

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL) Administrative Order
ADMINISTRATION § 6-105.01:) No. 2013 – 89
POWERS AND DUTIES OF OFFICERS)
EVIDENCE-BASED PRACTICES)
_____)

The above-captioned provision first came before the Arizona Judicial Council on October 22, 2008, and was approved and recommended for adoption. At that time, the code section applied to Adult Probation only. All Arizona superior courts and probation departments are in compliance with the requirements of this code section as they pertain to adult offenders. The code section amendments presented at the Arizona Judicial Council on October 17, 2013 extended evidence-based practices to juveniles. They were approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

IT IS FURTHER ORDERED that juvenile courts and probation departments shall be governed by section 6-105, unless and until the presiding judge of the court submits a plan and requests approval by the Administrative Director, Administrative Office of the Courts (AOC), for the juvenile court's probation department to be governed by section 6-105.01. The Administrative Director shall approve a request and plan that meets the following criteria:

1. The plan presents policies and procedures for the approval of the Administrative Director of the AOC that do the following:
 - a. Aim to reduce juvenile risk and the likelihood of future delinquent behavior that are consistent with the principles of evidence-based practices;
 - b. Require the administration of a youth assessment within 30 days, if not completed during the pre-dispositional process. Require the updating of the youth assessment upon each subsequent referral or once every six months, at a minimum;
 - c. Require probation officers to utilize graduated responses of incentives and consequences to address violation behavior and promote positive behavioral change, and;

- d. Identify the criteria for requesting termination of probation when it is determined supervision is no longer necessary including the requirement officers review case plans to determine eligibility.
2. The plan documents and confirms that all current probation and surveillance officers have completed AOC approved training in the following areas:
 - a. Standardized youth assessment
 - b. Arizona Code of Judicial Administration section 6-105.01
3. The plan presents for approval a strategic plan that is consistent with evidence-based practices.

IT IS FURTHER ORDERED that all juvenile courts shall comply with these requirements and be governed by ACJA § 6-105.01 no later than July 1, 2015.

Dated this 6th day of November, 2013.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices

Courts shall be governed by section 6-105, except and until approved by the Administrative Director to be governed by section 6-105.01.

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.”

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

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

“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.

“Child,” “youth,” or “juvenile” means “an individual who is under the age of eighteen years” as provided in A.R.S. § 8-201(6).

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

“Complaint” means “a written statement of the essential facts constituting a public offense ...” as provided in A.R.S. § 8-201(7).

“Court” means 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.

“Default” means has not met obligations of supervision as outlined in terms of probation.

“Delinquent act” means “an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense” as provided in A.R.S. § 8-201(10).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(11).

“Dependent child” means “(a) a child who is adjudicated to be: (i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control. (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care. (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child. (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child. (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706. (b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists,” as provided in A.R.S. § 8-201(13).

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

“Incorrigible child” means “a child who:

- (a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person.
- (b) Is habitually truant from school as defined in section 15-803, subsection C.
- (c) Is a runaway from the child’s home or parent, guardian or custodian.
- (d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others.
- (e) Commits any act constituting an offense that can only be committed by a minor and that is not designated a delinquent act.
- (f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.” as provided in A.R.S. § 8-201(16).

“Juvenile court” means “the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility” as provided in A.R.S. § 8-201(18).

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24).

“Referral” means “a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act” as provided in A.R.S. § 8-201(27).

“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 an offender’s needs related to criminal behavior and propensity to re-offend.

“Target interventions” means supervision related services determined by the probationer’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Youth assessment” means the state approved system of actuarial tools designed to assess risk, need, and responsivity factors of youth at various stages of the juvenile justice system.

