

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
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ARIZONA CODE OF JUDICIAL ) Administrative Order  
ADMINISTRATION § 6-204.01: ) No. 2014 - 61  
INTERSTATE COMPACT PROBATION ) (Affecting Administrative  
EVIDENCE-BASED PRACTICES ) Order No. 2010-51)  
\_\_\_\_\_ )

An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on March 20, 2014, and was approved and recommended for adoption.

Pursuant to A.R.S. § 31-467, Article IV(C), the Arizona State Council For Interstate Adult Offender Supervision (State Council) exercises oversight and advocacy concerning Arizona’s participation in the interstate compact commission and “other duties as determined by the Council’s members including the development of policy concerning operations and procedures of the compact within Arizona.” On August 20, 2013, the State Council approved 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). The proposed amendment will implement Arizona State Council Policy 1.1. AOC and ADC executed an agreement to carry out the terms of the council policy on May 5, 2014. This agreement is also consistent with ACJA § 6-204.01.

A delayed effective date is necessary to allow proper training on and orientation to the new policy and code section.

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-204.01 is amended as indicated on the attached document. All other provisions of § 6-204.01, as originally adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that the effective date is August 15, 2014.

Dated this 4th day of June, 2014.

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REBECCA WHITE BERCH  
Chief Justice

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

~~Courts shall be governed by section 6-204, except and until approved by the Administrative Director to be governed by section 6-204.01.~~

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

“Absconder” means a probationer who has moved from the primary place of residence without permission of the probation officer and whose whereabouts are unknown.

“Actuarial risk” means measurable factors that have been correlated to the probability of offender recidivism that are gathered informally through routine interactions and observations with offenders and by formal assessment guided by instruments.

“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~~ of identifiable substances in the body including, but not limited to, ~~breathalyzer tests, blood tests, oral fluid, and urine, hair, and sweat testing samples.~~

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

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

“Average caseload” means the total active 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, or obtaining pay stubs.

“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.

“Plan of supervision” means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

“Pro-social activity” means any action or event that promotes sobriety and/or provides an opportunity for building a social support system that encourages a crime free lifestyle and improved community bonds.

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

“Resident family” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who meets the following criteria: (1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and 2) indicates willingness and ability to assist the offender as specified in the plan of supervision, as provided in the Interstate Compact on Adult Offender Supervision, Rule 1.101.

“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.

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

“Significant violation” means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision as provided in the Interstate Compact on Adult Offender Supervision, Rule 1.101.

“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 criminogenic behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in an offender’s needs related to criminogenic 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.

“Visual contacts” means face-to-face communication 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 supervision plan, and using both subtle and overt incentives and sanctions to guide the offender toward positive change.

**B. through E. [No change]**

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

1. through 6. [No change]

7. A.R.S. § ~~31-466~~ 31-467.06 provides:

~~A. A person being supervised in this state pursuant to this article shall pay, as a condition of probation or parole, a monthly supervision fee of not less than fifty dollars unless, after determining the inability of the person to pay the fee, the supervising agency requires payment of a lesser amount. The supervising parole 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 §§ 35-146 and 35-147, in the victim compensation and assistance fund established by § 41-2407 and thirty per cent shall be deposited in the adult probation services fund established by § 12-267.~~

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. through 17. [No change]

**G. [No change]**

**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. [No change]**

**J. Program Operations.**

1. through 5. [No change]

6. In accordance with A.R.S. § ~~31-467.06 (B)~~ 31-467.06(B) ~~70~~ “Seventy per cent percent 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 ~~A.R.S. § section~~ 41-2407 and ~~30 thirty per cent percent~~ shall be deposited in the adult probation services fund established by ~~A.R.S. § section~~ 12-267-.....”

**K. [No change]**

**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.
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.
43. 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. and N. [No change]**

**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.

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.**

1. [No change]

2. 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 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. through e. [No change]

f. Responses to noncompliance shall be timely, realistic, and escalating and shall include elements designed to both control and correct noncompliance.

g. [No change]

3. through 8. [No change]

**Q. Specialized Caseloads.**

1A. Any court establishing or maintaining specialized caseloads shall have a written description of the specialized caseload, including objectives and goals.

2B. Any court establishing or maintaining specialized caseloads shall have written screening and assessment criteria for placement on the caseload, as well as criteria for exiting or graduating from the caseload.

3C. Any court establishing or maintaining specialized caseloads shall have written minimum supervision requirements specific to the needs and goals of the caseload.

4D. Probation officers assigned to supervise specialized caseloads shall participate in continuing education/training on the specific needs of the specialized population.

## 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