate early the length of probation supervision for an interstate compact probationer transferred to Arizona except as authorized by the appropriate jurisdiction of the sending state.

M. Violations and Probable Cause Hearings.

1. The state of Arizona shall notify the sending state via ICOTS of behavior requiring retaking, absconding, or new crime convictions in accordance with ICAOS Rules 4.109, 4.109-2, 5.102 and 5.103.
2. An interstate compact probationer who allegedly violates probation terms and conditions is entitled to an administrative hearing to determine whether there is probable cause to believe that a violation has been committed that may lead to revocation of probation. The presiding judge in each county shall appoint a neutral hearing officer who shall conduct hearings in accordance with A.R.S. § 31-467.01-03. Pursuant to ICAOS Rule 5.108, the interstate compact probationer may waive this hearing if the interstate compact probationer admits to one or more violations of the terms or conditions of supervision.

3. Within five days of the interstate compact probationer's arrest, the supervising probation officer shall provide a written notice of the time, date and location of the probable cause hearing to the probationer, along with a written copy of the alleged violations.
4. The supervising probation officer shall report the results of any interstate compact probation probable cause hearing via ICOTS in accordance with ICAOS Rule 5.108.

N. Warrants, Arrests and Release.

1. Arizona probation and surveillance officers may perform warrantless arrests and searches of interstate compact probationers in accordance with A.R.S. § 13-901, court rules and probation department procedures. The probation and surveillance officer may request the assistance of law enforcement agencies in the arrest and search of any alleged interstate compact probation violator.
2. The court shall issue arrest or search warrants involving interstate compact probationers pursuant to Rule 3, Rules of Criminal Procedure and A.R.S. § 13-901(C).
3. The court may place a detainer or hold on an interstate compact probationer arrested for a new offense pending a warrant or revocation by the sending state.
4. Pending a probable cause hearing pursuant to this code, the appropriate law enforcement officers of this state may take custody of and detain an interstate compact probationer for a period not to exceed fifteen days prior to the hearing.
5. An interstate compact probationer arrested for an alleged probation violation is presumed to be a flight risk and the court shall order the probationer held without bond pursuant to the interstate commission for adult offender supervision rules.

O. Retaking and Extradition.

1. If the sending state has indicated that retaking or incarceration is likely, the Arizona court may order that a probationer be held in custody after the hearing or waiver as may be necessary to arrange for the retaking or incarceration.
2. No action by Arizona probation staff or a court is required to authorize a sending state to retake an interstate compact probationer when the probationer waived extradition rights before transfer. ICAOS Rule 5.101-1 requires all pending felony or violent crime charges be disposed of prior to the sending state's retaking of the probationer.
3. The sending state's authority is limited in A.R.S. § 31-467.05(A) as follows:

The decision of the sending state to retake a person on probation or parole shall be conclusive on, and is not reviewable within, the receiving state, unless at the time a state seeks to retake a probationer or parolee there is pending against the probationer or parolee within the receiving state any criminal

charge or the probationer or parolee is suspected of having committed within the state a criminal offense, in which case the probationer or parolee shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

P. Minimum Supervision Requirements. The supervising probation officer or intensive probation team shall comply with the standards set forth in either ACJA § 6-201.01 or § 6-202.01 as applicable.

Adopted by Administrative Order 2009-39, effective April 8, 2009. Amended by Administrative Order 2009-79 effective July 23, 2009. Amended by Administrative Order 2010-51, effective April 28, 2010. Amended by Administrative Order 2014-61, effective August 15, 2014. Amended by Administrative Order 2018-75, effective August 8, 2018.

Appendix A

Arizona State Council Policy 1.1: Interstate Supervision of Incoming Offenders by the Administrative Office of the Courts (AOC) and the Arizona Department of Corrections (ADC):

AOC, on behalf of the Judicial Branch, will provide the investigation and sole supervision of an offender, if accepted, under any of the following circumstances:

1. The sending state or states submit a transfer request for an offender who has a parole and probation case and the probation case will terminate last.
2. The sending state submits a transfer request for a parole matter for an offender who is also under probation supervision for a probation term imposed by a court in the State of Arizona.
3. The sending state submits a transfer request that requires lifetime supervision and the request is initially transmitted to AOC.

ADC will provide the investigation and sole supervision of an offender, if accepted, under any of the following circumstances:

1. The sending state or states submit a transfer request for an offender who has a parole and probation case and the parole case will terminate last.
2. The sending state submits a transfer request for a probation matter for an offender who is also under parole supervision for a sentence imposed by a court in the State of Arizona.
3. The sending state submits a transfer request that requires lifetime supervision and the request is initially transmitted to ADC.

Adopted by the Arizona State Council, August 20, 2013.