B. Applicability. Az. Const. Art. 6, § 3, ~~and~~ A.R.S. §§ 12-253, ~~and~~ 12-254, ~~and~~ 8-205 authorize the supreme court to establish powers and duties of officers. A.R.S. § 13-805(A)(B)(C) provides:

A. The trial court shall retain jurisdiction of the case 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.

B. At the time the defendant is ordered to pay restitution by the superior 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. ~~Outline and clarify the powers and duties, with an emphasis on evidence based practices, of directors of juvenile court directors services, chief probation officers, probation officers, and surveillance officers.~~

D. Duties of Directors of Juvenile Court Services and Chief Probation Officers.

1. Directors of juvenile court services and chief probation officers shall:

- a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
- b. Treat probationers, victims, criminal justice personnel and the public with dignity and respect;
- c. Require that all probation employees adhere to all federal and state statutes, local ordinances, the Arizona Code of Judicial Administration (ACJA) and all administrative orders concerning adult and juvenile probation services;
- d. Require that probation employees are provided with, or have access to:
 - (1) Applicable local policies and procedures; and
 - (2) ACJA sections pertaining to probation related matters.
- e. Require all probation employees to comply with all applicable policies and procedures;
- f. Promote and support the existence of a drug-free workplace through the enactment and enforcement of ACJA sections or local policy;
- ~~g. Uphold the mission and strive to meet all related performance measures of state funded probation services;~~
- hg. Maintain accurate and verifiable records of all persons under supervision of the court; and

- h. Support the implementation of all probation and court- related goals contained within the strategic agenda for Arizona’s courts.
2. The chief probation officer, with the approval of the presiding judge, shall also:
 - a. As provided by A.R.S. § 12-251(A), “...[A]ppoint such deputy adult probation officers and support staff as are necessary to provide presentence investigations and supervision services to the court,” and ensure that the appointed positions shall also contribute to the effective and efficient operation of the probation department;
 - b. “Establish organizational and operational procedures for the deputy adult probation officers of the county” as provided in A.R.S. § 12-254(A)(1), and ensure that policies and procedures for the organization and operation of the probation department shall be consistent with federal and state statutes, existing supreme court administrative orders, and the ACJA;
 - c. “Direct the work and activities of the deputy adult probation officers of the county” as provided by A.R.S. § 12-254(A)(2); and
 - d. “Perform other duties assigned by the presiding judge, which duties may include serving as a juvenile probation officer, if such officer meets the minimum qualifications prescribed by § 8-203, subsection C” as provided in A.R.S. § 12-254(A)(4).
 3. The director of juvenile court services, with the approval of the presiding juvenile judge, shall also:
 - a. As provided by A.R.S. § 8-203 (B)” “... recommend the appointment of deputy probation officers, detention personnel, other personnel and office assistants as the director deems necessary.”;
 - b. Establish policies and procedures for the organization and operation of the probation department consistent with federal and state statutes, existing supreme court administrative orders and the ACJA;
 - c. Direct the work activities of the deputy juvenile court officers of the county; and
 - d. Perform other duties as assigned by the presiding judge of the juvenile court.

E. Duties of Probation Officers.

1. Adult and juvenile probation officers shall:
 - a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
 - b. Treat probationers, victims, criminal justice personnel, and the public with dignity and

respect;

- c. Adhere to all federal and state statutes, local ordinances, the ACJA and all administrative orders concerning adult and juvenile probation services;
- d. Comply with all current departmental policies and procedures;
- e. Acknowledge the impact of crime on victims by adhering to the Victim's Bill of Rights and other applicable legislation;
- f. Communicate and coordinate with treatment providers concerning probationer participation in and compliance with treatment requirements, to ~~ensure~~ monitor probationer rehabilitation, community protection, and victim restoration;
- g. Work with the community and department personnel to develop resources and opportunities for treatment and rehabilitation for persons on probation and under their supervision;
- h. Ensure that persons under their supervision are referred to available treatment and rehabilitation resources as needed within the level of authorized appropriations, and adhering to department policies and procedures and the ACJA;
- i. Maintain accurate and verifiable case records of all persons assigned to them for supervision; and
- j. Perform other duties as prescribed by the chief probation officer or director of juvenile court services.

2. Adult probation officers shall also:

- a. As provided by A.R.S. § 12-253(1), "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";
 - (1) Adult probation officers shall immediately contact the law enforcement officer or agency 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.
 - (2) The supervising probation officer shall document in the case record all contacts and information received pertaining to the incident, as well as the actions taken as a result of the incident.
- b. As provided by A.R.S. § 12-253(2), "Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court";
 - (1) Adult probation officers shall:
 - (a) 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;
- (b) Re-evaluate the adequacy of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;
 - (c) Utilize the results of the standardized assessment to establish a level of supervision and address needs for behavioral changes and monitor probationer behavior and compliance with the conditions of standard or intensive probation and, when appropriate, increase or decrease the probationer's level of supervision;
 - (d) 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 standard probation or initial release from custody and within 30 days of a probationer's placement on intensive 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;
 - (e) 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;
 - (f) Target interventions to higher-risk cases to promote public safety;
 - (g) Administer the standardized reassessment every 180 days for probationers on intensive probation and for standard probationers that assess as medium or high risk to measure behavior changes until later assessments indicate a decrease in risk factors which assess the probationer as low risk.
 - (h) Review 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;
 - (i) Reassess standard probationers that assess as low risk upon discovery of changes in criminogenic risk and needs or involvement in criminal conduct, if the current assessment is more than 180 days old;
 - (j) Complete a case plan if a standard probationer assessed as low risk has criminogenic risks and needs that require intervention;
 - (k) Document in the case record that a case plan is not needed for an assessed low risk standard probationer if no intervention is required;
 - (l) Conduct case file reviews for standard probationers assessed as low risk every 365 days. Case file reviews shall include, but are not limited to, case notes, collateral information and investigation of any arrest notification. Actions shall be taken in response to indicators of changes in criminogenic risk and needs or involvement in criminal conduct. Standard probationers that are eligible and in compliance with court-ordered conditions of probation may be recommended for early termination. The officer shall recommend that any outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution are not eligible for early termination;

- (m) Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;
 - (n) 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;
 - (o) 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
 - (p) Consider the suitability of early termination for all eligible cases.
- (2) 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, or identification of the need if a need for treatment, education or counseling is identified through the use of a statewide standardized assessment or is ordered by the court. 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.
 - (3) The supervising officer shall administer alcohol and drug tests on a variable schedule, if 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.
 - (4) Adult probation officers shall ensure the collection of monies owed as a condition of probation and immediately address any arrearage. The probation officer shall also encourage the probationer's payment of other assessments, such as child support or traffic fines, ordered by any court.
 - (5) Adult probation officers shall monitor and enforce probationer compliance with court-ordered community restitution requirements. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court.
- c. As provided by A.R.S. § 12-253(3), "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."
 - d. As provided by A.R.S. § 12-253(4), "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.

- e. As provided by A.R.S. § 12-253(5), “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.” Probation officers shall maintain verifiable case records for each probationer supervised, including, but not limited to:
 - (1) A written statement of the conditions of probation;
 - (2) An individual case plan setting forth behavioral and program expectations for probationers on intensive probation supervision and for standard probationers that assess as medium or high risk on the standardized assessment, or for those standard probationers assessing as low risk on the standardized assessment and have identified criminogenic needs; and
 - (3) Contact logs detailing the time, nature and location of each contact made with each person on probation.

- f. As provided by A.R.S. § 12-253(6), “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; and

- g. As provided by A.R.S. § 12-253(7), “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.”
 - (1) Adult probation officers shall make documented efforts to locate a probationer they believe to have defaulted.
 - (2) A supervising officer shall consider the following risk factors in determining the time frame necessary to file a petition to revoke probation and request that the court issue a warrant once an officer has reason to believe that a probationer has defaulted:
 - (a) Probationer’s general history;
 - (b) History of violence, including weapons use;
 - (c) History of drug or alcohol abuse;
 - (d) History of mental illness;
 - (e) Offense history;
 - (f) Supervision history;
 - (g) Illegal use of drugs or alcohol;
 - (h) Failure to participate in or complete treatment;
 - (i) Current or recent patterns of avoiding officer contact;
 - (j) Emotional or mental instability or distress on the part of the probationer or the family unit, including evidence of domestic violence; or

- (k) Current or recent unstable pattern of employment, residence, or associations.
 - (3) If the probationer is on standard probation supervision and is not located within 90 days, the supervising probation officer shall file a petition to revoke probation, seek a criminal restitution order pursuant to A.R.S. § 13-805(AC)(1)(2) for a probationer who is an absconder as defined in A.R.S. § 13-105(1), and request that the court issue a warrant. The supervising officer shall file the petition to revoke sooner, when required by local departmental policies, the circumstances surrounding the case or the need for community protection.
 - (4) If the probationer is on intensive probation supervision and is not located within 72 hours, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising officer shall file the petition to revoke sooner, when required by local departmental policies, the circumstances surrounding the case or the need for community protection.
 - (5) The probation department shall make documented efforts to locate the probationer until the probationer is apprehended.
 - (6) When a petition to revoke is filed prior to the expiration of 90 days, the probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(AC)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1). The probation officer shall ensure any criminal restitution order is for monies not already ordered in a previous criminal restitution order.
- h. Monitor the payment of restitution.
3. Juvenile probation officers shall also:
- a. As provided by A.R.S. § 8-205(1), “Except as provided by § 8-323, receive and examine all referrals or Arizona uniform traffic ticket and complaint forms involving an alleged delinquent juvenile or incorrigible child.”
 - b. As provided by the juvenile court and ~~as provided by~~ A.R.S. § 8-205(3), “~~---~~Have the authority of a peace officer in the performance of the court officer’s duties.” These duties shall include, but are not limited to:
 - (1) Serve warrants;
 - (2) Make arrests; and
 - (3) Bring non-compliant probationers before the court.
 - c. As provided by A.R.S. § 8-205(4), “Receive petitions alleging a child or children as dependent and transmit the petitions to the juvenile court.”
 - d. Maintain verifiable case records for each juvenile supervised, including, but not limited to:
 - (1) A written statement of the conditions of the probation;
 - (2) An individual ~~service case plan or court report setting forth~~ establishing

behavioral and program expectations and recommendations subject to the approval of the director; and

- (3) ~~Contact Logs~~ detailing the time, nature, and location of ~~each~~ contacts made with each juvenile ~~on probation~~.

- e. As provided by A.R.S. § 8-321(F)(1) through (7):

If the county attorney diverts the prosecution of a juvenile to the juvenile court, the juvenile probation officer shall conduct a personal interview with the alleged juvenile offender. At least one of the juvenile's parents or guardians shall attend the interview. The probation officer may waive the requirement for the attendance of the parent or guardian for good cause. If the juvenile acknowledges responsibility for the delinquent or incorrigible act, the juvenile probation officer shall require that the juvenile comply with one or more of the following conditions:

1. Participation in unpaid community restitution work.
2. Participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
3. Participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior.
4. Participation in an education program that is approved by the court and that is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse.
5. Participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court.
6. Payment of restitution to the victim of the delinquent act.
7. Payment of a monetary assessment.

- f. Exercise general supervision and observation over juveniles on probation, enforcing all court orders and emphasizing ~~probationer~~-accountability, and notify the court when ~~probationer~~ juvenile conduct displays an inability or unwillingness to comply with the conditions of probation and all court orders.

- (1) Juvenile probation officers shall make documented efforts to locate a juvenile ~~probationer~~ they believe to have defaulted.

- (2) A supervising officer shall consider the following ~~risk~~ factors in determining the time frame necessary to file a petition to revoke probation and request that the court issue a warrant once an officer has reason to believe that a juvenile ~~probationer~~ has defaulted:

- (a) ~~Probationer~~ Juvenile's general history;
- (b) History of violence, including weapons use;
- (c) History of drug or alcohol abuse;

- (d) History of mental illness;
 - (e) Offense history;
 - (f) Supervision history;
 - (g) Illegal use of drugs or alcohol;
 - (h) Failure to participate in or complete treatment;
 - (i) Current or recent patterns of avoiding officer contact;
 - (j) Emotional or mental instability or distress on the part of the juvenile probationer or the family unit, including evidence of domestic violence; or
 - (k) Current or recent unstable pattern of education, employment, residence, or associations.
- (3) If the defaulted juvenile probationer is on standard probation supervision and is not located within 90 days, the supervising probation officer shall file a petition to revoke probation and request that the court issue a warrant. The supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.
 - (4) If the defaulted juvenile probationer is on intensive probation supervision and is not located within 72 hours, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.
 - (5) Probation officers shall make documented efforts to locate the defaulted juvenile probationer until the juvenile probationer is ~~located~~ found pursuant to local departmental policy.
- g. Ensure that juveniles placed on probation pay restitution and probation fees as ordered ~~and establish monthly payment schedules which emphasize payment of restitution and probation fees in the absence of specific court-ordered monthly payment schedules.~~
- h. Conduct a ~~risk needs youth assessment on every~~ for each juvenile who is referred to the juvenile court and update the assessment on each subsequent referral supervised within 30 days, if not completed during the pre-dispositional process. The court shall use the assessment to determine the appropriate disposition of the juvenile. The results of the assessment shall be used by the probation officer to establish recommend a level of supervision and to formulate a case plan for the juvenile and formulate a supervision plan.
- (1) Unless an offense does not warrant diversion, the diversion tool shall be completed at initial contact with the juvenile justice system and be used to assist decisions of diversions.
 - (2) The disposition tool shall be completed post adjudication / pre-disposition. The probation officer shall use results of the assessment to recommend level of placement and supervision.
- i. Closely monitor school attendance and performance.

- j. Assist those juveniles authorized to work in the United States who are seeking employment and closely monitor employment of juveniles ~~probationers~~.
- k. Involve the parent or guardian in ~~the~~ rehabilitation and treatment of the juvenile.
- l. Provide or arrange for appropriate supervision of juveniles performing community service.
- l. Bring before the court, at another scheduled proceeding, including a drug court proceeding, or by filing a new petition, a juvenile on probation for an offense involving the purchase, possession, or consumption of spirituous liquor or a violation of Title 13, Chapter 34 if the officer has probable cause to believe the juvenile ~~probationer~~ consumed any spirituous liquor or used any drug listed in A.R.S. § 13-3401 for the third or subsequent time while on probation.

F. Duties of Surveillance Officers.

- 1. Adult and juvenile surveillance officers shall:
 - a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
 - b. Treat probationers, victims, criminal justice personnel and the public with dignity and respect;
 - c. Adhere to all federal and state statutes, local ordinances, the ACJA and all administrative orders concerning adult and juvenile probation services;
 - d. Comply with all current departmental policies and procedures;
 - e. Acknowledge the impact of crime on victims by adhering to the Victims Bill of Rights and other applicable legislation;
 - f. Maintain accurate and verifiable case records of all persons assigned to them for supervision;
 - g. Enforce the collection of monies owed as a condition of probation;
 - h. Monitor and enforce probationer compliance with court-ordered community restitution requirements;
 - i. Make documented efforts to locate defaulting probationers pursuant to local departmental policy; and
 - j. Perform other duties as prescribed by the presiding judge, chief probation officer or director of juvenile court services.

2. Adult surveillance officers, as provided by A.R.S. §§ 13-916(E) and 12-259.01(1), “~~...H~~ave the authority of a peace officer in the performance of the officer’s duties.”
3. Juvenile surveillance officers, as authorized by the juvenile court and as provided by A.R.S. §§ ~~8-353~~ and 8-205(3), “~~...h~~ave the authority of a peace officer in the performance of the court officer’s duties.”